

## Raising Moral Barriers

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# RAISING MORAL BARRIERS

*AN EMPIRICAL STUDY ON THE DUTCH APPROACH TO  
OUTLAW MOTORCYCLE GANGS*

Morele barrières opwerpen  
Een empirische studie naar de Nederlandse aanpak van  
outlaw motorcycle gangs

PROEFSCHRIFT

ter verkrijging van de graad van doctor aan de  
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## PREFACE

This book is about the concerns and unremitting attempts of Dutch state authorities to control and raise barriers against outlaw motorcycle gangs. It discusses why and how Dutch mayors go to great lengths to prevent the settlement of outlaw motorcycle gangs in clubhouses and bars in their cities; how private actors are urged to prevent members from wearing their vests during events; how state authorities look for ways to divert members away from civil service and private security companies; how the Dutch National Police attempt to frustrate the internal cohesiveness of outlaw motorcycle gangs through criminal investigations; and why the Dutch courts recently banned a number of clubs at the request of the Public Prosecution Service.

In the attempt to describe, understand and explain this approach, this thesis builds on the work of several scholars who all in their own way characterized contemporary society by the efforts to prevent crime in the earliest stages possible, which attempts are inherently coupled with a focus on the 'future', 'threats', 'dangers', 'indicators', 'barriers' and 'risks'. Today, there is indeed hardly an escape from crime control initiatives that are centred around risk prevention. Following up on the recommendations of the Financial Action Task Force (FATF), national governments are bound to take on a risk-based approach and to map the indicators and risks to prevent money laundering and terrorism financing. To do so, legal entities are monitored for 'suspicious' patterns on the basis of predetermined risk profiles, which also includes a thorough background check of the director(s) of the company and his or her family members. The municipality of Amsterdam together with authorities such as the Financial Intelligence Unit (FIU) recently came up with what was called a 'new barrier' in the fight against criminal money in the hotel and catering industry. The municipality started to decline permits for restaurants and pubs in cases where the applicant was not able to prove a legal origin of his investment money. To give a different example, whether or not a mentally disordered detainee is allowed to go on parole also depends on the outcome of a recidivism risk assessment. Increasingly, researchers are powering this risk-based approach by researching and validating the potential indicators for organized crime, which is intended to help law enforcement agencies in preventing crime more effectively.

Departing from this context, this study aims to understand the attempts of the Dutch government to control the risk(s) of outlaw motorcycle gangs. What is unique to this empirical study, however, is that aside from today's approach to outlaw motorcycle gangs, it also digs into the Dutch approach to outlaw motorcycle gangs in the past, and subsequently how this past connects with the present. By conducting a social constructivist analysis through time, we will learn that the approach to outlaw motorcycle gangs has

*PREFACE*

made a 180-degree turn, which in general terms involved a shift from inclusion in the 1970s to exclusion in present times. I will show that this development was indeed influenced by the continuous pursuit to free society from crime or risks by raising technical, cost-effective, and preventive barriers. However, my key argument is to suggest that the risk thesis only serves one part of the explanation. Today's efforts to raise preventive barriers against outlaw motorcycle gangs must not be solely explained by the urge to prevent crime, but also as a way to mark the moral boundaries of society. Therefore, the barriers raised, as I suggest herein, are best described as 'moral barriers'. This conclusion is fuelled by the finding that 'the' outlaw motorcycle gang is not only understood by law enforcement agencies as a risk factor for future criminal activities. Also the mere existence of the phenomenon in the present is deemed to have an undermining effect on the norms, rules, laws, and authorities of the democratic state. By providing this in-depth view of the Dutch approach to outlaw motorcycle gangs, I hope to spark the attention of any student eager to learn more about crime control in general, of the researcher involved in researching (the approach to) outlaw motorcycle gangs, and the law enforcement official directly involved in fighting the crimes committed by members of outlaw motorcycle gangs. In doing so, I above all hope to shed a new light on a much discussed and very interesting topic.

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My special thanks goes out to the *Landelijk Informatie en Expertise Centrum* (National Intelligence and Expertise Centre), which organisation played a vital role in making this research possible. I am equally grateful to all my respondents as this book has grown out of the interviews I conducted with people from state agencies from all over the country. It literally would not have been possible to write this book without their willingness to contribute to this research, which again makes it perfectly clear why the Netherlands is such a great country to conduct criminological research.

I would like to thank my supervisors Henk van de Bunt and Willem-Jan Verhoeven for their confidence, support, and unique guidance style. I remember a period where I felt I was 'struggling a bit' ('een beetje aan het stoeien') with my theoretical perspective, and I also remember me using the exact same words during my meetings with Henk. In retrospect, I believe that hidden behind these words was an implicit desire to receive some clear directions and answers. Henk did not fall for this, and I am happy now that he did not do so. Thank you Henk for providing me with the room to create my own path. I owe specific thanks to Willem-Jan because I was always assured that every word I wrote was closely read and commented on within a short period of time. Thank you Willem-Jan for all your time, critical thinking, and for making me feel that the door was always open. I thank Henk Ferwerda and Richard Staring, who have helped to sharpen my thinking in the earlier stages of this research.

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# 1 INTRODUCTION

## 1.1 GOVERNING THROUGH CLUBHOUSES: A 180-DEGREE TURN

In 1973, a civil servant wrote a letter to an alderman of the local administration of Amsterdam in which he voiced his concerns about public disorder caused by several youth groups. In doing so, the civil servant particularly pointed to a group in the eastern parts of the city:

‘Illustrative is the situation in the east, which is increasingly in the grip of stray groups. The top of the mafia-hierarchy is still formed by the “Hell’s Angels”, a group of 30 youngsters that is hardly to be controlled and who have long replaced simple punch work with knives and firearms. They are truly terrorizing.’<sup>1</sup>

In that same year, eight members of these ‘Hell’s Angels’ were in court to face a series of violent crime charges in front of the judge and a public prosecutor. To grasp their behaviour, the public prosecutor explained that ‘individually they are guys who can present themselves rather kindly’, whereas that it was the (ab)use of power of their collective behaviour that spread ‘terror’. The judge added that this ‘terror’ increases hand over fist: ‘you are not able to walk the streets safely anymore, people could have died’. As if somewhat frustrated by his inability to control the problem, the public prosecutor requested that the judge hand down sentences of imprisonment for the eight members: ‘as long as punishment is the only option [...] deterrence unfortunately has to play a role. We do not have anything else’ (NRC Handelsblad, 16 June 1973: 2). It is clear, however, that one year after the court hearing, the local authorities in Amsterdam did find a way to do ‘something else’ to control the members. On 5 October 1974, newspaper *Het Parool* wrote:

‘The local administration of the capital will soon propose the city council to subsidize a project in favour of the so-called “Hell’s Angels”. This involves the establishment and furnishing of a temporary building on the Wenckebachweg in Amsterdam-east, which will be used by the motorcycle riding youngsters as their clubhouse and workplace. The costs amount to 172,500 guilders’ (Het Parool, 5 October 1974).

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The aforementioned alderman expected that precisely by facilitating the Hells Angels with its own clubhouse ‘many of the problems will disappear’.<sup>2</sup> Hence, besides prosecuting the individual members, the local government attempted to control the problems created by the Hells Angels Motorcycle Club (MC) by providing the group with a clubhouse.

Today, the local authorities of Amsterdam are still looking for ways to ‘counter the norm-deviating and criminal behaviour’ of the Hells Angels MC (RIEC Amsterdam Amstelland, 2014: 8-9). In present times, however, the method of using the clubhouse as a means to govern the Hells Angels MC seems to have made a 180-degree turn. To illustrate this change, it is insightful to see what, 38 years later, another Dutch newspaper reported on this matter:

‘The local government of Amsterdam has recently managed to prevent the Hells Angels, the motorcycle club which is invariably named by Minister Opstelten (Security and Justice) as outlawbikers, from moving into a building at the Polijsterweg in the Northern part of the city [...] According to the municipality of Amsterdam, all enforcement measures are being used to prevent the Angels from establishing or furnishing a clubhouse. They are not only monitored by the police, but other municipal authorities also play an important role in keeping the Hells Angels away from Amsterdam’ (De Telegraaf, 1 December 2012).

Indeed, when a member of the city council questioned the mayor of Amsterdam in 2011 whether he was planning to facilitate and finance the Hells Angels with a clubhouse, the mayor emphasized that the local administration will do its utmost to ensure that this does not happen (Gemeente Amsterdam, 8 December 2011). In the rest of the Netherlands, other so-called ‘outlaw motorcycle gangs’ are likewise prevented from settling in a particular area. When, for instance, the mayor of Heerlen received ‘signals’ that an outlaw motorcycle gang was planning to use a venue as their place to gather, the mayor ‘immediately initiated a stop-conversation’ with the owner to prevent this. The mayor argued that his local administration is constantly monitoring outlaw motorcycle gangs and emphasized that he does not want ‘them’ in the municipality of Heerlen (Thimister, 10 March 2016). Moreover, after the police noticed that the Yellow Snakes MC had plans to settle at two locations in the province of Zeeland they also, together with the local administration, did their utmost to hinder the establishment of the club. In an interview with *Omroep Zeeland*, the chief of police explained that she was ‘happy’ and ‘satisfied’ that their efforts ‘managed to keep them out of the province’. After all, so she explained, they employ the ‘tactic’ to ‘keep OMGs out of the district with the utmost vigour’ (Omroep Zeeland, 31 January

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2018). The mayor of Tilburg was equally clear in his line of reasoning. In relation to the Satudarah MC, he argued: ‘I do not want such an organization in Tilburg [...] the strategy is to make them smaller and to drive them away’ (Brabants Dagblad, 29 March 2017).

With this brief comparison of two time periods, a striking contrast unfolds. While the Hells Angels MC in the 1970s was governed by the local government of Amsterdam through providing the group with a clubhouse, today local governments aim to govern the Hells Angels MC and other outlaw motorcycle gangs by *not* providing a clubhouse. Put differently, while ‘the clubhouse’ first acted as a means to prevent the problems created by the Hells Angels MC, this problem is now tackled by preventing the clubhouse itself. More generally, while one initially aimed to include the Hells Angels in society, today’s belief seems to dictate the exclusion of the group from this spot in society. This change of rationale in the approach to manage the Hells Angels MC and other outlaw motorcycle gangs provided motivation for and forms the backbone of this research. Why is it that state authorities initially responded to the ‘terrorizing’ effect of the Hells Angels MC with a helping hand, while this ‘helping hand’ is problematized in present times? Why is it that law enforcement agencies in present times try to ‘counter the norm-deviating and criminal behaviour’ of outlaw motorcycle gangs by taking distance from these clubs, and what events or circumstances caused this inverted response? What explains the phenomenon that law enforcement agencies currently report being ‘happy’ or ‘satisfied’ when the door has been successfully shut on an outlaw motorcycle gang, while the Hells Angels MC in the 1970s was given its own door? The general goal of this research is to answer these and similar questions by untangling the described shift of approach as well as to understand what fuels today’s urge to prevent outlaw motorcycle gangs from having their own place in society. Before elaborating more on the focus and research question of this research, however, I will first put the aforementioned examples in its national and international context. Besides providing context alone, this description will also be used to make explicit through what ‘theoretical lens’ the described change in the approach to outlaw motorcycle gangs (hereafter: OMGs) in the Netherlands will be analysed.

## 1.2 RAISING BARRIERS

The examples of various mayors trying ‘to prevent the clubhouse’ are not plucked out of thin air. The aim to do so sprouted directly from a multi-agency and national approach towards ‘outlawbikers’ launched by the Dutch Minister of Security and Justice at the start of 2012 (TK 2011-2012, 29 911, nr. 59). Indeed, in its yearly report, the police and Public Prosecution Service reported that ‘on the basis of a multi-agency and multi-disciplinary approach, in 2015, clubhouses were closed, the arrival of a clubhouse was prevented, and

against one clubhouse a procedure was started' (Nationale Politie & Openbaar Ministerie, 2016: 7). Since the letter of the Minister in 2012, however, law enforcement agencies have not only been aiming to prevent (or close) the establishment of clubhouses. The local government of Sittard-Geleen for instance also agreed with the police and the Hotel and Catering Branch Organization (in Dutch: 'Koninklijke Horeca Nederland') that people who visit e.g. a café while wearing a vest or jacket of an OMG will not be served and are asked to leave the venue. To actually hinder the member from entering a café, it was proposed to change and/or enforce the 'house rules' stating that visitors need to wear 'suitable clothing' (Gillissen & Van Kampen, 28 July 2016). The local administration of 's-Hertogenbosch took it a step further. To prevent 'the risk of escalation, threat, intimidation, and public disorder' and to prevent that OMGs start to use a café as their clubhouse, the local administration adopted an article in the local ordinance for restaurants and cafes. That is, under Article 3.2 it is now prohibited for an owner to allow an OMG to gather in its venue. This rule follows from the belief that it is 'necessary to give exploiters tools to keep OMGs outside the door' (Gemeente 's-Hertogenbosch, 2017). To give one final example, the chairperson of the Dutch Security Branch Organization proposed to take measures to prevent OMG members from working in the security branch. Indeed, after changing the rules of conduct, partners of the branch organization became obligated not to hire people who are members of an OMG. This measure, as explained by the Head of the National Criminal Investigation Department, not only fits within the wider held belief that OMG members should not work for the government, but it also provides the security branch with a 'strong preventive approach against criminal influences' (Miltenburg, 2017: 35).

It is clear that the aforementioned examples follow up on the more general aim to 'raise barriers' to both the individual members and the clubs (TK 2011-2012, 29 911, nr. 59: 2). That is, one of the starting points of the approach as initiated by the Minister of Security and Justice in 2012 was to call a halt to crime by applying a barrier model:

'Starting point of this barrier model is to raise bumps [in Dutch: 'drempels'] wherever possible by deploying administrative, fiscal and criminal instruments. On the basis of the barrier model, integrated interventions are set on the prioritized focus areas. as regards the problem of the outlawbikers, a specific barrier model has been developed, whereby barriers are developed on the focus areas such as the presence in the public domain, finances and mobility and means' (TK 2011-2012, 29 911, nr. 71: 3).

This 'barrier model' clearly found its way in the measures that followed. For instance, in its annual reports on the OMG approach, the LIEC described that 'a considerable number of *barriers* have been raised against OMGs. A large number of clubhouses have been closed,

events were hindered, and members of OMGs who violate the laws and rules are approached integrally by individual-focused interventions’ and ‘on many aspects *barriers* are raised which make it harder for OMGs to commit undermining and criminal activities’ (LIEC, 2014: 4; LIEC, 2016: 2, emphasis added). Considering the national focus of the approach, it is also no surprise that the issue of ‘raising barriers’ is a vibrant concern felt in the Dutch Parliament as well. The following extract from a meeting of the Committee for Security and Justice held on the 26th of June 2014 reveals a glimpse of this:

‘Today the debate has been shifted because of one subject, namely the criminal motorcycle gangs. We are not talking here about cosy motorcycle clubs where men and women make fun trips and exchange tips on how to tinker on their motorcycle; no, we are talking about organized criminal gangs that present themselves under the name of a motorcycle club. Questions can be raised by the idea that more members have a moped certificate than a motorcycle license. They are guilty of all kinds of criminal activities: intimidation, violence, extortion and threats. I think that everyone - so the police, the Public Prosecution Service, the tax authorities, the Minister and the mayor - are right for tackling these gangs. The Minister himself writes that he is very satisfied with the approach taken towards criminal motorcycle gangs. There is more awareness, more knowledge, an integrated focus, and *barriers* have been raised’ (TK 2013-2014, 28 684, nr. 409: 6, emphasis added).

This approach is most certainly not unique to the Netherlands. The fact that the Ministry of Security and Justice organized an international conference called ‘Barriers to Outlaw Bikers’ is a clear reminder of this. During this conference (held on the 23rd of April 2015), representatives of state authorities from Belgium, Germany, Luxemburg, Denmark, Sweden and Norway came together to exchange best practices and strategies to, among other things, hinder and prevent the settlement of new OMGs (LIEC, 2015b: 16). The attendance of these European countries indeed marks the fact that many countries around the world have equally been looking for ways to prevent and hinder, or what the Dutch government would call ‘raise barriers’ to OMGs. To place the present Dutch focus on OMGs in its wider international context, it is worthwhile to take a look beyond the Dutch borders.

### 1.3 INTERNATIONAL RESPONSES TO OUTLAW MOTORCYCLE GANGS

In this paragraph I will put today’s attention of the Dutch government for OMGs in an international perspective. Note that this description, however, is far from comprehensive. The following paragraphs only serve the reader with a first and brief understanding on

the fact that OMGs are troubling governments across the world and that state agencies equally pursue an approach to prevent, hinder, and stop OMGs. In what follows, light will first be shed on the attention OMGs receive(d) from governments in Europe by zooming in on Norway, Denmark and Germany. This description will continue by discussing the approaches in Canada and Australia.<sup>3</sup>

### *1.3.1 Europe*

Many governments in Europe have prioritized the fight against OMGs and are increasingly seeking to cooperate with each other. On 9 and 10 November 2017, Europol for instance organized its 22nd annual meeting about OMGs for law enforcement agencies from twenty EU Member States. During this two-day meeting, best practices between OMG-experts were exchanged and the importance for an international and ‘cross-border approach’ was again stressed (Europol, 16 November 2017). Counting back the years, the first of these meetings traces back to the middle of the 1990s, which is also the period in which a serious conflict between OMGs erupted in the Nordic countries (Denmark, Finland, Norway, and Sweden). This ‘great Nordic biker war’ (which lasted from 1994 until 1997) is particularly known for its deadly clash between chapters of the Hells Angels MC and the Bandidos MC. While fighting over the drug market in the Nordic countries, a total of 11 members of both clubs were murdered and another 74 attempted murders were listed (Barker, 2015: 207).<sup>4</sup> Not least because of the citizens that were also injured, this ‘war’ turned out to be an important instigator for the (political) attention in the Nordic countries for OMGs and organized crime in general (Korsell & Larsson, 2011).

The title of the Action Plan on Organised Crime and Biker Crime published by the Danish Ministry of Justice in 1995 is indeed illustrative for the idea that the recognition of the problem of OMGs and organized crime went hand in hand. The establishment of the Special Investigative Register on Organized Gang and Biker Crime in 1992 and the Biker Task Force in 1996 furthermore reveals that OMGs received ample attention from the nineties onwards. In direct response to the aforementioned ‘biker war’, among other things, investigatory measures and the possibilities for the confiscation of profits were extended. Also interesting for this introduction is what Cornils and Grave (2004) called the ‘first preventive step’ taken against clubs such as the Hells Angels MC and the Bandidos

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3 These countries were not chosen randomly. I chose these countries simply because much has been going on in these countries when it concerns (the fight against) OMGs and because the incidents and developments have already been well-documented by other authors. I deliberately left the United States out of this description because I will describe this country at length in chapter three.

4 Klement (2016a: 133-134) also pointed to a clash between the Bullshit MC and Hells Angels MC that took place in the 1980s.

MC. That is, in 1996, Denmark passed a law (commonly referred to as the 'Biker Law') which made it possible to forbid a person to enter or to be present in particular premises when this person constitutes a danger for others near the premises (especially referring to clubhouses and public events). As a result of this piece of legislation, many members of warring clubs were no longer able to stay at their clubhouses (Cornils & Grave, 2004). In present times, the 'biker environment' is still systematically monitored by the Danish police and various state authorities work together to tackle the problems 'originating in the biker community'. To give some examples, besides prioritising criminal investigations also targeted efforts are made to prevent 'biker groups' from establishing and proactive strategies are 'geared towards the maintenance of law and order'. Interestingly, efforts are also made to prevent youngsters from feeling attracted to OMGs. This is done by making clear that they are about to enter a 'criminal community' and that it is rather difficult to get out of this environment freely (National Commissioner of Police, 2012: 6; 2013).

The nineties equally marked the period where the national authorities in Norway listed the problem of OMGs on their agendas and in turn started 'to track the groups and prevent their expansion' (National Police Directorate, 2010: 8). These initiatives came together in a Nordic Action Plan in 1997, which was adjusted and enhanced in the years that followed. Thirteen years later, it was still deemed 'essential to target our efforts against current motorcycle gangs, in order to safeguard future society' (National Police Directorate, 2010: 19). In fact, the National Criminal Investigation Service in Norway considers OMGs as the most serious threat to the country (Gottschalk & Markovic, 2016: 38; Larsson, 2018). To counter this threat, initiatives are made to reduce the number of existing outlaw motorcycle gangs by e.g. hindering recruitment and by preventing the establishment of new outlaw motorcycle gangs (National Police Directorate, 2010: 21). Although regional differences in the approach are noted, specific examples include the refusal of the local police to support a parade of an OMG and attempts of municipalities to deny members access to pubs and restaurants. By withdrawing permits, municipalities also attempt to make it more difficult for OMGs to settle in an area (Gottschalk & Markovic, 2016: 38; Larsson, 2018).

A third country that deserves to be shortly mentioned is Germany. Without even attempting to give a short summary of the problems caused by OMGs in Germany, it is clear that German authorities have been looking for ways to fight OMGs for decades (Geurtjens, Nelen & Vanderhallen, 2018). While the 'Bloody Devils' in Hamburg were recognized in 1973 as the first German Hells Angels chapter, it was already in 1983 when the court in Germany ruled that the members of this chapter were no longer allowed to wear jackets with the characteristic death's head patch and the name of the chapter ('Hells Angels MC Hamburg') (Schubert, 2015: 58; Geurtjens et al., 2018: 86). By means of the 'vereinsgesetz', governments of multiple federal states have been banning OMGs across the country ever since. To give some examples, six years after the first ban in 1983,

'Motorradclub War Angels Munich' was banned by the Minister of Internal Relations in the Federal State of Bavaria. More recently, in 2010, the Interior Ministry of the German state Schleswig-Holstein banned two chapters of the Bandidos MC and Hells Angels MC (Houlton, 29 April 2010). In 2017, then, the German State Nordrhein-Westfalen banned a chapter of the Hells Angels named 'Concrete City', which was followed by raids of homes and clubhouses in multiple cities. For the Minister of the Interior, this was all part of what he called the 'null-toleranz-strategie' against OMGs (Bild, 18 October 2017).

### 1.3.2 *Canada*

Also in Canada the problem of OMGs has had a great influence on the fight of organized crime in general. In fact, the recognition of the 'problem of OMGs' ran parallel with the actual acknowledgment of the 'problem of organized crime'. In this context, Barker (2015: 145) argued that the Hells Angels MC poses the 'biggest organized crime threat' in Canada. Others in similar words noted that Canada categorized OMGs as a 'category one' organized crime group (Lauchs, Bain & Bell: 2015; Katz, 2011a: 244) and that OMGs constitute a 'state enemy' (Gottschalk & Markovic, 2016). In response to this 'threat', the Canadian government has launched what Katz (2011a: 244) described as 'an all-out crackdown to rid society of the Outlaw Motorcycle Gang problem'.

Canada is known for its violent conflicts between warring OMGs, which already commenced at the end of the 1970s. Most notable, however, was the 'war' that raged between chapters of the Hells Angels MC and the Rock Machine MC between 1994 and 2001 in the province of Quebec (also known as the 'Quebec biker war'). This conflict was the result of a process of 'polarization' by which the two OMGs became the main parties attempting to gain control over the illegal drug trade in Montreal (Morselli, Tanguay & Labalette, 2008: 161). Still, it was particularly after the killing of an eleven-year-old boy named Daniel Desrochers in 1995 (who tragically walked past an exploding car bomb) when the problem of OMGs was really noticed by politicians, law enforcement agencies, and the general public. That is, between 1995 and 2001, newspapers and magazines in Canada were 'caught up' by the phenomenon of OMGs and the police appealed for more tools to protect society against the risk of 'biker violence'. The decisive trigger for new anti-gang legislation came two years later after a man remotely set off a bomb near a clubhouse of the Hells Angels MC in the town of Saint-Nicholas (Katz, 2011b: 83). Quebec politicians used this event to press for new and harsher gang legislation, which quickly resulted in the introduction of the first anti-gang legislation (Bill C-95) in 1997.

In this bill, the legal definitions of 'criminal organization' and 'participation in a criminal organization' were detailed for the first time in Canada (Kesteloo, 2011: 153; Orlova, 2008: 114). As a result of this, it became possible to prosecute members who were not direct

participants in criminal activities. Furthermore, so-called ‘peace bonds’ were introduced as a means to prevent people from associating with each other, ultimately to prevent people from committing crimes. In short, a peace bond holds – in case of a reasonable suspicion that someone might commit a criminal offence – that a judge is able to e.g. hinder a person’s freedom to go abroad or to associate with certain people (such as members of an OMG). Breaching a peace bond results in a criminal offence under the Criminal Code for which the individual risks imprisonment up to a maximum of twelve months (Skinnider, 2006: 26; Orlova, 2008: 114; see also Kesteloo, 2011: 153). Overall, this piece of legislation particularly aimed to prohibit participating in a criminal organization and dismantle a criminal group as a whole (Katz, 2011b: 87). Although the bill was presented as for the prevention of organized crime in general, it is clear that it was especially constructed in response to the problem of OMGs (Moon, 1999: 455).

Since the turn of the millennium, OMGs have continued to be involved in illegal drug trade and the ‘war’ between the Hells Angels and the Rock Machine remained an ongoing problem. Furthermore, in September 2000, a crime journalist was shot several times in Montreal (but miraculously survived) which, in combination with the disappointing effects of Bill C-95, set the ball rolling for Bill C-24. The arrival of this new bill is believed to be stricter and more far-reaching than its predecessor. It introduced – among other things – three criminal organization offences and also provided for new investigative tools. As (deadly) OMG-related incidents continue to trouble law enforcement agencies in the present, specialized gang units also continue to make arrests, seize clubhouse assets, and ban club-related clothing from restaurants and bars (Katz, 2011a: 244). Similar to the efforts made in the Netherlands, the government of the Province of Prince Edward Island, for instance, announced measures to prevent outlaw motorcycle gangs ‘from gaining a foothold in the province’. To do so, the Premier argued that ‘we will look at legislative and regulatory amendments banning gang colours in bars, making the construction of fortified buildings illegal, and regulating the sale of body armour’ (Yarr, 19 January 2017).

### 1.3.3 *Australia*

Outlaw motorcycle gangs in Australia were recognized for having links to drug trafficking since the late 1960s and have been linked to many other serious crimes (such as intimidation and money laundering) ever since (Ayling, 2011: 255). Moreover, Australia also suffered from an unremitting ‘bikie war’ between rivalling OMGs. Ayling, for instance, referred to what is known as the ‘Milperra Massacre’ of 1984, which involved a violent clash between the Bandidos MC and the Comancheros MC. As a result of a gunfight between the two clubs, seven people lost their lives and twenty people were wounded (Ayling, 2011: 256; see also Monterosso, 2018: 684-685). While looked upon as ‘urban terrorists’,

Ananian-Welsh and Williams (2014: 405) qualified the Australian approach towards OMGs as a 'war on bikies'. Others added that the 'danger of bikies' has been used as a 'central justification for significant expansions of the parameters of the criminal law and police powers across the country' (McNamara & Quilter, 2016: 7).

Roughly since the start of the year 2000 all the different jurisdictions in Australia have – to a greater or lesser degree – implemented legislative provisions against OMGs. These 'anti-bikie laws' generally aim to prevent members from committing crimes by disrupting the associations between members (Ayling, 2011: 251). The rationale for this 'anti-association legislative model' finds its origins in the anti-terrorism legislation adopted in Australia in the wake of 9/11. That is, under anti-terrorism legislation, it became possible to impose so-called control orders on individuals of declared terrorist organizations without being prosecuted for a criminal offence first. These control orders act on the basis of preventing terrorist attacks in the future and do not require clear indications that an individual will in fact commit a criminal offence (Ananian-Welsh & Williams, 2014: 364). Through a process of what the authors called 'normalisation', the framework of the prevention of terrorism has been equally applied to the prevention of organized crime and OMGs:

'This enabled control orders to evolve from an exceptional and extreme measure to an established paradigm of preventive justice. As a result, it is well-accepted today, at least by the majority of Australia's Parliaments, that preventive restraints on an individual's liberty may be justifiably imposed by reference to that person's links to a widespread, amorphous threat, particularly one presented by fearsome groups such as terrorist cells or outlaw motorcycle gangs' (Ananian-Welsh & Williams, 2014: 398).

Control orders generally follow a two-stage process, namely; (1) the declaration of an organization as a serious organized crime organization, and (2) imposing control orders on members of the prohibited organization in question. While the first step does not make the organization illegal per se, the second step does have serious and restrictive consequences for those involved (McGarrity, 2012: 166). To give an impression on the essence of some of these legislative provisions, I will briefly discuss the Serious and Organised Crime (Control) Act of 2008.

Aiming to fight – among other clubs – the Hells Angels, Gypsy Jokers, the Rebels and the Bandidos, the Parliament of South Australia effected the Serious Crime and Organised Crime (Control) Act (SOCCA) in September 2008. The aim of this act was 'to provide for the making of declarations and orders for the purpose of disrupting and restricting the activities of criminal organizations, their members and associates' (Government of South Australia, 2013). Under this act, the commissioner of the police was able to request the

Attorney-General to declare an OMG as a criminal organization when; (1) members of the organization associate for the purpose of organizing, planning, facilitating, supporting or engaging in serious criminal activity; and (2) the organization represents a risk to public safety and order in this state. After this first step, the Commissioner is able to request the court to impose control orders on members of the declared organization in question. If the court is in turn satisfied that an individual is in fact a member of the organization, it becomes possible to prohibit a member e.g. from associating with other specified persons, from being in the vicinity of certain places or premises, to carry more than a specified amount of cash, or to use or possess a telephone, mobile phone, computer or other communications devices. Since breaching a control order is punishable by imprisonment, the act made it possible to punish someone solely on the basis of its membership to a (declared) organization (such as an OMG) (Ayling, 2014; Loughnan, 2009).<sup>5</sup> Besides the control orders regime, there have also been numerous initiatives to limit the influence of OMG members in branches such as the tattoo business, security organizations, and motor dealers (Lauchs et al., 2015). Other acts furthermore aim to prevent the construction of clubhouses, to create the possibility to demolish existing clubhouses and to ban the public display of the colours of OMGs.

#### 1.4 A 'RISK FACTOR' TO BE PREVENTED

In 1973, as described in the first paragraph, the public prosecutor especially problematized the Hells Angels MC for abusing the power of their collective behaviour. In an attempt to control the 'terror' that came along with it, the local authorities facilitated the group with a clubhouse. When focusing on the shift the Dutch approach to OMGs has made, it is interesting to notice that the LIEC (2017: 3) recently described that 'the multi-agency approach, which started in 2012, resulted in the OMGs being reduced from a force of power to a risk factor'.<sup>6</sup> Although the police officers and civil servants in the 1970s without

5 In the face of 'biker violence' and OMG-related crimes, other Australian governments adopted various similar acts. Examples are the Crimes Legislation Amendment (Gangs) Act of 2006 in New South Wales and the Vicious Lawless Association Disestablishment Act of 2013 in Queensland. With this description, however, I do not do justice to the ongoing developments and debates concerning the 'anti-bikie laws' in Australia. That is, some of the provisions in the various acts against OMGs have been challenged in court and were subsequently found invalid. For a more in-depth insight into these control orders as well as into the judicial debates and discussions that followed I recommend the following readings: Bartels, 2010; Ayling & Broadhurst, 2014; Schloenhardt, 2008; Ananian-Welsh & Williams, 2014; Ayling, 2014; Ayling, 2017; Loughnan, 2009; Martin, 2014; Gray, 2009; De lint, 2012; McGarrity, 2012; Morgan, Dagistanli & Martin, 2010 and Dyer, 2015).

6 The LIEC cited the Head of the National Criminal Investigation Department who reflected on the added value of the Dutch approach so far. In relation to the Satudarah MC, the police officer argued that 'we managed to diminish them from a force of power to a risk factor' (Tops & Tromp, 2017: 60).

a doubt also used the word ‘risk’ in relation to the Hells Angels, it is today’s contrasting strategy that is coupled with the ‘risk factor’ of outlaw motorcycle gangs that intrigues me here. While it would be unsound to simply lump together all the various international responses to outlaw motorcycle gangs under the same approach, it is evident that law enforcement agencies generally treat the activities of outlaw motorcycle gangs as risks to be prevented.

McNamara and Quilter (2016: 34) even went as far as stating that ‘bikies’ are the ‘archetypical 21st century example’ of ‘the conviction that effective crime prevention demands early intervention. In the name of risk management, law-makers display a willingness to criminalise and punish ‘pre-cursor’ behaviours or to expose individuals to criminal penalty [...] without first satisfying the traditional justifications for punishment’. Indeed, characteristic for the present-day measures taken against the ‘risk factor’ of OMGs is that state authorities not only take a zero-tolerance stance to wrongdoings (by means of criminal prosecution), but also try to hinder OMG-related activities from taking place in order to prevent crime (and/or public disorder). As noted before, the LIEC (2016: 2, emphasis added) for instance described that ‘on many aspects barriers are raised *which make it harder for* OMGs to commit undermining and criminal activities’. Furthermore, making sure that OMG members are not allowed to work for a security company is equally believed to have a ‘strong preventive approach against criminal influences’ (Miltenburg, 2017: 35). To recall some of the international examples, Norwegian authorities aim to prevent the establishment of new outlaw motorcycle gangs and in addition attempt to hinder members from entering restaurants and pubs. Bill C-95, then, aimed – among other things – to prevent members from associating with each other and to provide ‘law enforcement officials with effective measures to prevent and deter the commission of criminal activity by criminal organizations and their members’ (Katz, 2011b: 85). The control orders in the ‘anti-bikie laws’ also have a strong forward-looking character. In essence it aims to, as Dyer (2015: 4) described it, ‘prohibit conduct that is harmless in itself, but which is thought to carry a risk of leading to future harmful acts’. In other words, the focus is to ‘prevent members from planning and engaging in criminal activities through enabling state control over their associations and communications’ (Ayling, 2011: 251). Exemplary in this respect is the case where five suspected OMG members were arrested for buying ice creams based on an anti-association law, which forbid two or more members to associate with each other (McCulloch & Wilson, 2016: 136). Ayling explained that identity and the ‘prejudice and stereotypes’ that go along with it (rather than past individual acts) thus play a decisive role in taking preventive measures. The risks deemed inherent to the ‘dangerous’ OMGs need to be forestalled:

‘The fact of membership acts as a proxy for an unacceptable level of risk of the commission of serious offences and so is taken to justify early intervention [...]

Australian authorities in some states appear to be increasingly intolerant of the risks associated with the ‘dangerous people’ that comprise OMGs, and progressively more willing, in the interest of security, to act pre-emptively to forestall imagined harms becoming reality’ (Ayling, 2011: 259).

It is for this reason why Ayling described the Australian approach to OMGs as a ‘pre-emptive strike’, with which the author pointed to the notion that the ‘anti-bikie laws’ in Australia seek to convict members solely on the basis of ‘imagined future harms’. Indeed, the laws enable law enforcement agencies to interfere with the everyday lives of OMG members in order to prevent or hinder criminal activities *before* these activities actually started to begin with (Ayling, 2011: 262). With this observation, the author (together with McNamara & Quilter, 2016) directly built on Zedner’s observation that there is a general shift towards a pre-crime society ‘in which the possibility of forestalling risks competes with and even takes precedence over responding to wrongs done’, and where ‘the post-crime orientation of criminal justice is increasingly overshadowed by the pre-crime logic of security’ (Zedner 2007: 261-262; Ayling, 2011: 259; see also more recently Ayling, 2017: 206-207).

Ayling’s analysis of the approach to outlaw motorcycle gangs in Australia has had an important influence on the (theoretical) focus of this research. Especially by referring to Zedner’s article about the ‘pre-crime society’, the latter insights marked the beginning of a first and general idea, or maybe even a hypothesis, on how the 180-degree turn as introduced with the case of the Hells Angels MC in Amsterdam can be explained. In the next paragraph, I will zoom in further on Zedner’s observation and by doing so, give insight in the ‘theoretical lens’ or perspective through which I started to examine the approach to OMGs in the Netherlands. Since this ‘lens’ sets the stage for a first general idea on how the shift towards a strategy to ‘raise barriers’ could possibly be understood, it is important to note that in this research, ‘theory’ is used to understand the Dutch approach to OMGs, and not the other way around. The (changing) rationales towards OMGs is not used as a case to in some way ‘test’ the pre-crime society; my general interest is to understand and explain the Dutch approach towards outlaw motorcycle gangs, and the ‘pre-crime society’ served as an interesting ‘lens’ from which to start.

### 1.5 SETTING THE STAGE: THE PRE-CRIME SOCIETY

In her article, Lucia Zedner (2007: 262) signalled that ‘we are on the cusp of a shift from a post- to a pre-crime society’. With this, the author recognized a temporal shift by which state authorities, but also private organizations, increasingly set their sights on what happens

before the actual commission of a crime. While the criminal justice system has long been geared to *responding* to crimes (post-crime), there is now a tendency to make all sorts of early interventions in order to *prevent* crime from happening to begin with (pre-crime). In the pre-crime society, the focus is thus not on rehabilitating or punishing the (convicted) offender but about taking away the ‘elements’ that possibly lead to future offending (Van der Woude, 2010: 6). Finally, Crawford (2011: 19) in similar words argued that today’s society is more concerned with ‘governing the future rather than normatively re-ordering the past’.

For Zedner, this shift can largely be ascribed to a desire for security, which the author shortly explained as the attempt to manage risks and to protect ourselves from all kinds of ‘loss’ (which moves beyond the risk of crime alone) (Zedner, 2007: 265). In line with this, Moerings (2006: 161) concluded that ‘the strive for security and the banning of risk on various terrains of society has gained the highest priority’. In similar words, Hudson (2003: 45) noted that ‘we want those who threaten us excluded from our immediate environment, and thus from any possibility of inadvertent contact, both before and after the crime, the risk event’. As a final example, Garland (2001: 12) signalled that ‘there is a new and urgent emphasis upon the need for security, the containment of danger, the identification and management of any kind of risk’. To pursue this security, Fitzgibbon (2007: 128) recognized a process of ‘pre-emptive criminalization’ whereby the criminal justice system is increasingly focused and geared to the idea that individuals *might* commit a crime in the future. Hence, while the post-crime society talks about ‘offenders’, ‘crimes’, ‘trial and punishment’, and ‘investigation’, the pre-crime society can be characterized by ‘calculation’, ‘risk and uncertainty’, ‘precaution’, and ‘prevention’ (Zedner, 2007: 262).<sup>7</sup>

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7 In her article, Zedner adopted the term ‘pre-crime’ to generally mark the increasing focus on various preventive strategies that aim to avoid crime in the future. In their recent book, McCulloch and Wilson (2016) however explained ‘pre-crime’ as something that is *different* from what is commonly understood as ‘prevention’. The authors, in short, argued that ‘pre-crime’ or ‘pre-emption’ is much more forward-looking than ‘prevention’. Whereas prevention is thought to be aimed at preventing ‘the recurrence of the past’, pre-crime particularly aims to ‘pre-empt’ incalculable, unknown, but possibly catastrophic events in the distant future. For this reason, the authors claimed that ‘prevention’ acts on the basis of risk, while ‘pre-emption’ acts on the basis of uncertainty and imagination. Pre-crime follows up on what is known as the precautionary principle, which basically involves the idea that a lack of (scientific) certainty about the actual occurrence of a serious and irreversible event should *not* be used as an argument to *not* take preventive measures. In the Netherlands this principle is also known as ‘voorzorg’ (Pieterman, 2008; Kortleven, 2013). For McCulloch and Wilson (2016: 5), pre-crimes also involve more coercive and/or restrictive interventions: ‘we define pre-crimes as substantive coercive state interventions targeted at non-imminent crimes’. Since the control orders coupled with the ‘anti-bikie laws’ restrict the leeway of OMG members regardless of the evidence of the commission of a crime, the authors also coined these provisions as ‘pre-crime laws’. I find this somewhat problematic because the reason for introducing these ‘anti-bikie laws’ in the first place lies with OMG-related incidents in the past. Hence, other than what McCulloch and Wilson argued about the strictly forward-looking gaze of ‘pre-crime’, you could argue that these laws are also (partly) initiated to prevent the recurrence of the past. Notwithstanding the interesting discussion raised by McCulloch and Wilson, I endorse Zedner’s more overarching use of the concept of ‘pre-crime’ to point to the general idea that crime

The insights summarized by Zedner under the banner of the pre-crime society are of course not new (as equally recognized by the author). Already in 1992, Feeley and Simon noted a shift away from punishing offenders by means of the criminal justice system (a 'rule-based' approach) to controlling 'risky' situations or groups (a 'risk-based' approach). The authors explained that an important element of what they called the actuarial logic of the 'new penology' is the process of identifying and managing groups justified by their risk profiles. That is, whereas the 'old penology' is concerned with assigning guilt to and the treatment of 'morally irresponsible persons', the 'new penology' is rather concerned 'with techniques to identify, classify, and manage groupings sorted by dangerousness' (Feeley & Simon, 1992: 452). Building on these insights, Hudson noted that recent crime control strategies shifted the balance between; 'inclusionary' (aimed at keeping the offender in the community) towards 'exclusionary' (geared towards 'banishing' the offender out of territory); and between 'individualizing' (a focus on the needs of the offender) and 'aggregating' (the control of groups of (potential) offenders) (Hudson, 2003: 41-42).

Today's aim to control the future by managing potentially dangerous subjects or groups and situation is known as 'risk thinking' or as a 'risk-focused mentality' (Rose, 2000: 332; Shearing, 2001: 212). For Rose (2000: 332), 'risk thinking' means that contemporary decision-making processes as well as 'institutions' are primarily focused on avoiding future and undesirable events in the present. As nicely explained by Garland, 'risk is the means whereby we colonize and control the future' (Garland, 2003). This strive of western societies to forestall dangers and control risks is also commonly referred to as the 'risk society', a term famously introduced by Ulrich Beck (1992). Although Beck himself was concerned mainly with technological and/or industrial risks rather than with the risk of crime, his thesis nevertheless resembles nicely the underlying rationale of the pre-crime society. In short, the core of the risk society rests on the notion that 'we' have abandoned the industrial society for a risk society; or modernity for what Beck called a 'second' or 'reflexive modernity'. In the industrial society, which can be characterized by industrial and technological developments, one was commonly concerned with the distribution of prosperity, wealth, and goods. Modernization and the prosperity that came along with it, however, also had its negative and unforeseen side-effects (a 'boomerang effect'). That is, industrial processes also came with environmental risk such as the production of radioactive material and the spreading of toxins or pollutants in the air (Beck, 1992: 23). Characteristic of these types of risks is that they are not bound to one specific place or class, and there is also not one specific group of individuals that is responsible for it. At the same time, however, these mostly invisible dangers do affect any person on the planet and potentially

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control in present times particularly involves the introduction of all sorts of interventions that aim at preventing crime (thus including 'prevention', 'pre-emption', 'precaution, and 'pre-crime'). In Van Ruitenburg (2016) I paid more attention to the difference between 'prevention' and 'pre-emption'.

have far-reaching consequences for our existence. In the risk society, then, people are not so much focused on the distribution of prosperity (as it was in the industrial society) as to the prevention and distribution of these self-made but potentially hazardous risks. In the risk society, as summarized by Shearing (2001: 207), 'instead of going ahead, doing things, and then coping with the problems this might create, when they arise, we now seek to anticipate problems and avoid them'.

Another widely known thesis is that of David Garland's *Culture of Control* (2001). Compared to Beck, this author was more directly concerned with the field of crime control and particularly how strategies to control or fight crime have changed in late-modern societies. The author described how social changes (e.g. changes of the capitalist market, changes in the structure of family and the household, and changes in social ecology), the normality of high crime rates, the acknowledged limitations of the criminal justice state and the demise of the rehabilitative ideal led to new coexisting yet contradicting crime control strategies. In general terms, Garland described that:

'The risky, insecure character of today's social and economic relations is the social surface that gives rise to our newly emphatic, overreaching concern with control and to the urgency with which we segregate, fortify, and exclude. It is the background circumstances that prompts out obsessive attempts to monitor risky individuals, to isolate situational controls on otherwise open and fluid settings. It is the source of the deep-seated anxieties that find expression in today's crime-conscious culture, in the commodification of security, and in a built environment designed to manage space and to separate people' (Garland, 2001: 194).

One of the adaptations to what Garland called the 'new predicament' (i.e. the general belief that crime is something that is simply part of everyday life in combination with the loss of trust in the capability of the state to effectively tackle crime problems) is the adaptive strategy 'to view crime *prospectively* and in *aggregate* terms, for the purpose of calculating risks and shaping preventative measures' (Garland, 2001: 128, emphasis in original).<sup>8</sup> Influenced by insights of situational crime prevention, this strategy does not aim to change or punish the offender after he or she committed an offence, but rather attempts to capture and influence the criminogenic situation *preceding* the offence.

Although the literature still has much to say about present-day crime control strategies, this paragraph did make clear that various authors have signalled a trend towards a pre-crime society; which thus generally marks the idea that western governments (and

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8 For a more detailed description of Garland's thesis, see Van der Woude (2010) and Koemans (2011).

non-state actors) are increasingly focused on governing the future by preventing or anticipating criminal activities. In this preventive pursuit, the aim is not to rehabilitate or re-establish normative order post-crime, but to snuff out risks pre-crime. Precisely because of the urge to prevent rather than to react, it has been noted that today's concern is to identify 'suspect populations' and to subsequently manage the risks they collectively pose (Zedner, 2007: 265). It is evident that the approach to OMGs in Australia indeed follows up on this rationale as members are e.g. prevented from associating with each other to begin with. Besides the preventive control orders imposed on OMG members in Australia, the criminological literature provides for various other specific cases that generally underpin the pre-crime society.

Most notable in this context are the measures taken against terrorism (counterterrorism). While it is beyond the scope of this paragraph to discuss the 'war on terror' at length, it is clear that the terrorist attacks of September 2001 have fuelled far-reaching preventive frameworks that aim to 'confront, disrupt and target threats before they emerge' (McCulloch & Pickering, 2009: 632). It has even been argued that the 'war on terror' has instigated measures that go beyond risk prevention towards 'pre-emption' and 'pre-caution'. Indeed, in the aftermath of 9/11, President Bush stressed the need for precaution and making interventions before the threat 'fully materializes' (Ericson, 2007: 39). This because the human costs of a terrorist attack are simply considered 'too great to risk' (McCulloch & Wilson, 2016: 56). As a result, much of today's anti-terrorism legislation is not so much geared to the prosecution of the offender (post-crime), but particularly aims to restrict and incapacitate those that constitute a danger to the secure future. For instance, similar to the control orders imposed on OMGs, Australia adopted anti-terror control orders and paved the way for the preventive detention of those who are suspected of committing a terrorist attack in the near future (Rix, 2006). Zedner moreover pointed to UK's Terrorism Act of 2000, which criminalizes the possession of money that is likely to be used for the purpose of terrorism (Zender, 2010: 25). The shift towards preventive measures in the context of counterterrorism has equally been recognized in the Netherlands. Various authors described what Borgers (2007) characterized in his inaugural speech as 'De Vlucht naar Voren' or 'The Flight Forward'. With this, the author recognized multiple legislative initiatives geared to criminalize conduct at an early stage as a way to tackle and hinder future threats (also known as preventive criminal justice). For Van der Woude (2012: 88-89, emphasis in original), these measures enable 'law enforcement agencies to track down and respond to potential security risks in the earliest stages possible' and can thus be regarded 'as actuarial criminal law *pur sang*'. Specific Dutch examples include the possibilities for pre-trial detention, and the criminalization of recruiting for jihad and participating in setting up a terrorist training camp (Borgers & Van Sliedregt, 2009: 176; Van der Woude, 2010: 278-282).

Another instrument that is widely recognized for its pre-crime rationale are the Anti-Social Behaviour Orders (ASBOs) as introduced in the United Kingdom in 1998. Because the criminal justice system was deemed unfit to tackle petty crimes and nuisance, this civil order was especially designed for youngsters who reveal 'behaviour which caused or was likely to cause alarm, harassment, or distress to one or more persons not of the same household as him or herself' (Koemans, 2011: 54). In short, an ASBO makes it possible to impose restrictions on someone to enter an area (e.g. park or shopping centre) or to carry out particular activities (e.g. shouting, drinking alcohol or cursing). Koemans (2011: 33) for instance gave the example of a suicidal woman who was forbidden to be in the proximity of bridges and trains. An ASBO has a minimum duration of two years and breaching an order is considered a criminal offence (punishable by imprisonment up to a maximum of five years). ASBOs particularly have a forward-looking character because they protect the public from anti-social behaviour and are believed to prevent youngsters from becoming serious offenders at a later stage in their lives (McCulloch & Wilson, 2016: 24). Fitzgibbon (2007: 130) likewise mentioned ASBOs as an example of 'pre-emptive criminalisation' precisely because it makes it possible to put constraints on people who have not committed a criminal offence but who might do so in the future.

#### **1.6 RESEARCH QUESTION**

In present times, the Dutch government goes to great lengths to prevent the settlement of clubhouses by outlaw motorcycle gangs. This approach has been characterized as a remarkable break from the past precisely because the local government of Amsterdam in 1974 provided the Hells Angels MC with a clubhouse. This 180-degree turn in approach, however, not only marks a change in how the Dutch government deals with clubhouses; the urgency to prevent clubhouses today is symbolic of a government that is more generally geared towards preventing a wide variety of activities of outlaw motorcycle gangs. Especially since the start of 2012, the Dutch government has given meaning to this approach by launching a national strategy to 'raise barriers' against the Dutch OMGs. Whereas 'the clubhouse' seems to have first been used as a means to prevent the problems of the Hells Angels MC, the problem of the Hells Angels MC and other outlaw motorcycle gangs is now tackled, among other ways, by preventing the establishment clubhouse altogether. To put it in more general terms, while the government initially aimed to include the OMGs in society, thereby monitoring and controlling their activities, today's belief seems to dictate the exclusion of OMGs from society altogether. The general aim of this thesis is to understand, explain, and describe this 180-degree turn in the Dutch approach to outlaw motorcycle gangs.

To give direction to this aim, it is important to recognize that the Dutch government is clearly not unique in ‘raising barriers’ against OMGs. As shown above, OMGs became a topic of concern for law enforcement agencies around the world and various authors likewise described how today’s strategies are generally focused on preventing or hindering the activities of these clubs. It has been noted in the literature that Australian law enforcement agencies in this context aim to make early interventions in order to prevent the risk of criminal activities. For this reason, it has been argued that today’s approach to OMGs can be understood as the outcome of a shift towards a pre-crime society, or towards a society that is less concerned with re-establishing normative order *post-crime* than it is with forestalling the future risks of crime and ‘suspect populations’ *pre-crime* (Zedner, 2007). In other words, outlaw motorcycle gangs seem to have turned into a ‘risk factor’ to be prevented. While building on the questions raised in the first paragraph of this chapter, one can thus wonder – as a first explanation – whether the shift from providing the Dutch Hells Angels with a clubhouse towards the prevention of the clubhouse itself can also be rationalized by the shift towards a pre-crime society. Could it be that the Dutch government also became more ‘intolerant of the risks associated’ with OMGs (Ayling, 2011: 259), and is today’s urge of Dutch mayors to prevent the activities of OMGs indeed to be seen as a strategy to forestall the risk of crime? Hence, to serve the aim of this research, the general research question of this study is: *How has the approach towards outlaw motorcycle gangs in the Netherlands developed over time, what set these changes in motion, and to what extent can this development be explained by the shift towards a pre-crime society?*

The scientific relevance of this research question (and the study at large) is that it provides extensive and empirical insight into how various state agencies cope with risks, problematic groups and criminal behaviour. Numerous (Dutch) authors have already discussed the shift towards what has been summarized under the banner of the pre-crime society; however, as noted earlier by Kortleven (2013: 9), many of these descriptions are rather abstract, theoretical, and often lack empirical data. In contrast, this study is built on rich and empirical descriptions as well as on interviews of the people working for various state agencies, which thus offers an inside view into how a western government copes with criminal behaviour and ‘risky’ groups in present times. By also explaining and describing the signalled 180-degree turn in approach, this study moreover provides insight into how crime policies and the approach towards crime has changed over a long period of time. Furthermore, since this research answers to a topic that received priority from governments all over the world, this study is also relevant for (Dutch) law enforcement agencies and national governments. That is, by including the ‘voices’ of various law enforcement agencies, this study gives insight and reflects on how the approach to dealing with outlaw motorcycle gangs takes place in practice, which observations are relevant for policy-makers and the other agencies involved in the approach taken towards OMGs. Indeed, although the primary

aim of this study is not to see whether today's approach towards OMGs is effective, it does raise some critical questions about the effects and practices of this approach.

## 1.7 DISCUSSING METHODS

In this paragraph, I will explain how I came to answer the above research question. First, the decision to only study the perspective of the government, and not also include the standpoint of the outlaw motorcycle gangs, will be explained. After briefly discussing the term 'government', this paragraph will continue by describing the perspective that was used to analyse the data in this research. After this, I will systematically describe the various data sources, the way in which this data was collected, and the way in which the data was analysed. I will shortly reflect on some of the drawbacks and limitations of this research in paragraph 1.8.

### 1.7.1 *Choosing sides*

The reader of this book will soon find out that this thesis will mostly reflect the views or rationales of the government. The first reason for this directly follows from the focus of this research. As explained by Edwards and Gill (2002) in relation to transnational organized crime, to understand certain strategies of crime control it is important to also understand how 'the problem' is narrated and constructed, as these images in turn select and deselect the strategies deemed fit to tackle 'the problem'. The terminology used to define crime problems, the authors explained, is often the product of a rationality 'with its own regime of truth about the nature, causes, and remedies from crime' (Edwards & Gill, 2002: 247). In 1995, Fijnaut, Bovenkerk, Bruinsma and Van de Bunt likewise argued that the particular way in which 'organized crime' is portrayed could have serious consequences for how 'organized crime' is understood and approached (TK 1995-1996, 24 072, nr. 16: 12). To put it simply, when a particular (organized) crime problem is deemed to be the result of the deliberate undertakings of one particular group, it is likely that the members of this group are dealt with accordingly, for instance by putting the key figures of this group behind bars. This disciplinary approach will be different when the criminal actions of a person are understood as the result of some mental disorder, which would in consequence raise the importance of a psychological treatment. The kinds of strategies implemented to tackle a problem are thus inherently connected to how criminal behaviour is portrayed and interpreted. Hence, to answer my research question, it was necessary to learn how the Dutch government constructed the phenomenon and how this view has changed over the years, rather than investigating OMGs from the inside. I am, in other words, more interested in how the national government and the various law enforcement agencies give *meaning*

to OMGs, than in how these OMGs actually operate in practice. Of course, this does not mean that I will completely refrain myself from discussing the outlaw motorcycle gangs themselves and how their activities have likewise changed over time. Certainly, the sometimes very visible acts of OMG members influence and interact with how law enforcement agencies understand and (have) construct(ed) the phenomenon. By e.g. analyzing literature, openly available police reports, and criminal and civil cases it was possible to give insight into the (criminal) activities of OMGs. There is, however, an important reason why it was decided e.g. not to interview OMG members, and this relates to more ethical and integrity considerations and the importance of building a 'climate of trust' with your respondents (Legard, Keegan & Ward, 2003: 143).

As will be explained in more detail below, a good relationship with the LIEC helped to gain important contacts and gather insightful internal policy documents. In order not to jeopardize this relationship, it was deemed important to make clear from the start that I would not simultaneously investigate the clubs themselves, for instance by interviewing OMG members. I simply feared that the LIEC and other law enforcement agencies would be less willing to share with me important insights about (the approach to) OMGs when they would know that I was at the same time having close contacts with the clubs they were trying to fight. Or how Armenta (2018: 16) similarly reasoned during her research about the policing of Latino immigrants in the United States: 'I feared that access to one group might jeopardize my standing with the other'. To make it more specific, I expected that a mayor or police officer would not be willing to share with me his or her plans to fight an OMG knowing that I would visit the OMG in question possibly only a few days later. Furthermore, as a researcher seeking to understand the perspective of both groups, it is also likely that I could find myself in the difficult position whereby I could not be transparent about everything I have learned during the research. When talking to e.g. a police officer or mayor about an OMG, it is possible that I would need to hold back information if the case may be that I had also interviewed members of that same OMG, which in itself again jeopardizes a good and integral relationship with the respondent. This argument of course also works the other way around. Apart from the fact that it is difficult to gain access to OMGs to begin with, it is difficult – if not impossible – to build an open and trusted relationship with an OMG member when the club is aware that I am also talking to the police. Members would clearly raise questions about my trustworthiness and willingness to (not) share any insights about the club with my police respondents.

Finally, doing research on both groups could possibly also have affected my role as a researcher. While the researcher is generally the one longing for information, it is possible that the researcher in the latter situation becomes the source of information, either for the OMGs or for law enforcement agencies. This can especially lead to situations where the one group in some way expects or even demands to be informed about what I know about the other group. Think for instance about the possible precarious situation whereby an

OMG member 'expects' to be informed about the strategies of the mayor and police in return for the information they you are willing to share. Besides that, such a situation could jeopardize my position as an integral researcher and could also result in danger to my personal well-being. It is also possible that I could start to have an influence on the direct object of my study. That is, sharing inside knowledge about an OMG to law enforcement agencies could possibly affect the way in which this OMG is approached, which in turn raises questions about how to give meaning to the resulting change in approach in this study. To counter these problematic situations beforehand, it was decided to only focus on the practices of one 'group', namely the practices of the government.

### 1.7.2 *The government*

Where it is clear that this thesis mainly focuses on the government, it is also important to be somewhat more explicit about what is meant by 'the' government. After all, there are numerous different agencies that all, in their own way, give meaning to a governmental task. Moreover, the described shift towards a pre-crime society also turned crime fighting into a shared responsibility among various agencies, both state and private. While the Ministry of Justice and Security, the police and Public Prosecution Service can be considered the traditional agencies involved in fighting crime, the increased desire for crime prevention came along with a tendency to responsabilize other state agencies, private agencies, and citizens to likewise tackle crime (Garland, 2001: 124-127). Private organizations and citizens are held responsible for securing their organizations and homes against (future) criminals, whereas the Dutch Tax Authority is expected to tag along in the fight against organized crime. Today, the fight against crime in other words takes place via a 'multi-agency' or 'whole-of-government' approach (I will discuss this development at length in chapter two). Of particular interest in this approach is the role of the municipality and the mayor, as various authors have described how the approach to fighting crime in the Netherlands increasingly involves an administrative approach (see e.g. Mein, 2010 and Huisman, 2010). In close cooperation with the police and Public Prosecution Service, the local government gained an important role to hinder malafide persons or (criminal) organizations by means of administrative measures. Furthermore, the National Intelligence and Expertise Centre ('Landelijke Informatie en Expertise Centrum' or 'LIEC') and the ten Regional Intelligence and Expertise Centres ('Regionaal Informatie en Expertise Centrum', or 'RIEC') fulfil an important role in supporting this administrative approach. In short, the LIEC and RIECs were established (in 2011 and 2008-2009, respectively) to support and facilitate the administrative and multi-agency approach to fighting organized crime by acting as a hub for intelligence and best practices. Besides this, LIEC/RIECs also aim to create more awareness on crime problems, strengthen cooperation between the various partners,

develop administrative instruments, and generally improve the expertise in fighting organized crime (RIEC-LIEC, 2012).

All in all, while writing about the approach to the Dutch ‘government’, this research will mainly focus on the role of the Ministry of Justice and Security, the Dutch National Police, the Public Prosecution Service, The Dutch Tax Authority, the LIEC and RIECs, and various local governments.<sup>9</sup> Besides these organizations, the political debates held in the Dutch parliament (in the so-called ‘Second Chamber’) will also be included as these debates might have influenced the policies raised by the Minister of Security and Justice, and also because the parliament plays an important role as a legislative authority. Whereas the approach to ‘the’ government to fight crime involves practices of multiple agencies, it is also important to recognize beforehand that this approach does not necessarily involve *one* uniform approach. I am, in other words, well aware of the possibility that various state agencies can have, in the words of Edwards and Gill (2002: 247), *divergent* regimes of truth ‘about the nature, causes, and remedies’ against outlaw motorcycle gangs.

### 1.7.3 *Taking a social constructivist view*

To learn about these various regimes of truths, ‘the’ outlaw motorcycle gang will not be treated as a given social phenomenon with an objective reality, but as a problem built around subjectivities and claims, or as the result of a social process or social construction. By taking this social constructivist view, I follow up on Joel Best’s thesis, which argues that ‘social problems should not be viewed as a type of social condition, but as a process of responding to social conditions’. Since there is no objective list of criteria that decides if and when something becomes serious enough to be considered a problem, Best argues that whether or not something (or someone) becomes recognized as problematic cannot be explained by ‘objective characteristics of social conditions’, but rather by ‘subjective reactions to that condition’ (Best, 2008: 9-11). Indeed, even the seemingly clear-cut and objective grouping of people as either ‘male’ or ‘female’, an example raised by Best as well, is increasingly subject to social processes as some people have successfully problematized this dichotomous classification (the first Dutch gender-neutral passport was issued in 2018).

To be sure, by taking a social constructivist approach to understand the approach to OMGs, I do not mean to argue that clubs such as the Hells Angels MC do not have an objective reality and that the club is not (or has not been) involved in severe forms of

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9 By the end of the year 2017, the name of the ‘Ministry of Security and Justice’ was changed into the ‘Ministry of Justice and Security’. Since practically all documents from this department to which I refer in this thesis stem from the period *before* 2018, I chose to always refer to the ‘Ministry of Security and Justice’ in this book.

(organized) crime. It is beyond any doubt that many of the clubs that are currently described as ‘outlaw motorcycle gangs’ have caused serious harm to societies worldwide. Also, as noted before, the problems or crimes related to these clubs are not static over time, and the ‘regime of truth’ of the government as regards the ‘nature, causes, and remedies’ for OMGs relates to and interacts with incidents and (changing) threats *with* an objective reality. However, as worded by Best (2008: 14), ‘the words we choose to describe those people [...] how we explain their condition, and what we recommend doing about it are meanings that people create and use’. In the same way, the term ‘outlaw motorcycle gang’, as this thesis will reveal, is essentially a label that is used by law enforcement agencies to give *meaning* to the crimes, incidents, and clubs in general. Indeed, the label of ‘gang’ is not a neutral or innocent descriptive to designate a social problem; Hallsworth and Young (2008: 184-185) argued that this label acts as a ‘signifier saturated with meanings that are immediately brought into play when it is mobilized’. It already draws conclusions about ‘why things are as they are’, as well as about how these ‘things’ are to be approached (see also Roks & Van Ruitenburg, 2018). Although I will, again, not close my eyes to the fact that the latter social processes take place in interaction with incidents and (changing) threats, it is nonetheless clear that over the years the Dutch government has given a different meaning to such incidents and subsequently advocated for a different approach to deal with it. To investigate how this view and approach to the Dutch government has changed over time, I made use of a wide variety of qualitative data, which will be discussed in the following paragraphs.

#### 1.7.4 *Discussing data: triangulation*

To be able to give a rich and comprehensive description of how the approach to outlaw motorcycle gangs has changed over time, it turned out to be important to combine various sources of information. For instance, it is more difficult (and sometimes simply impossible) to interview people (e.g. police officers or civil servants) who were involved in establishing or carrying out the approach to OMGs in the 1970s, so it logically becomes necessary to analyse available policy documents instead. Data and method triangulation is also important because it validates your research (Kleemans, Korf & Staring, 2008: 329; Van Staa & Evers, 2010: 6-7). It allows for a more comprehensive study and strengthens the internal validity of the conclusions and propositions made (Maesschalck, 2010: 127). While policy documents are useful and interesting in their own right, doing interviews with the actual policymakers makes it possible to also unravel the thoughts, feelings and assumptions or subjectivities ‘hiding’ behind the actual words on paper. This is important precisely because, as explained above, this research departed from a social constructivist view, meaning that I am particularly interested in the ‘subjective reactions’ of the various governmental agencies

to (the approach used toward) OMGs. Furthermore, doing interviews (e.g. with mayors) is also one of the designated methods to gain insight in how a policy plan on paper (i.e. the plan to fight OMGs) plays or played out in practice. An interview, at the same time, also has its own pitfalls. An interviewee might not be able to fully recall an incident that happened a few years or months ago, or might not even remember a specific case correctly to begin with (Bijleveld, 2009: 219). Policy documents in turn come in handy precisely to reconstruct what happened during that time period. For this reason, newspaper articles were also used to shape the setting or context of the first Hells Angels in the Netherlands during the early seventies. Other data sources can also be beneficial for their own particular reasons. Administrative and criminal court cases, for instance, provided various specific and insightful examples of how today's approach to OMGs took shape in practice. All in all, it is clear that this research – in its quest to describe, understand and explain the described shift in approach – is built upon a combination of various data sources and methods. In the sections that follow, the various data sources used will be described, and the process used to collect data will also be explained.

#### *The city archive of Amsterdam*

This study traced back the approach used to manage outlaw motorcycle gangs in the Netherlands from present times to the 1970s. As we will learn later in this book, the history of outlaw motorcycle gangs in the Netherlands basically starts in 1974 when the local government of Amsterdam decided to provide the Hells Angels MC with its first official clubhouse. This was a pivotal moment in time, because the Hells Angels MC was also the first of today's 'outlaw motorcycle gangs' to settle in the Netherlands. Hence, to begin my quest to trace back the Dutch approach to OMGs, the case of the Hells Angels MC in Amsterdam forms an important and reasonable starting point. To reconstruct the circumstances and reasons that fuelled the mayor's decision to permit the clubhouse, the city archive of Amsterdam turned out to be little less than a gold mine. After searching the online archive, which I found via the archive's website (<https://archieef.amsterdam/>), I learned that it is possible to retrieve various interesting municipal documents related to (the clubhouse of) the Dutch Hells Angels MC in the 1970s. This material is also unique in the sense that it – at least to my understanding – has not been used by other researchers in earlier scientific publications. The available documents include, to give some examples, minutes of meetings between members of the Hells Angels MC and the mayor of Amsterdam, internal communication between civil servants about the problems caused by the Hells Angels MC, documents revealing the decisions and agreements made by the local government concerning the clubhouse itself, and letters and documentation about the nature of crime in the city of Amsterdam in general. This documentation, which thus involves internal documentation that was later made openly available, made it possible to

reconstruct quite precisely why, how, and when the Hells Angels MC was provided with a clubhouse. The same documents also reveal how the local government gave meaning to this particular club and the problems caused by its members. The online archive was searched with the following search terms: 'hells angels', 'hell's angels', 'motorclub', 'motorbende', 'kreidler', 'kreidler ploeg oost', 'knokploeg oost', 'jeugdbende', 'gang', 'criminaliteit', 'geweld', 'clubhuis', and 'clubhuizen'. After requesting the city archive to digitize the various maps and documents directly related to the Hells Angels, I eventually ended up with 232 pages of documentation that was analysed for this thesis (an overview of this documentation is made available in Appendix A). Throughout this thesis, reference to these documents will be made by citing the corresponding archival codes or page numbers in footnotes (e.g. A2914000003 or 5320.B/137 KLAD03678000028).

#### *National (policy) documentation*

Considering the attention of the Dutch government to outlaw motorcycle gangs, it is no surprise that the national government published many and various sorts of (policy) documentation related to this topic. Here one can think of letters written by the Minister of Security and Justice to inform the parliament about the approach to OMGs, debates held in the Second Chamber and the Committee for Security and Justice, progress reports on the approach written by the LIEC, various research reports not necessarily written by the government, yearly reports of the Dutch National Police and Public Prosecution Service about the approach to (organized) crime in general (in which the problem of OMGs is also discussed), and National Crime Threat Assessments. These documents of course also formed an important source of data for this research. Among other things, these documents give insight into how the Dutch government aimed and continues to aim to fight OMGs as well as how the Ministry of Justice and Security, Members of Parliament and the LIEC/RIECs understand, describe or construct the problem of OMGs.

During the course of this research, I regularly consulted two websites to search and collect these documents. The database [www.statengeneraaldigitaal.nl](http://www.statengeneraaldigitaal.nl) was used to search for documents published by the national government up until the year 1995, and the database [www.officielebekendmakingen.nl](http://www.officielebekendmakingen.nl) was searched for documents from 1995 onwards. The following search terms were used to filter through the two databases: 'motorclub', 'motorbende', 'criminele motorclub', 'criminele motorbende', '1%-MC', '1%-motorclub', 'outlaw motorcycle gang', 'motorcycle gang', 'hell's angels', and 'hells angels'. The reason I used the search term 'hells angels' and not the name of any other club (e.g. 'satudarah' or 'bandidos') relates to the fact that roughly before the year 2010, the national government was mostly concerned with the Hells Angels MC and also did not commonly use terms such as 'outlaw motorcycle gang' or '1%-motorcycle club' (yet). When looking for documents published in recent years, there was no need to also use the names of other

OMGs (as search terms) as the same documents would also be selected and found with the terms as enumerated above. To be more precise, documents about e.g. the problems and approach to the Bandidos MC also include words such as ‘outlaw motorcycle gang’ or ‘criminele motorbende’, which made it possible that these documents could be found by solely using the search term ‘outlaw motorcycle gang’.

While the last time I systematically searched for documents was on 30 May 2018, the above search terms filtered out hundreds of documents. That is, the first database found 20 documents, while the second selected 729 documents. It is easy to see why this search strategy resulted in finding many overlapping documents. Searching for documents with the term ‘outlaw motorcycle gang’ will in most cases also include the documents to be found when using the term ‘criminele motorbende’. Moreover, especially the search term ‘1%-MC’ resulted in documents not related to the topic that include the term ‘MC’ is also a common abbreviation for ‘medisch centrum’ or medical centre. Note that the database [www.officielebekendmakingen.nl](http://www.officielebekendmakingen.nl) also includes documents published by local governments, which often involve short announcements about alterations made to local regulations (e.g. concerning the nightlife sector). Furthermore, some documents only involved questions raised by Members of Parliament to the Minister Security and Justice, whereas others also included the answers of the Minister to these questions. In other documents the topic of outlaw motorcycle gangs was only mentioned briefly, for instance during debates of the Second Chamber about the police and the approach to handling crime in general, or in the year reports of various governmental organizations. Although such documents are of course not less relevant, it is important to note that not all documents retrieved addressed the topic of outlaw motorcycle gangs in great depth. It is also important to note that recent developments relating to the approach to OMGs in the Netherlands forced me to always keep my eyes open for new and important publications; this especially concerns the recent proposal to draft new legislation to fight OMGs more successfully. To keep track of the proposal as well as the political debates held about this piece of legislation, I again used the database found at the website named above. In these cases, however, documentation was searched in a much more pragmatic and focused manner, meaning that only those documents were selected that related to the issue I particularly searched for.

After selecting the relevant and unique documents from the two aforementioned databases, a total of 231 documents were selected, which were saved in maps corresponding to the year of publication. The documents were not selected on the basis of a predetermined and strict set of criteria. To nonetheless give some insight into the selection process, only the documents in which the topic of outlaw motorcycle gang was substantively discussed were selected. This means that documents that only gave a list of all the titles of letters (not only including those related to OMGs) published by the government in a particular period of time, for example, were not selected. The same goes for documents in which the Minister of Security and Justice only informs the parliament that he is not able to answer the

questions raised about OMGs by a Member of Parliament in time. In other excluded documents the topic of outlaw motorcycle gangs was only mentioned once (e.g. in a footnote or during a political debate) without any further or substantive discussion. Also, the documents that included the word 'MC', 'motorclub', or 'outlaw' but were not about the (approach to) outlaw motorcycle gangs were not selected. It comes as no surprise that most of the collected documents were published in the years after 2011.<sup>10</sup>

#### *Local (policy) documentation*

In addition to the national (policy) documentation, I also collected openly available documentation on the level of the local municipality. The above search terms were particularly used to search for relevant documentation published (from the year 1987 onwards) on the current online database of the municipality of Amsterdam (<https://amsterdam.raadsinformatie.nl>). It is easy to see why this municipality was chosen for a more systematic search for local policy documentation. As explained above, Dutch history regarding (the approach to) outlaw motorcycle gangs is largely coloured by the Hells Angels MC, and by the chapter in Amsterdam in particular. This was the first OMG in the Netherlands and before 2012, the Dutch government was mostly concerned with this particular club. In order to trace back how the Dutch approach has changed over time, then attention logically shifted to this particular municipality. I had hoped that this online database would enable me to continue my historical reconstruction that commenced with the unique documentation collected via the city archive of Amsterdam. Following the aforementioned selection criteria, this endeavour ultimately resulted in adopting 37 documents, including minutes of meetings of the mayor with the municipal council, written answers from the mayor to questions raised by the council, reports of the RIEC Amsterdam Amstelland, documents about the approach to handling OMGs as planned by the local administration of Amsterdam, and memos written by the municipal department of public order and security. During the course of this research, I also collected online documents published by other local governments on the website of the respective municipality. These documents are generally about specific incidents that took place in the municipality and/or about the measures taken by the local administration in response to these incidents, for instance in the shape of local emergency orders or by altering local regulations. The decision to search for these documents mostly came in response to reports written in the media or because I learned about these cases through interviews or other collected documentation. This again shows that the process of collecting data was more or less a continuous process,

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<sup>10</sup> 2012: 21 documents; 2013: 20 documents; 2014: 31 documents; 2015: 31 documents; 2016: 41 documents; 2017: 29 documents; 2018: 14 documents.

whereby developments in the field also partly influenced my data collection and thus, the data collected.

### *Internal documentation*

Besides the openly available documents collected through the previously mentioned open sources, it was also possible to collect internal and confidential documentation about the (national) policy plan against OMGs. For this, it is important to know that I already studied the multi-agency approach to outlaw motorcycle gangs in the province of Noord-Brabant for my master thesis at the *Vrije Universiteit Amsterdam* in 2013. For this research, various law enforcement agencies were interviewed about the approach towards OMGs in practice, with a special focus on the cooperation between state agencies. During the starting phase of the present study, the contacts built during this master thesis were used again to contact the LIEC, with which I discussed my plans for in-depth research of the approach to OMGs. This ultimately opened up the possibility to receive a selection of internal documentation (in December 2015) that provided insight into the circumstances that fuelled the national approach as well as into the plans about how one agency (i.e. most notably, the police, LIEC, RIECs and Public Prosecution Service) was planning to shape the policy plan on its own. It is also for this reason that this documentation mostly involved documents written in the years 2011, 2012 and 2013. In total, I received 42 documents on a USB-stick (selected by my contact person with the LIEC), ranging from minutes of meetings with mayors to general memos, concept policy plans, letters sent to the various cooperating partners and internal reports about the progress of the approach. Although the documents were provided by the LIEC, it is important to stress that these documents were not necessarily written by the LIEC itself.

The decision to provide me with these documents was discussed during a meeting of the National Working Group OMG ('Landelijke Werkgroep OMG'), after which it was agreed upon that I was allowed to use the data under the following conditions. By sharing this confidential information, the LIEC first and foremost intended to provide me with knowledge about the general background of the approach as a way to give further direction to the research. Moreover, as these documents also included the names of persons directly involved in developing and shaping the national approach, it was possible to select and contact relevant respondents for interviews (see the next paragraph). I agreed to use the documentation in a careful and confidential manner, meaning that the documents were stored in a locked space (only to be opened by the author) at the Department of Criminology of *Erasmus University Rotterdam* and were also not shared with others. Furthermore, any references made to the contents of the files was to take place anonymously, which means that quotations or other descriptions of the data must not be traceable to a person, organization or a specific case. The final condition made was that I had to inform (and

request permission of) the LIEC about the references and citations made in this thesis prior to publication. To follow up on the latter condition, the LIEC was contacted in March 2019 to share a document listing all the references made to the internal documents. After reviewing this list, the LIEC noted to have no objections against the adopted citations. Because of the confidentiality of the documents, I sought to keep the number of references to a minimum by referring to openly available documentation or interviews instead. The respective citations will be referred to in this thesis as ‘internal documentation’.

Finally, on seven occasions I received extra internal documentation from a respondent after an interview (in person directly after the interview or by e-mail). These documents include specific administrative cases relating to a particular chapter of an OMG (e.g. a plan of approach to the local government on how to deal with a clubhouse or an event), minutes of meetings with OMGs, general information about how the different local partners gave meaning to the multi-agency approach (e.g. about the sharing of information/intelligence), and general memos about the OMG phenomenon as a whole. Except for one case (an event organized by the Hells Angels MC in 1998, described in paragraph 5.5), this documentation was used solely as background information and is not in any way incorporated in the descriptions of this thesis. This has all to do with the fact that this shared documentation involved confidential information about recent (administrative) cases. The information in these documents of course helped to further shape my thoughts on the topic and raised relevant questions during interviews, which is the topic of the next subparagraph.

### *Interviews*

Besides collecting various sorts of (policy) documents, I also interviewed people who were, apart from some exceptions, either involved in developing the national approach as officially launched by the Minister of Security and Justice in 2012 or in implementing this approach in practice. Although this does not necessarily involve two different groups of respondents (i.e. a police officer involved in shaping the outline of the approach could simultaneously be involved in implementing the approach), the interviews can generally be grouped by these two topics. The first interviews were mostly aimed at reconstructing the circumstances and reasons for launching a national and coordinated policy to fight OMGs to begin with, while I was later more interested in interviewing various state agencies (most notably, mayors, civil servants, RIECs, police officers, and public prosecutors) involved in the approach or the ‘raising of barriers’.

The internal documentation provided by the LIEC greatly assisted in finding and contacting relevant respondents. It provided an important starting point to contact the people who first raised concerns about the problem of OMGs on a national level and subsequently set the framework of the approach itself. These respondents, in turn, also helped with contacting other relevant respondents, also known as snowball sampling

(Mortelmans, 2010: 104). One respondent, for instance, provided a list of people (including contact information) who were part of a working group that discussed and shaped the policy plan to fight OMGs. Since these specific respondents have special knowledge about today's approach to OMGs, these interviews can also be described as 'expert interviews'. The LIEC facilitated the process of contacting relevant respondents in yet another important way. That is, a 'letter of support' was written and signed by the LIEC in which it declared to support this study and invited respondents to contribute accordingly. This letter was called a 'letter of support' because it also described that the respective respondent or agency was always free to decide whether or not to cooperate with this research. When an agency or person was requested to plan an interview, I always enclosed this letter of support, which also turned out to be a useful way to inform the respondent about the goal and background of this study.

The internal documentation furthermore provided ample starting points to interview people about the national approach in practice. Special attention here goes to the mayor involved in e.g. closing clubhouses, averting OMG-related events, and in changing local regulations. I particularly used the minutes of meetings with mayors to select both 'conforming' or 'normal' and 'deviating' or 'abnormal' cases, also known as purposive sampling (Mortelmans, 2010: 104, 106). That is, the minutes of these meetings gave a first impression about the municipalities and local governments that took measures in response to OMGs, as well as the local governments that decided to *not* take administrative measures against e.g. a clubhouse (yet). I intended to interview civil servants and/or mayors from both 'camps' in order to better reflect how various local governments gave meaning to the fight against OMGs in practice, but also because sometimes more is to be learned from the atypical case than the typical case (Mortelmans, 2010: 106). To give a simple example, the way in which other mayors, police officers, or public prosecutors approve or disapprove of the decision by a mayor to *not* take immediate action against an OMG provides insight into how the mayor is generally expected (or not) to deal with OMGs. This process, in consequence, also involved conducting interviews in all parts of the Netherlands, from the province of Groningen to the southern parts of Limburg. Since the approach taken towards OMGs is in constant motion, opportunities for interesting interviews also arose as time passed. On several occasions, I was informed about interesting cases (often related to a mayor or police officer who decided to (not) take measures against an OMG) through the media or openly available documents, which in turn urged me to request the agency or person in question for an interview about this specific case. This way of opportunistic or pragmatic sampling was alternated with snowball sampling as mayors and other respondents again brought me in contact with other relevant respondents. Overall, whereas the documentation retrieved about the Hells Angel MC in Amsterdam thus mostly related to the approach before 2012, the interviews were typically used to learn more about how *other* local governments tackled *other* outlaw motorcycle gangs *after* 2012.

Most interviews were designed around a semi-structured topic list. This means that I departed from a particular set of topics that I wanted to discuss, but that at the same time I remained open for other topics raised by the respondent (Beyens & Tournel, 2010: 207). The general topics on this topic list largely followed up on the various focal points of the approach as worded in both internal and openly available documentation, and was adjusted along with my knowledge on the topic in general (a general list of these topics can be found in Appendix B). The focus of the topics and questions raised were also coloured by the ‘theoretical lens’ (see paragraph 1.5) from which I started this study, meaning that particular interest went out to learning more about e.g. the underlying reasons for mayors and other state officials to prevent or hinder the establishment of OMGs in clubhouses. Note, however, that the questions to be raised were always adapted to the specific respondent prior to the interview. When an interview was planned in direct response to a recent issue or case, the questions were in turn moulded around the specific circumstances of the case under discussion. To give one example, I also had an interview with a mayor where we primarily discussed how this mayor coped with an event recently organized by an OMG. Furthermore, the topic list was also adapted to the region where the respondent was working. Since many of the major OMG-related incidents took place in the southern parts of the Netherlands, it is possible to prepare different topics and questions when you interview a police officer in this region compared to when you interview a police officer in other parts of the Netherlands. Doing interviews finally turned out to be a cyclical process (Mortelmans, 2010: 107), meaning that questions were emphasized in subsequent interviews relating either to topics that were not discussed at length during previous interviews or to other and ‘new’ topics that came up after transcribing interviews and/or other theoretical insights. The consequence of this is that not all interviews followed the same structure or topic list, which in turn makes the interviews somewhat difficult to compare. However, it was also not my goal to speak to as many people as possible about one and the same strategy. Through this dynamic process, I instead aimed to come to a better and more comprehensive understanding of the approach taken towards OMGs in all its different aspects.

Respondents were contacted by an e-mail in which I – supported by the letter of support of the LIEC – explained the reason for this study as well as the specific reason(s) for contacting this person in particular. Before every interview, respondents were again informed in person about the goal of the interview, the type of interview questions to be raised, the expected length of the interview, and the aim of the study at large (informed consent). I explained how I intended to use the information retrieved through the interviews and that the descriptions of the interviews will only be shared – when requested – with the two supervisors of this study. At the same time, respondents were informed that the collected information were to be used to report on the approach to OMGs in an openly available doctoral thesis. Although some respondents declared to have no objections to also including the name of the respondent in this book, it was decided to nonetheless

process every interview in the same anonymous manner. This means that it was assured that any citations or descriptions of an interview will not be traceable to the name of the respondent, and that only reference will be made to the occupation of the respondent (e.g. 'mayor', 'police officer', or 'analyst RIEC'). A possible addition might be the general name of the department or unit the interviewee worked for (e.g. 'department of public order and security' or 'OMG-infocel'). This meant that it was often not possible to describe the examples provided by a mayor during an interview, as these examples could simply be coupled to the municipality and thus the mayor in question. It is also for this reason why I sometimes refrain from giving the name of the OMG when describing a particular case or situation. Since not all Dutch OMGs consist(ed) of many groups or chapters and members, referring to the name of a relatively small OMG in combination with a respondent would still hold the risk of traceability. Finally, to be able to write a transcript of the interview more easily, permission was asked to record the interview on a voice recorder.

In total, 56 interviews were conducted with people working for RIECs, the Dutch National Police, the Public Prosecution Service, the Ministry of Justice and Security, and various municipalities. The interviews were held in 2015 (11 interviews), 2016 (40 interviews), and 2017 (5 interviews). During 17 interviews, two respondents were interviewed at the same time, which was often due to the decision of a mayor to also bring a civil servant (e.g. of the department of public order and security) to the interview. Although this did not affect the focus of my questions (meaning that I nonetheless directed my questions to the mayor), it did happen that civil servants sometimes (partly) answered my questions. This is because a civil servant working for the municipal department for public order and security is sometimes more aware of recent crime-related developments than the mayor, who is forced to divert his or her attention to other issues as well. Important for me to realize was that these civil servants only spoke for themselves, and thus did not necessarily voice the thoughts of the mayor. Only three interviews were not recorded with a voice recorder; one respondent declined the request to record the interview, one interview took place by telephone, and during one interview (which was the second time I interviewed this respondent) I decided not to use my voice recorder because I did not want to interrupt the story line of the respondent. Of the 53 recorded interviews, 49 interviews were transcribed and three were summarized. In five cases, the respondent requested to receive the transcript of the interview, which in one case resulted in the respondent making some additional remarks to the transcript. Besides the interviews, I also conducted four informal meetings with people from different organizations to generally discuss the topic of this research. These 'exploratory meetings' were not recorded and only served to give further direction to this study. Overall, the total number of respondents in this study amounts to 76 respondents (see Appendix C for an overview of all the conversations and interviews).

To generally reflect on the interviews, it was sometimes obvious that the topic of this study concerns a sensitive topic, as respondents occasionally remained somewhat reticent

to discuss cases in depth. One respondent even questioned whether it was possible to keep the interview data secret in case third parties would be interested in gaining insight into this data. To deal with this, I always explained that I was not interested in details of cases, such as the names of OMG members, and that I will also not reflect on cases related to specific OMGs in this thesis (unless it concerns openly available cases). The decision to write about specific cases and OMGs as little as possible was also fuelled by my desire to not be dragged into any possible criminal, administrative, or civil cases related to the OMG in question. All in all, I was interested in discussing specific cases in order to understand, describe, and reflect on the approach to OMGs in *general*. It is clear to notice that mayors were least afraid of being specific about certain cases and were also relatively open to explaining how they coped with the problem of outlaw motorcycle gangs. This also resulted in some mayors sharing extra internal and sensitive documentation after the interview, which information was, as explained above, not used in the descriptions of this thesis. Despite being a sensitive topic, it is noteworthy that the various partners were in most cases willing to schedule an interview. There were only two cases in which I did not receive a response to an interview request (both concerning a request to interview a mayor). The 'letter of support' written by the LIEC undoubtedly played a crucial role in this, as it helped to build a 'climate of trust' with the (future) respondent.

Because this is such a 'hot' topic and therefore in constant motion, it was tempting to continuously plan new interviews and collect new local and national policy documentation. At one point in time, however, I was confident that adding new interviews and cases would not add much to my general and more abstract understanding of the approach. Although there are numerous interesting and different examples of e.g. mayors trying to hinder an OMG from settling in a municipality, there is no need to research all these different cases in depth to be able to *understand* why mayors aim to hinder OMGs. In the same way, there is no need to keep track of all various criminal, administrative, and civil cases to be able to *understand* how and why the Public Prosecution Service attempts to fight OMGs. Again, it was my goal to understand, explain and describe the approach towards OMGs, and not to document each and every step taken by the Dutch government. At one point in time, in other words, I reached the point of saturation, meaning that any further data collection was unnecessary to fulfil the particular aim of this research (Mortelmans, 2010: 210).

#### *Court cases*

Court cases proved to be an interesting source for specific and insightful examples of the crimes committed by OMG members and of how today's approach to OMGs took shape in practice. Here you can think, to begin with, of the numerous criminal and civil cases that took place in recent years. These cases give insight into the (criminal) practices of some of the OMGs while simultaneously revealing how the Public Prosecution Service

attempts to fight these clubs. Moreover, administrative cases helped to gain insight and reconstruct how local governments put the approach towards OMGs into practice. For instance, cases in which an OMG requested a court proceeding against the decision of a mayor to cancel an event or close a clubhouse often hold interesting insights about how and why measures are taken against an event or clubhouse to begin with. For the same reasons, I also gathered court cases (ruled by the ‘Centrale Raad van Beroep’) relating to the dismissal of OMG members from particular occupations. As will become clear in this thesis, this forms one of the focal points of today’s approach to outlaw motorcycle gangs. The online database for these cases ([www.rechtspraak.nl](http://www.rechtspraak.nl)) was again searched in a more pragmatic and opportunistic way, meaning that I mostly learned about specific cases through (local) policy documentation, the media, or interviews, and then subsequently searched for these cases in the latter database (e.g. by using the name of the OMG in question). The downside of this opportunistic way of sampling is that interesting cases were possibly missed only because they were not discussed by my respondents, in the media, or in other sources of data. I will reflect on this limitation in paragraph 1.8. Finally, I physically attended (on 3 and 6 October 2017) the court hearing of a civil case, during which I made field notes.

### *Media*

Throughout this thesis, media reports (most notably newspaper articles, documentaries and talk shows) are used to give specific examples relating either to OMG-related incidents or to the practices of law enforcement agencies. The website [www.delpher.nl](http://www.delpher.nl) was especially used to systematically search for Dutch newspaper articles about the Hells Angels MC published in the 1970s, 1980s, and the 1990s. Indeed, this website offers a unique and large collection of digitized newspapers, magazines and books published between the fifteenth century and the year 1999. The articles found via this search engine were used as background information and, in some occasions, to provide context and examples. Mostly information was used from articles about the Hells Angels MC in Amsterdam in the seventies and eighties as an addition to the data retrieved from the city archive. The website was searched (starting from 1 January 1960) with the following search terms: ‘hells angels’ and ‘hells’ angels’ (both 624 results), ‘kredler ploeg oost’ (27 results), ‘knokploeg oost’ (100 results), and ‘hells angels AND clubhuis’ (62 results). After selecting the articles that were in fact about the Hells Angels MC in the Netherlands, 81 articles were documented for further reading. Occasionally, I also use more recent media sources by referring to specific cases and by quoting the words of e.g. a police officer or a mayor. I do this because protecting anonymity often withheld me from describing the specific examples sketched by my respondents. However, apart from the search engine Delpher, I did not systematically

search and use the media as a source of data. After all, the aim of this thesis is not to study how the media ‘constructed’ the problem of outlaw motorcycle gangs.

#### 1.7.5 *Discussing analysis*

This thesis is, as is the case with most doctoral theses or research in general, the product of continuous periods of reading, searching, exploring, adjusting, writing and rewriting. Since this research attempts to analyse and understand the approach to OMGs over time, the decision was made to likewise order the various empirical chapters (chapters four, five, six and seven) by time. In this paragraph, I will explain how this decision influenced the set-up of this book and my data analysis.

To start with the former, the choice was made to first investigate in chapter two the role of prevention or pre-crime in the Netherlands *apart* from the approach to outlaw motorcycle gangs. By discussing Dutch crime policies, concepts, theories, and by providing multiple examples, I will reveal if and in what way the Dutch government adopted a pre-crime rationale to cope with (organized) crime. The choice to do so by likewise describing how Dutch crime policies changed over the years was grounded by the belief that such a historical overview is helpful to better understand how the approach to OMGs changed over time as well. Put differently, to investigate and understand how the Dutch government coped with OMGs over the years, it is insightful to first investigate the more general shifts in Dutch crime policies. It is important to stress that chapter two hence must not be understood as a theoretical chapter. Although theories will be discussed (in particular the theoretical insights that sparked the perspective of situational crime prevention), this is only because these theories had a direct influence on the crime policy white papers. Indeed, we will learn that the Dutch government has been greatly influenced by criminological insights on offending and crime prevention when drafting national crime policies, which policies in turn also influenced how law enforcement agencies shaped the approach to OMGs.

After this first step, it was decided to give an introduction on the phenomenon of outlaw motorcycle gangs in chapter three. By tracing the history of outlaw motorcycle gangs in the United States of America, the goal is to provide the reader with some general background knowledge on the phenomenon. This is important because clubs like the Hells Angels MC have been present in the United States years before the 1970s. Also, the term ‘outlaw motorcycle gang’ is, as we will learn, a label that was adopted by law enforcement agencies in the U.S. to categorize and describe various clubs under one banner, which also ran parallel with a fiercer approach by U.S. state agencies. This historical description is particularly important because the origins of the term ‘outlaw motorcycle gang’ itself can be coupled to meanings and specific events in the 1940s, 1950s and 1960s that continue

to influence the portrayal and approach towards OMGs in the Netherlands in present day. Hence, to fully understand, explain and describe the present approach used to combat outlaw motorcycle gangs, one must first understand where the phenomenon of outlaw motorcycle gang has its origins. This chapter at the same time serves as a steppingstone for the first empirical chapter on the Dutch approach to OMGs. That is, whereas the description in chapter three stops at the 1970s, chapter four starts with the emergence of the Hells Angels MC in the 1970s in the Netherlands and continues to reveal the rationale for facilitating this club with a clubhouse. The empirical chapters five, six and seven subsequently describe how the approach to dealing with OMGs developed further over time, while chapter seven discusses the present Dutch approach to OMGs.

The setup of this book also had an important bearing on the way in which the empirical material was analysed. Focusing on the changing view and approach to the government first enabled me to select, manage and analyse the collected data corresponding to specific time periods. For instance, for the first empirical chapter I was only interested in reconstructing the circumstances and reasons that led the local government of Amsterdam in the 1970s to facilitate the Hells Angels MC with a clubhouse. In the subsequent chapter, I again analysed and described my data by simply sorting the circumstances that caused the Dutch government to slowly change its view and approach *after* the 1970s. Besides time, the descriptions and themes discussed in this book are also ordered by the choices and strategies as raised by the Dutch government. This is due to the fact that I am, again, interested in learning about how the government is fighting OMGs, which in consequence demands a focus on the focal points *as raised* by the government. This especially goes for the chapter about the present approach to OMGs as I particularly investigated why and how the various law enforcement agencies gave meaning to the focal points as set at the start of 2012, which can also be noticed in the general topic list adopted in Appendix B. To take two examples, in 2012 the Dutch Minister of Security and Justice stressed the importance of focusing on OMG-related events and clubhouses, which focal points, in turn, also steered my own analysis and descriptions in this thesis. By searching in a directed and deductive way through the collected documents and interviews (by simply using search terms such as 'evenement', 'feest' and 'clubhuis') for insights related to these and other focal points, I managed to systematically select and analyse the fragments of data that gave insight into each of the various focal points. By means of data triangulation, I subsequently sought to build a comprehensive understanding of what the approach actually involves for each of the various focal points. For instance, policy documents were used to describe the reasons for focusing on OMG-related events, whereas interviewees were quoted to give insight into how and why various partners gave meaning to this priority in practice. Administrative court cases, then, served as specific examples related to this specific focal point. Although this does not mean that I completely shut my eyes to interesting topics, themes, or strategies that were not described in official policy papers, it is clear that the

policy plan(s) to fight OMGs thus formed an important framework that steered and determined the setup of this book. This must, again, not come as a surprise as it was precisely my aim to describe and understand the changes the Dutch approach towards OMGs has made, which inherently involves zooming in on how this approach actually took and takes shape both on paper and in practice.

It is worthwhile to acknowledge beforehand that the empirical chapters of this thesis are mostly descriptive. To answer the research question and to see to what extent the change of approach to OMGs can be explained by the shift towards a pre-crime society, it is indeed necessary, in my view, to first provide rich descriptions of what exactly happened (in relation to e.g. OMG-related incidents or efforts by the police) during a particular time period. In other words, it is easiest to *understand* and *explain* the signalled 180-degree turn in approach *after* describing the 'route' from the 1970s to present times. I distinguish four reasons for this. First, by breaking apart the approach to OMGs in consecutive time periods it becomes possible to capture the time-specific context and circumstances that in turn fuelled the different decisions and rationales of law enforcement agencies. For instance, as the reader will learn, the (criminal) activities of the Hells Angels MC in the 1970s were different from today, which also (partly) explains why the Dutch approach changed over time. Secondly, a historical description also enables one to pinpoint more precisely if, when, and how the general changes of Dutch (preventive) crime policies (as described in chapter two) influenced the approach to OMGs. Thirdly, the national policy against OMGs that was launched at the start of 2012 was also shaped by the experiences with (the approach to) OMGs in the years *before* 2012, which again calls for a description and understanding of what happened during these earlier time periods. Fourthly, I simply favoured descriptive chapters as the most suitable way to do justice to the large and rich empirical data that was collected.

As said, in this thesis 'understanding' and 'explaining' comes *after* 'describing'. So, the descriptions in the four empirical chapters will be brought to a higher analytical level in the final chapter of this thesis, chapter eight (Raising moral barriers). To be more precise, after summarizing how the Dutch approach to outlaw motorcycle gangs has changed over the years, I will reflect on the theoretical insights that helped me to build, as described above, 'a first and general idea' on how the 180-degree turn can be explained. This is also done by bringing in and introducing insights from different strands of literature. Although some readers might find it incorrect to add new literature in a conclusive chapter, this setup does reflect my own thinking process in the most integral way. That is, this introduction revealed the ideas, questions, and literature that steered the start of this research, whereas the final chapter will reveal how these ideas changed during and after the research.

## 1.8 SOME EARLY REFLECTIONS AND LIMITATIONS

After having discussed the various sources of data and methods used in this research, I will now shortly reflect on some of the limitations and choices I made during this research. This is done by elaborating on (1) the problems of studying a ‘hot’ topic and (2) the data and analysis used in this study.

### 1.8.1 *The downside of a hot topic*

It is easy to agree that the topic of outlaw motorcycle gangs is currently a ‘hot’ topic in the Netherlands. This is reflected by the priority of law enforcement agencies to fight OMGs, the many policy documents published on this issue by the national government, the ample attention paid to OMGs by the media, and also by the increased interest of researchers to study this topic. This book, in turn, certainly also stems from the swelling attention to the approach used to deal with outlaw motorcycle gangs. It is of course interesting and exciting to study a topic that deserves this much attention. A lively topic like this, however, also has some downsides worthy of consideration.

When it concerns today’s approach to outlaw motorcycle gangs, the topic revealed – as already noted above – that it is in a constant state of motion. Hence, whereas I often refer to ‘the’ national approach as launched at the start of 2012, it is important to realize that this approach did not involve a clear-cut policy that was set in stone. In fact, apart from the general idea that crime control policies are inherently unstable and dynamic (Valverde, 2010), it sometimes seemed as if the approach towards outlaw motorcycle gangs changed and developed on a monthly or even on a weekly basis. During some periods of time, OMG-related incidents followed up on each other rather quickly, which often also resulted in a new bulk of interesting information related to the approach towards OMGs. Incidents (e.g. shootings, violence, and public disorder) were often quickly met with new priorities and measures taken by the mayor, the police, and the Public Prosecution Service, and often also stirred up a political debate on the level of the national government. Although these events of course also open up the opportunity to collect new and interesting data, it sometimes turned out to be difficult and demanding to continuously keep track of these developments. Occasionally, it also made it difficult to focus on one particular issue, as new interesting issues were already right around the corner. It is also for this reason why I was sometimes outpaced and overtaken by new developments in the final stages of this research.

More importantly, though, is that OMG-related incidents and other developments most likely also influenced the standpoint of my interviewees vis-à-vis (the approach to) outlaw motorcycle gangs. To give a simple and hypothetical example, it is well possible

that the mayor of municipality X, who recently explained to me in an interview that he saw no reason to take on a fierce approach towards OMG X, changed its standpoint only a few weeks later because of a violent incident related to OMG X or Y in a neighbouring municipality. In other words, if I would again interview the same mayors I interviewed a few years ago, it is well possible to receive different answers to the same questions. Furthermore, where I interviewed various police officers about the current state of knowledge on outlaw motorcycle gangs, it is clear that this state of knowledge was again better and more comprehensive a few weeks or months after the interview (e.g. due to police investigations). Because of these insights, and possibly also in the face of experiences and effects of the approach itself, adjustments were most certainly also made to the strategies and priorities to fight specific OMGs *after* I stopped collecting data. In this context, the LIEC (2018a: 3) also noted that the ‘OMG landscape’ itself is changing as new clubs arrived that similarly embraced the outlook and organizational structure common to ‘older’ OMGs.

Although the latter insights do seem problematic at first, it is reassuring to realize that this research literally departed from the fact that the approach to OMGs made a 180-degree turn. In other words, the direct object of this research is precisely to study how various law enforcement agencies over the years changed their view and approach towards OMGs. Just as it is expected that the mayor of Amsterdam in the 1970s had a different understanding of the Hells Angels MC than the current mayor, it is not strange that today’s law enforcement agencies also have a different understanding of the phenomenon compared to in the year 2015. While it is for future research(ers) to capture these latest developments, this problem is also partly obviated by the fact that this book is about how the approach has changed over a longer period of time, which inherently demands for a focus on the more general changes and developments. Whereas I am of course not the only researcher who is facing the issue of an ever-changing research field, and although this does not make the collected data useless, it *is* important for the reader to realize that the interviews, as well as the (policy) documents collected, are bound to a particular period in time. The issues discussed during the interviews, in other words, departed from a context and status quo that is different from the situation at the present moment.

### 1.8.2 *Reflecting on the data and analysis*

Qualitative research usually does not score well when it comes down to the generalizability or external validity of the research. Compared to most quantitative studies, the number of respondents, or the ‘sample’, is usually too low to make any propositions about the sample population at large, and respondents are often also not randomly selected (Maesschalck, 2010: 130). The same goes for this research as the number of interviewees was limited and were mostly contacted through snowball and opportunistic sampling.

Since I nonetheless write about researching *the* approach to outlaw motorcycle gangs in the Netherlands, the question arises whether it is possible to draw any conclusions about *the* approach to begin with. Critical questions can indeed be raised about the data used in this study.

As is clear by now, to begin with, most data was collected about the approach in the 1970s and about the approach from the turn of the millennium onwards, whereas most interviews were conducted about today's approach towards OMGs. As a consequence, this thesis to some extent lacks rich descriptions about how the Dutch government coped with OMGs in the 1980s and the early 1990s. Furthermore, until 2012, the descriptions in this book are mostly centred on the (local) approach to the Hells Angels MC in the city of Amsterdam. Although this is mainly due to the simple fact that this was the most important and problematic chapter of the Hells Angels MC in the Netherlands – which also meant that the Dutch government was almost primarily concerned with this particular club – it is true that other clubs already existed well before 2012. Satudarah MC, for instance, was established in 1990 in Moordrecht while the Rogues MC was already established in 1979 (Landelijke Eenheid, 2014: 23). Hence, to say something about *the* approach to OMGs, it would have been interesting and insightful to also investigate how local governments dealt with the presence of these other clubs during earlier times. Furthermore, as noted above, both the sampling strategy and the number of interviews make it hard to draw general conclusions about how *the* Dutch government is tackling OMGs in the Netherlands. For instance, it is obviously not possible to generalize the voices of 19 mayors to all the mayors in the Netherlands. Because of the fact that OMG-related incidents sometimes rapidly followed up on each other, surely also numerous interesting interviewees and cases or situations were missed in this study. The critical reader might also question the internal documentation, as it was the LIEC that selected the documents for sharing. Despite these limitations, however, I am convinced that I still succeeded in describing, understanding and explaining the signalled 180-degree turn in approach, as well as in untangling the meaning of the barriers raised against OMGs.

To start with the last remark, I am convinced that the LIEC shared with me some very valuable documents providing me with a unique insight into the motivations underlying the approach to OMGs. Furthermore, as is the case in most qualitative studies (Mortelmans, 2010: 110), the aim and research question of this study does not necessarily demand a large(r) and more generalizable number of respondents. To understand the reasons for launching the national approach in 2012, to take one example, it ended up being more important to plan 'expert interviews' with the people who were actually involved in building this policy than to talk with a general and large group of e.g. police officers or RIEC analysts. Particularly with the help of the internal documentations provided by the LIEC, it was possible to interview some of the people who literally sat around the table to brainstorm on how to approach the problem at hand. Furthermore, to understand how various agencies

gave meaning to the strategies used to fight OMGs, it is not logical to randomly select police regions, municipalities, organizations, and respondents. After all, the OMGs are not evenly distributed over the municipalities, and not every local government, police district, or RIEC is faced with the same OMG-related problems. Although it would be relevant to also interview a mayor who has only a little experience with OMGs, one will certainly learn less about the approach from this mayor than from a mayor who has years of experience in fighting OMGs. By means of purposive sampling, I therefore *looked* for interesting, important, and rich cases and respondents that could directly provide insight into how today's approach takes place in practice. To build a more comprehensive understanding, I looked for both typical and atypical cases, meaning that I was also interested in learning why e.g. some mayors decide(d) *not* to follow up on the priorities set by the Minister of Security and Justice. Although the subsequent selection of cases/respondents might thus not be generalizable to other parts of the Netherlands, they *can* be taken as telling or symbolic for how OMGs are fought in the Netherlands generally. Particularly in combination with the interviews, also the various other sources of (confidential) data described above (data triangulation) enabled me to gain a comprehensive and inside understanding of the barriers raised against OMGs.

While this might all be true, the strategy used to analyse the data at the same time came along with the risk of becoming less responsive for other interesting insights. As explained above, I was mostly interested in understanding and describing the priorities and strategies as raised by the government, which in turn also partly steered the way in which I analysed my data. It is possible that this rather deductive way of analysing the data resulted in missing interesting and relevant themes or insights that would have been noticed during a more inductive analysis. In other words, the data was very much analysed in light of the approach to OMGs, while the data undoubtedly also holds other interesting insights e.g. about the experiences of the various state agencies about the 'multi-agency' cooperation itself, or about the role and influence of mayors in fighting crime.

## 1.9 OVERVIEW OF THE BOOK

Although the setup of this book was already discussed in paragraph 1.7.5, I will end this chapter by providing once more a simple overview of the book by shortly introducing the topic and content of each chapter. In the following chapter (chapter two: Raising barriers to crime), I will describe important changes in Dutch crime policies since the 1970s, with a special focus on the role of prevention. In chapter three (The history of the outlaw motorcycle gang), I will further introduce the direct object of this thesis. By tracing back the history of outlaw motorcycle gangs in the United States of America, the aim is to provide the reader with some general background knowledge on the phenomenon, which

will in turn also help the reader better understand the approach to OMGs in the Netherlands. This chapter also forms a steppingstone for the first empirical chapter of this thesis (chapter four: Facilitating the Hells Angels MC). Whereas the description in chapter three roughly stops with the seventies, chapter four will describe how the Hells Angels MC made its first appearance in the Netherlands to subsequently reconstruct how the Dutch government and the local government of Amsterdam in particular coped with (the problems caused by) the Hells Angels MC. Leaving the seventies behind, chapter five (Towards a national priority on outlaw motorcycle gangs) discusses the circumstances and OMG-related incidents in the 1990s and 2000s that played a pivotal role in fuelling a different and more stringent approach to the Hells Angels MC. This chapter will also mark the circumstances that made the Dutch government widen its attention from the Hells Angels MC to outlaw motorcycle gangs generally near the end of the 2000s. Chapter six (The problem of outlaw motorcycle gangs) forms a break in the chronological structure of this thesis in the sense that this chapter will deconstruct the problem of outlaw motorcycle gangs as voiced by my respondents and in (policy) documents. During the writing process, I noticed that this chapter forms a necessary link to fully grasp today's approach to outlaw motorcycle gangs, the topic of the final and most extensive empirical chapter of this thesis (chapter seven: Raising barriers to outlaw motorcycle gangs). Chapter eight (Raising moral barriers), then, will summarize the most important findings of this research. Besides this, I will also use this chapter to reflect on the (change of) the approach to outlaw motorcycle gangs in light of the theoretical lens from which I started this research.



## 2 RAISING BARRIERS TO CRIME

### 2.1 INTRODUCTION

In the introduction of this thesis, I raised a variety of general questions regarding the 180-degree turn in the approach to outlaw motorcycle gangs in the Netherlands. To untangle this shift in approach and understand today's fight of OMGs, I hypothesized that OMGs are currently treated as a 'risk factor to be prevented' which, in turn, can be explained by the idea that today's society turned into a pre-crime society. The word 'barrier' offers a first and interesting lead for this explanation. Indeed, following the online Cambridge dictionary, a 'barrier' can refer to 'a long pole, fence, wall, or natural feature, such as a mountain or sea, that stops people from going somewhere' or 'anything used or acting to block someone from going somewhere or from doing something, or to block something from happening'.<sup>1</sup> Following the latter definition, one could argue that law enforcement agencies in the Netherlands indeed 'act to block OMGs from going somewhere or from doing something'. It is, however, of even greater importance to recognize that it is no coincidence that the Dutch government specifically used the word 'barrier' in relation to OMGs to begin with (instead of e.g. 'blocking' or 'stopping').

As I will show in this chapter, the word 'barrier' expresses and fits within a wider practice by which state and non-state agencies try to 'raise barriers' (in Dutch: 'barrières opwerpen') to various forms of (organized) crime. In relation to bankruptcy fraud, for instance, the Dutch Public Prosecution Service stressed that enforcing the criminal law will not solve the problem: 'also bumps or *barriers* need to be raised to prevent and make bankruptcy fraud more difficult' (Openbaar Ministerie, 2018, emphasis added). Furthermore, in the national plan of approach to fight child sex tourism, the Minister of Security and Justice together with Dutch law enforcement agencies stressed the importance of preventive measures: 'this line of action first of all focuses on creating as many *barriers* as possible that prevent that Dutch citizens sexually abuse children abroad' (Ministerie van Veiligheid en Justitie, Politie, OM, KMar, 2016: 6, emphasis added). As shortly exemplified by the latter two examples, the use of the word 'barrier' signifies that law enforcement agencies in the Netherlands are increasingly concerned with the prevention of crime rather than with reacting to past crimes. Indeed, based on an extensive analysis of the role of prevention in the Netherlands, Peeters concluded that 'the Dutch government has slowly developed an extensive preventative repertoire to tackle problems of crime, security, and public order' (Peeters, 2015: 176; see also Peeters, 2013). All in all, the concept

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<sup>1</sup> [www.dictionary.cambridge.org](http://www.dictionary.cambridge.org) (last visited 23 July 2018).

'barrier' and the 'raising of barriers' in general terms indeed seems to resemble the signalled shift towards a pre-crime society in the Netherlands. Hence, to understand the barriers raised against OMGs, it is essential to first understand the (theoretical) background of the concept 'barrier' as it occurred in Dutch crime policies. While tracing back the roots of today's barriers, this chapter thus forms the backdrop against which the (shift of the) approach to OMGs can be understood.

This chapter starts by describing how the Dutch government in the 1980s started to recognize the importance of prevention in relation to petty crime (paragraph 2.2). After tracing the theoretical background of this development (paragraph 2.3 and paragraph 2.4), I will continue by providing the context in which the government equally adopted a preventive focus in relation to the more serious and organized crimes (paragraph 2.5). Paragraph 2.6, then, will describe how the Dutch police incorporated the afore described developments into the concept of 'Tegenhouden', which in turn serves as a steppingstone for the introduction of the so-called 'program-based approach' and the 'raising of barriers' in the second part of the 2000s (paragraph 2.7). Finally, paragraph 2.8 will serve as a reflection on the relation between 'pre-crime' and 'raising barriers'.

## 2.2 THE BIRTH OF PREVENTION IN THE NETHERLANDS

When writing about the changing focus of crime policies in the Netherlands, the white paper *Society and Crime* or 'Samenleving en Criminaliteit' (1985) marks a document not to be missed.<sup>2</sup> In this policy document, the government sought for new ways to cope with increasing crime rates (in particular petty crimes such as vandalism, theft, and traffic violations), the decreasing trust of civilians in the government, and a decrease of social control (Commissie Kleine Criminaliteit, 1984: 28-31; Downes & Van Swaaningen, 2007: 51).<sup>3</sup> Van de Bunt (2004: 680) noted that this document was the first in which Dutch politicians for the first time 'concerned themselves in-depth with the future direction of crime control'. Peeters (2013: 123) even signified this white paper as 'the birth of what was to become structural attention in Dutch politics for crime prevention'. All in all, the period

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2 The content and directives described in *Society and Crime* (1985) were fuelled by the interim report of the Roethof Committee (1984), also known as the Petty Crime Committee. This committee was established in 1983 by the Dutch government in response to increasing concerns (among civilians and politicians) about petty crime rates in the Netherlands. The main task of this committee was to advise the national government about the possibilities for a better approach to petty crime. For a more comprehensive description and analysis of the report of the Roethof Committee, I recommend the thesis written by Verbruggen (1991).

3 The authors of *Society and Crime* named several reasons for the increasing crime rates. Among other things, it named increasing welfare (but increasing unemployment among youngsters); society becoming more individualistic and detached from the normative bonds formally present in the church, family-life, and within leisure associations; people using more drugs and alcohol; and people generally feeling less attached to obey to the rules and regulations set by the government (TK 1984-1985, 18 995/2: 22-23).

following the year 1985 introduced, to use the words of Garland (2001: 103), ‘new criminologies, new philosophies of punishment, new penological aims, and objectives’.

Pivotal in the latter white paper was, to begin with, that the Dutch government recognized the limitations of the criminal justice system to fight petty crime. For too long, crime policies have focused on what Zedner (2007: 262) called the post-crime orientation of responding to wrongs done:

‘The cabinet is under the impression that in the past, the government has had a one-sided focus on fighting crime by focusing on the group of law-breakers. The consequence of this one-sidedness is that crime politics almost completely came down to criminal proceedings [...] the activities were aimed at arresting and prosecuting as much offenders as possible’ (TK 1984-1985, 18 995/2: 36).

To counter the rise of petty crimes more effectively the national government reasoned that a quantitative expansion of the police and justice department alone would only have a limited effect. The Dutch government instead aimed to make other parties, or actually society-at-large, equally responsible for the prevention of crime. In fact, to fight and prevent petty crimes, the national government was ought to only have a marginal, facilitative and coordinating role (TK 1984-1985, 18 995/2: 36). Criminal punishment in other words must become the ‘ultimum remedium’ and was only rendered a suitable response in cases where it was already perfectly clear what happened (e.g. offenders caught in the act) (TK 1984-1985, 18 995/2: 42).<sup>4</sup>

With this white paper, the Dutch government also altered its look upon crime and criminals. That is, Hoogerwerf and Bruinsma concluded that Cabinet Den Uyl (which ruled in the period 1973-1977) departed from the assumption that every civilian is inherently good and that (disadvantaged) social circumstances can influence a person into making bad decisions (i.e. commit crimes). Under the lead of former Minister-President Lubbers (1982-1994), however, this slowly turned into the view that citizens are inherently bad and thus will commit a crime when the opportunity is given (Hoogerwerf & Bruinsma, 1988: 87). It is clear that the insights of the Roethof Committee had an important role in this turnover. The committee had little faith in dispositional theories to explain petty

4 Because of the expertise needed for the fight against what was called ‘severe criminality’, the government reasoned that these types of crimes remained an exclusive task for the police and justice department. Although the government did call for extra attention for the category of ‘organized crime’ (with a special focus on narcotics), the proposed strategies were rather ‘post-crime’-oriented (TK 1984-1985, 18 995/2: 9: 57). That is, it was proposed to increase the capacity of prisons and the police force, build a better intelligence position, and combine custodial punishments with fines. Organized crime in particular pressed a fierce response by the police and Public Prosecution Service because ‘the perpetrators often purposively reveal contempt towards our legal system which contributes to the blurring of moral standards’ (TK 1984-1985, 18 995/2: 9: 47).

crimes precisely because petty crime became such an everyday phenomenon. To put it differently, the committee could not explain for the steep increase of petty crimes by a dramatic change in the personality traits of citizens. The rise of petty crimes was rather taken as a result of equally rising (crime) opportunities; when people buy more cars, the committee reasoned, this simply will also create more opportunities to damage and steal cars (Commissie Kleine Criminaliteit, 1984: 23-26). Hence, car thefts were not rationalized through the actions of the 'sick' deviant, but through the opportunity presented to the 'normal' citizen passing by. Besides pointing to the accessibility of valuable goods, the committee also problematized the lack of control and surveillance in e.g. shopping malls and neighbourhoods. Vandalism, then, was seen as the result of the availability of 'destructible objects' and the absence of social control; or simply 'because the civilian passing by does not feel prompt to do something about it' (Commissie Kleine Criminaliteit, 1984: 27). All in all, the committee followed up on the premise that 'some forms of crime occur due to the simple fact that the opportunity is provided on a large scale. Not poverty or a personality deficit but the opportunity makes the thief' (Commissie Kleine Criminaliteit, 1984: 26).

While following up on this rationale, it is essential to recognize that the government in its endeavour to counter petty crime did not search for strategies that would focus on the underlying causes of crime (such as strategies to lower unemployment rates among youth). Instead, the white paper stressed that a sense-of-responsibility of all layers of society could and should activate the social control needed to prevent petty crimes. Indeed, 'the foremost goal should be the reintroduction or introduction of an adequate level of personal or function-bound monitoring on all those areas of society where most of the crimes are committed'. In this context, the government for instance suggested to construct and design neighbourhoods in such a way that it offers 'as little opportunity as possible to commit crimes' (TK 1984-1985, 18 995/2: 37). In addition, more surveillance in the public transport sector was ought to prevent vandalism and aggressive behaviour. To prevent bicycle theft, to give a final example, the national government favoured a closer cooperation between local governments and the Dutch Railway company to build guarded bicycle parking facilities (TK 1984-1985, 18 995/2: 60).

### 2.3 CHANGING CRIMINOLOGIES

The shift of attention towards the (criminal) 'opportunity' does not mark an isolated development. In fact, the principle that 'the opportunity makes the thief' traces back to a strand of criminological theories that arrived in the final quarter of the twentieth century. Whereas I used *Society and Crime* to introduce the interest of the Dutch government for prevention strategies, I will now zoom in further on the essence of the criminological

theories that influenced the Roethof Committee in the first place. This is essential because, as will become clear later in this chapter, the rationale underlying today's 'barriers' against organized crime rest upon on the same theoretical insights that instigated the preventive turn in the context of petty crime.

### 2.3.1 *Welfarist criminology*

In the post-war period, the government in Great Britain and the United States attached much importance to the rehabilitation of the offender. Garland argued that this period of 'penal welfarism' was built on the general belief that 'penal measures ought, where possible, to be rehabilitative interventions rather than negative, retributive punishments' (Garland, 2001: 34). This belief followed from the general premise that crime was not the result of some rational decision process of the offender, but rather – as similarly recognized under Cabinet Den Uyl – of a 'causality that was long-term, dispositional, and operated through the formation of personality traits and attitudes' (Garland, 2001: 42). Thus, a person e.g. might steal because of troubled social relationships, because he does not have a job, or because he suffers from some mental disorder. To make sure that the offender does not continue his or her 'drift' to steal, then, the ideal was to 'fix' or rehabilitate the offender. The underlying principle in other words dictated: 'unless sick people are treated, they will not be cured' (Cullen, 2013: 308). Hence, besides simply punishing the offender for his or her deeds, it was deemed important to research why a specific offender committed crime to subsequently offer an individualized treatment. For Cullen, the ideal of rehabilitating the offender generally comes from 'nobility' and 'rationality'. Nobility, because it expresses 'compassionate' feelings with curing the 'sick offender' through (psychological) treatment; and rationality, because of the trust in rational and scientific studies to untangle and cure the deficits of this offender (Cullen, 2013: 310). It was also for this reason why psychologists, social workers, and criminologists played an important advising role in drafting crime policies (Garland, 2001: 36).

It is interesting to see that the attention for the personal background and dispositions of the offender indeed also reflected through much of the criminological studies in that time-period. In general, these studies simply aimed to untangle why the one individual violates the law, while the other does not. In his differential association theory, to take one well-known example, Edwin Sutherland (1883-1950) argued that crime is the result of a learning process. Although the author moulded his thoughts over period of several years, the core of his theory reads that people associate with each other, and through these close contacts learn and incorporate the norms and values of the criminal other. The second proposition of his theory mentions that these processes are similar to the processes that lead to law-abiding behaviour. Thus, the criminal learns deviant norms and values by

associating with other criminals just like the law-abiding citizen learns confirming norms and values by associating with law-abiding citizens. In conclusion, one becomes an offender when he or she learns more ‘definitions’ that are in favour of violating the law than ‘definitions’ that are in favour of not violating the law (Bruinsma, 1985: 38-40).<sup>5</sup>

Garland summarized these and other theories under the banner of ‘criminologies of the welfare state’ or ‘welfarist criminology’. The offender’s motivation to commit crimes was sought in social, economic and/or psychological factors in order to also ‘provide clues to their aetiology and treatment’ (Garland, 2001: 42, 186-187). Welfarist criminology was thus generally concerned with questions of motivation. From the 1970s onwards, however, new criminological theories shifted the attention to ‘questions of control’. Instead of focusing on the underlying pathologies of the criminal, both practitioners and criminologists took more interest in how to prevent or control the criminal act. This shift in perspective was triggered by a crumbling away of the general faith in the rehabilitative ideal.

### 2.3.2 *Nothing works*

Indeed, criminological research that in the heydays of ‘penal welfarism’ focused on the causes of crime were increasingly looked upon with suspicion. Both practitioners and academics in Great Britain lost faith – not least because of increasing crime rates – in the ability of rehabilitation programs to effectively reduce recidivism, and it was no longer self-evident that the deviant could be turned into a law-abiding citizen (Garland, 2001: 61). Clarke certainly seems a bit disappointed when he concluded that

‘The dispositional bias remains and renders criminological theory unproductive in terms of the preventive measures it generates. People are led to propose methods of preventive intervention precisely where it is most difficult to achieve any effects, i.e. in relation to the psychological events or social and economic

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5 To give a second example, Robert Merton argued – instead of focusing on psychological processes – in favour of taking a more sociological stance towards crime (Merton, 1938). For this author, crime is the result of a mismatch between cultural goals and the individual means available (‘strain’). The foremost cultural goal Merton pointed to was the American Dream-like vision of wealth and money. In the United States money was, Merton argued, deemed the pivotal cultural goal of success; a goal that should be available to every citizen. However, not every citizen (the lower class in particular) is able to achieve this goal as there are not enough means to divide among the people. Although most people will conform or not commit any crimes to reach the goal of monetary gain, some people will take on other adaptive strategies instead. With one mode of adaption, which the author called ‘innovation’, one accepts the cultural goal of material and monetary gain, but reaches for illicit means to acquire them (Merton, 1938; Newburn, 2007: 174-179; Downes & Rock, 2003: 114-119). A simple example involves the citizen who wants to own a car (an asset envisioned as part of the ‘American Dream’), but does not have the money to buy one. Instead of putting his dream temporarily on hold, he or she ‘innovates’ and decides to steal the car he or she always wanted.

conditions that are supposed to generate criminal dispositions' (Clarke, 1980: 137).

Others were more straightforward by describing the various measures of the criminal justice system as 'failures' (Jeffery, 1977: 9, quoted in Ruimschotel, 1988: 71). Sociologist Robert Martinson in particular gave a strong impulse to this loss of faith in the rehabilitative ideal. After raising the question 'What works?', Martinson analysed 231 evaluation studies on the effectiveness of rehabilitative programs and concluded that rehabilitative effort's only have, apart from a few exceptions, a limited effect on offenders and recidivism (Martinson, 1974).<sup>6</sup> This conclusion led to the belief in policy and academic circles that 'nothing works' when it comes down to rehabilitating or correcting offenders.<sup>7</sup> Without fully losing interest in the offender, some criminologists in effect started to move away from the offender to subsequently adopt 'a new style of criminological thinking'. This new way of criminological thinking, which thus also influenced the Roethof Committee, involved the search for a more practical and direct approach to control criminal activities (Garland, 2001: 127-131).

### 2.3.3 *Criminologies of everyday life*

The pursuit for a different approach to crime was nicely voiced in the foreword of the Home Office Research Unit report 'Crime as Opportunity' published in 1976:

'This report attempts to show that a closer study of opportunity (in the physical sense) as one of the factors associated with offending might help to redress an imbalance in criminology brought about by concentration on the social and psychological characteristics of known offender' (Mayhew, Clarke, Sturman & Hough, 1976: iii).

To build their argument, the authors pointed to the dramatic drop of suicide rates in England and Wales from the 1960s onwards. It turned out that this decline was not the result of some new and very successful psychiatric treatment, but rather of the simple lack of opportunity. That is, due to the implementation of natural gas, which was free from toxic carbon monoxide, it simply became impossible to die from domestic gas at home (Mayhew et al., 1976: 4; Clarke & Mayhew, 1988). Inspired by this insight, the authors

6 While noting a decline of offenders serving time in mental institutions, Downes (2007: 105) concluded that there is 'little dispute' in recognizing a similar decline of the rehabilitative ideal in the Netherlands.

7 See Cullen (2013) for a comprehensive description of the period before and after the study by Robert Martinson, as well as the demise of the 'rehabilitative ideal' in general.

suggested to take more serious the various 'situational inducements', 'environmental factors', or 'opportunities' (as a direct determinant for unwanted behaviour and crime) as a starting point to make it more difficult, or even impossible, to (physically) commit a crime. In the following years, other authors equally departed from an 'opportunity-like' perspective to understand crime and criminal behaviour.

In their well-known article (published three years later), Cohen and Felson attempted to understand the seemingly paradoxical trend of increasing crime rates (in the United States) in a period where social and economic conditions changed for the better (e.g. less unemployment). Since criminological theories that focused on the dispositions of the offender were unable to account for this development, the authors instead argued that changing 'routine activities' of the everyday citizen (in the 1960s and 1970s) invoked more opportunities for crime (Cohen & Felson, 1979). For instance, when more people are employed they generally also have more money to spend on luxurious goods such as cars or computers. In effect, though, there are also more suitable goods (or opportunities) for theft. In the same way, people who leave the confines of their home more often (e.g. to sport, to work, or to hang out with friends) are more likely to become victimized of a violent offence simply because they run – through their routine activities – a higher risk of coming in a more violent situation. Taking this perspective, the authors took 'criminal inclination as given' and examined the way in which social activities makes people 'to translate their criminal inclinations into action' (Cohen & Felson, 1979: 589). In general, the authors theorized that crime is the result of the convergence in time and space of three elements: 'each successfully completed violation minimally requires an offender with both criminal inclinations and the ability to carry out those inclinations, a person or object providing a suitable target for the offender, and the absence of guardians capable of preventing violations' (Cohen & Felson, 1979: 590). Following up on this thesis, the authors argued that it is possible to prevent crime from occurring by altering or taking away at least one of the three elements in this 'crime triangle' (motivated offender, suitable target, and absence of capable guardian) (Cohen & Felson, 1979: 604). Where Mayhew et al. (1976) argued that surveillance plays a role in taking away the opportunity for vandalism, Cohen and Felson (1979) thus reasoned that this is because of the presence of a 'capable guardian'.

Another highly influential perspective, which naturally flows from the aforementioned insights, is the 'rational choice perspective' (Clarke, 1980; Cornish & Clarke, 1985, 1986). In their lengthy article, Clarke and Cornish set out a framework to focus more on the decision-making process of the offender. While taking together insights of several strands of research (e.g. economics and cognitive psychology) the authors paved the way to think of offenders (or the 'motivated offender') as people who make rational decisions. What was new about this perspective at that time was that it denied the rather deterministic premises upon which earlier criminological theories rested. Although social and

psychological factors do play a role as 'background factors', the authors proposed to see crime as the result of a criminal making a series of rational choices. Criminals are deemed, in other words, to make a cost-benefit analysis before they decide to commit a crime (Cornish & Clarke, 1987: 935). It is clear that 'opportunity' again plays an important role in this perspective since the accessibility of a suitable target as well as the absence of a capable guardian is thought to influence the outcome of the cost-benefit analysis made by the (future) offender.

Brantingham and Brantingham directly built on the latter insights to focus on the spatial patterning of criminal activities. In short, the authors theorized that every person (including offenders) has particular areas with which he or she is most familiar. These 'awareness spaces' are typically built by the daily routine activities within important 'nodes' (such as home, shopping areas, work, or entertainment areas) which are connected by personal 'travel paths'. While travelling through his 'action space' the motivated offender is thought to also come across (and become familiar) with crime opportunities. In essence, the authors argued that crime is the result of the 'multi-staged' and rational decision process of a motivated offender within the geographical boundaries of its daily routine activities. Hence, for Brantingham and Brantingham the spatial distribution and occurrence of crime is much more related to the overlap of suitable opportunities with the 'awareness space' of an offender, than it is with personal dispositions of the offender. In support of this 'crime pattern theory', Bernasco for instance found that offenders are more likely to commit an offence in an area where they once lived than in an area where they never lived. This is because these former residential areas are still part of the offender's 'awareness space' (Bernasco, 2010). This insight also helps to realize why the geographical distribution of crime is patterned and does not take place randomly (Brantingham & Brantingham, 1981).

The most fundamental difference between the latter theories and theories developed by authors such as Sutherland is that the 'new way of criminological thinking' departs from the notion that the criminal is not inherently different from the non-criminal. In the words of Hayward (2007: 243), one does not speak of 'difference, contradiction or alternative moralities and subjectivities'. The opportunity-like perspective is not about the 'other', but about the 'self'. After all, everyone is held capable to commit a crime when the opportunity is present: 'crime is regarded as a generalized form of behaviour, routinely produced by the normal patterns of social and economic life in contemporary society. To commit an offence thus requires no special motivation or disposition, no abnormality or pathology' (Garland, 2001: 128). To use again the words of the Roethof Committee: 'the opportunity makes the thief' (Commissie Kleine Criminaliteit, 1984: 26).

The notion that crime is simply a normal aspect of everyday life yet does not mean that one should not try to prevent it. You could say that crime is taken as an 'accident'; while it is generally accepted that 'accidents' happen, 'we' do try to prevent it from taking place.

However, as every individual is (as theorized) a potential criminal, there is no logic in directing prevention strategies to 'the' criminal. After all, every individual is inherently bad. As a result, the attention shifted from the criminal to changing the situational or criminogenic opportunities in a way that the individual does not come (or chooses to come) in the situation where he/she is able to commit the crime (Clarke, 1980; Bullock, Clarke & Tilley, 2010: 1). Or how Garland put it, the aim is 'not to change people' but to 'redesign things and reshape situations' (Garland, 2001: 129). The suggestion of the Dutch government to build bicycle parking facilities fits perfectly in this rationale because it takes away the opportunity for the future thief to come near the bicycle to begin with. (Re)structuring neighbourhoods in a way (e.g. by positioning houses in a circle facing each other) that the inhabitants feel more responsible to act as 'capable guardians' in the same way reduces the opportunity for a (future) thief to stroll the streets unnoticed. While directed at taking away the opportunity, these and other preventive efforts are commonly known under the banner of 'situational crime prevention'.

#### 2.4 SITUATIONAL CRIME PREVENTION

Underpinned by the 'criminologies of everyday life', situational crime prevention (hereafter: SCP) functioned (and is still functioning) as a general framework, or 'perspective', that has been expanded and adjusted many times (Von Lampe, 2011: 147). As many authors have already done so before me (see e.g. Van der Schoot, 2006; Clarke, 1997: 2-43), I will not discuss these alterations at length here. It is sufficient to know that Ronald Clarke in particular put much effort in classifying more and more different opportunity-reducing techniques under the SCP-framework.

In 1980, the author first distinguished measures that (1) reduces the physical opportunities for offending and, (2) increases the chances of an offender being caught (Clarke, 1980: 139). In 1992, Clarke altered this classification into three categories of strategies ('increasing the effort', 'increasing the risk', and 'reducing the rewards of crime') to again add another one ('removing excuses') in 1997 (Clarke, 1992; Clarke, 1997). In direct response to Wortley's argument that a (future) offender is not *always* motivated to commit a crime but can nevertheless be induced, provoked or precipitated to do so in reaction to particular situations, Cornish and Clarke added the fifth category of 'reducing provocations' in 2003 (Cornish & Clarke, 2003).<sup>8</sup> As each of these five 'strategies' are subdivided by five prevention 'techniques', the authors ultimately came up with 'twenty-five

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<sup>8</sup> As an example, the author described the situation where a prisoner becomes frustrated and violent against prisoners as a result of stressing and frustrating prison conditions (Wortley, 2001: 4).

techniques of situation crime prevention'. For the sake of clarity, I will shortly explicate each of the five 'strategies' with an example of the corresponding 'techniques'.<sup>9</sup>

First are techniques that 'increase the effort' to successfully commit a crime. The simplest example of this is to 'harden' the target by e.g. securing a bicycle with extra locks or by installing secured glass in a jewellery shop. The suggestion of the Dutch government in 1985 to build guarded bicycle parking facilities also fits under this strategy. Secondly, employing more private security and CCTV-camera's (e.g. in a shopping street) are techniques that 'increase the risk' of being caught. By increasing this risk, these techniques thus aim to tap in on the decision-making process of the offender in a way that he or she decides to not commit the crime. The third strand of prevention techniques aim to 'reduce the rewards' of being involved in criminal activities. Ink tags on merchandise, an example provided by the authors themselves, offers an insightful example of the technique to 'deny benefits'. That is, when someone successfully steals an expensive leather jacket, ink will spoil the jacket when the tag pinned to the jacket is removed. Since the jacket is permanently marked and damaged, the 'reward' of stealing the jacket is reduced accordingly (which foresight should prevent the future offender from stealing the jacket to begin with). Fourthly, the strategy of 'removing excuses' involves, among other techniques, efforts to set clear rules (e.g. car rental agreements) or to regularly inform car-drivers on the speed-limits. Both examples take away the room for the offender to argue that he or she was unaware that his behaviour was in violation with the rules. Finally, the strategy to 'reduce provocations' includes techniques on how to prevent situations that could instigate or 'provoke' crime. Here you can think of measures that prevent rivalling football supporters from meeting each other on their way to the football stadium. Moreover, closing pubs on different times is a way of making sure that there are less intoxicated people on the streets at the same time, which subsequently reduces the likeliness of people feeling provoked to get into a fight with each other (Cornish & Clarke, 2003; see also Bullock et al., 2010: 1-5).

All in all, while focusing on crimes rather than criminals, the SCP-perspective opens up a myriad of possibilities to take away the opportunity for crime. In the following three paragraphs I would like to highlight on a more abstract level three features or consequences linked to this perspective. I will note how situational crime prevention by its very nature

<sup>9</sup> The complete list of 'strategies' and 'techniques' is as follows (Cornish & Clarke, 2003: 90):

1. Increase the effort: target hardening, control access to facilities, screen exits, deflect offenders, control tools/weapons.
2. Increase the risk: extend guardianship, assist natural surveillance, reduce anonymity, utilize place managers, strengthen formal surveillance.
3. Reduce rewards: conceal targets, remove targets, identify property, disrupt markets, deny benefits.
4. Reduce provocations: reduce frustrations and stress, avoid disputes, reduce emotional arousal, neutralise emotional arousal, neutralise peer pressure, discourage imitation.
5. Remove excuses: set rules, post instructions, alert conscience, assist compliance, control drugs and alcohol.

leads to a responsibility that goes beyond the criminal justice system as well as to a focus on highly specific forms of crime. The third 'feature' involves the amoral character of SCP.

#### 2.4.1 *Beyond the criminal justice system*

In *Society and Crime*, the Dutch government noted that the police and Public Prosecution Service (or criminal justice system) only have a 'marginal' role to play with respect to petty crime. That is, to fight petty crime more effectively it was deemed important to 'increase the sense of responsibility with parents, neighbours, local governments and other social organizations' (TK 1984-1985, 18 995/2: 26). This strategy is well-known as 'the responsabilization strategy' (Garland, 2001: 124-27):

'Instead of addressing crime in a direct fashion by means of the police, the courts and the prisons, this approach promotes a new kind of indirect action, in which state agencies activate action by non-state organizations and actors. The intended result is an enhanced network of more or less directed, more or less informal crime control, completing and extending the formal controls of the criminal justice state' (Garland, 2001: 124).

It is easy to notice how this strategy directly results from the shift away from the offender towards the situational opportunities for crime. That is, since all individuals and (private) organizations in society offer opportunities for crime (e.g. by leaving windows open, by designing neighbourhoods that are difficult to monitor, or by not pinning expensive goods with security tags), they equally form the designated actors to take away these opportunities. To put it simple, if you do not want your bicycle to be stolen, you better make sure that you secure your bicycle with a solid lock (or two). When a flight company does not want its customers to bring weapons on board, the company in the same way has the responsibility to thoroughly check the bags and pockets of its customers (Clarke, 1997: 2-3; Van der Schoot, 2006: 6). All in all, the SCP-framework described above unleashes a multitude of possibilities for non-state actors to take 'routine precautions' and ultimately, to make sure that a response of the police and Public Prosecution Service is (as a best case scenario) not needed to begin with. Another feature of SCP that I would like to discuss involves the idea that these 'routine precautions' demand to be tailored to specific types of crimes.

### 2.4.2 *A crime-specific approach*

One important difference between ‘the criminologies of everyday life’ and (criminological) theories that seek to explain the dispositions of the offender, is that the latter is not so much concerned with explaining specific forms of crime. In explaining why people are involved in crime, Merton’s strain theory for instance does not differentiate between e.g. the involvement in drug-related and violent offences. Even more so, it does not say much about why offenders would rather be involved in dealing ecstasy instead of cocaine. In contrast, the perspective underlying situational crime prevention actually forces to make a distinction between various types of crimes (Clarke, 1980: 137; Clarke 1983: 232, Clarke, 1997: 4; Hayward, 2007: 235):

‘Rather than assuming that potential offenders are fuelled by a general disposition to offend which makes them relatively indifferent to the nature of the offense they commit, the rational choice perspective asserts that specific crimes are chosen and committed for specific reasons’ (Cornish & Clarke, 1987: 935).

The decision-making process (weighing the costs and benefits) of someone who is interested in fabricating narcotics, to give an obvious example, is different for someone who is about to steal a bicycle. It is also easy to agree on the fact that the actual process of committing theft is very dissimilar from the process of drug-related offences. Hence, to be able to effectively manipulate or hinder the opportunities for crime (by means of one of the five noted ‘strategies’), the measures should also be tailored to the distinctive situational context of the type of crime that is to be prevented. Clarke even noted that it is important to zoom in on differences within one type of crime. For instance, research has shown that the burglary of a home in the city centre is distinct from a burglary just outside the city centre (Clarke, 1997: 4; Clarke, 2009: 259). In similar vein, the stages a (future) offender has to go through to successfully produce ecstasy are different from the stages of making cocaine, which makes the opportunities to be blocked vary accordingly. It is for this reason why Clarke noted that SCP should be taken as an ‘action research model’, whereby one first needs to analyse the precise ‘nature’, ‘dimensions’, and ‘situational conditions’ of the specific crime problem, to subsequently study and implement the most promising and feasible means that (could) block the opportunities for this type of criminal activity (Clarke, 1997: 15).<sup>10</sup> In simpler words, Hayward characterized SCP as a ‘dual-approach’ having two goals; first to learn how the motivated offender, the suitable target, and the (absence of)

<sup>10</sup> The final step of this ‘action research model’ is to study and monitor the results or effects of the measures taken and to make any alterations to the model if necessary (Clarke, 1997: 15).

capable guardians (the ‘crime triangle’) come together in time and space; and two, to reduce or ‘block’ the opportunities to commit a crime at these locations (Hayward, 2007: 236). The fact that SCP is about blocking opportunities of specific types of crimes brings along yet another interesting feature, namely the amoral character of the measures taken.

### 2.4.3 *An amoral approach*

To begin my argument, it is useful to first refer to Tyler and Boeckmann (1997: 240) who noted that crime, or the breaking of the rules, is ‘an affront to social and moral values and norms’. The moral boundaries within a society thus become visible through violations of the law (Boutellier, 2008: 15). It is for this reason that crime – as a violation of the law – can also be seen as ‘moral action’. It is an activity ‘guided by (moral) rules about what is right or wrong to do, or not do, in particular circumstances’ (Wikström, 2010: 217). Because prevention strategies aim to avoid that the moral values and norms are violated to begin with, Freiberg noted that prevention in general lacks the deeper ‘emotional’, ‘psychological’, and ‘affective’ aspects present in punishment:

‘There is no signal focal point, such as the judicial pronouncement of sentence, architectural symbols such as the courts, the gathered audience such as the victims in courts or the crowd around the scaffold. It also lacks the focus of a strong social authority, the symbol of power, command and control reaffirming order and reassuring security. It can fix on no single scapegoat, no identifiable object upon which the range of emotions can be projected’ (Freiberg, 2001: 272).

In addition to this, SCP in particular is also thought to be a technical and ‘amoral’ approach. That is, in times of penal-welfarism, crime was rationalized by a deviation of normal behaviour (Garland, 1996: 450). Those who committed a crime did this, at least so it was theorized, because of a social or psychological disposition different from the law-abiding citizen. The act of reintegration and rehabilitation, then, inherently meant that the deviant was evaluated against what is the ‘norm’ (i.e. normal behaviour) (Feeley & Simon, 1992: 468). Or to put it differently, rehabilitating the offender after he or she violated a moral boundary involved the attempt to turn ‘the different’ into the ‘normal’:

‘They aimed to change the values and attitudes of offenders in ways that brought them into line with the prevailing normative codes. They envisioned social order as a problem of value consensus and they aimed to bring deviants back

into that order by means of moral education and reformatory practices that changed beliefs and behaviour' (Garland, 2001: 183).

In its attempt to prevent that any moral boundary will be transgressed to begin with, SCP in contrast departs from the premise that crime is not the result of abnormal and morally irresponsible behaviour, but simply a by-product of normal and everyday life. Because any citizen is held capable of breaking the law, one aims to change the situation and not the people. In fact, situational crime prevention enables to take measures before having identified 'the' offender to begin with (Cornish, 1997: 153). Precisely because it is taken as a normal social fact, crime turned into a daily risk to be managed: 'crime comes to be viewed as a routine risk to be calculated or an accident to be avoided, rather than a moral aberration that needs to be specially explained' (Garland, 2001: 128). Ruppert (2006: 60) in similar words described that 'the objective is not moral regulation or reform of the offender, but reduction of the risk that this person will offend'. All in all, SCP-strategies do not aim to directly normalize the immoral and 'different' offender post-crime, but is directed at technically blocking the opportunity pre-crime:

'In the past, official criminology has usually viewed crime *retrospectively* and *individually*, in order to itemise individual wrongdoing and allocate punishment or treatment. The new criminologies tend to view crime *prospectively* and in *aggregate* terms, for the purpose of calculating risks and shaping preventative measures' (Garland, 2001: 128, emphasis in original).

Hence, pinning expensive leather jackets with ink tags, to conclude with a clear example, can best be regarded as the result of a 'responsible' merchant taking precautions in the face of the 'opportunity' offered through exposing 'suitable targets'. By taking this measure, the merchant clearly does not seek to punish and/or reform the dispositions of the 'different' offender (the 'other'). The merchant neither rejects, criminalizes, nor morally condemns a specific group of individuals. While departing from the idea that every customer is a possible (future) offender, the act of pinning ink tags redesigns the opportunity or situation inherent to the 'routine risks' of selling expensive jackets.

## 2.5 TOWARDS THE PREVENTION OF ORGANIZED CRIME

Whereas Society and Crime in 1985 instigated a focus on changing the opportunity for petty crime, serious and organized crime largely remained a problem belonging to the police and Public Prosecution Service. This, however, quickly began to change from the turn of the decade after organized crime increasingly became looked upon (by the media,

public at large, and the police) as a serious social problem (Van de Bunt, 2006). Also fuelled by insights of some of the first extensive Dutch criminological studies into organized crime, the 1990s marked a period where the ‘opportunity-perspective’ and situational crime prevention equally gained a foothold in the fight against the more serious crimes. In this paragraph, I will highlight the roots for this turnover and describe how this translated into a new approach to crime in the city of Amsterdam, which is, retrospectively, regarded as a ‘front runner’ of the preventive, administrative, and multi-agency approach to organized crime in the Netherlands (Kleemans & Huisman, 2015: 253).

### 2.5.1 *A threat to society*

Essential for this shift in approach was that organized crime was regarded not only as a problem in terms of material and financial costs, but increasingly because of its undermining and corruptive effects on society as a whole. Although the exact nature of the problem was still largely unknown, the Minister of Justice raised red flags for ‘modern criminal organizations’ increasingly being interwoven with the legal economy: ‘an extraordinary and worrisome aspect of the criminal organizations is the gradual nesting in the legal upper world. Along various lines these organizations have a corrupting effect on Dutch society’ (TK 1992-1993, 22 838, nr. 2: 5). At that time, the image of these ‘modern organizations’ was largely influenced by pyramidal and mafia-like organizations attempting to take over entire economic sectors and political institutions (Van de Bunt & Kleemans, 2007: 14). This notion led the Dutch Ministers of Justice and Internal Affairs – seven years after Society and Crime – to argue that a repressive approach to organized crime alone would underestimate the ‘structural character of the problem’. To counter this undermining threat to society, the white paper *Organized Crime in the Netherlands: Threats and Plan of Approach* (TK 1992-1993, 22 838, nr. 1-2) set the stage to similarly instigate a preventive and multi-agency approach towards organized crime.<sup>11</sup>

Pivotal for this white paper was that the government acknowledged – just like it did in relation to petty crime – that the ‘societal structures’ in society offer opportunities for

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11 The ideas underlying this preventative turn can largely be ascribed to the visit of Dutch police and justice officials as well as Dutch criminologists to the Dutch-American Conference on Organized Crime in The Hague in 1990 (Koemans, 2011: 38; Fijnaut 2002). During this conference, members of the New York State Organized Crime Task Force were invited to exchange experiences about their fight against organized crime and the Cosa Nostra in particular. Dutch state officials were in particular inspired by the benefit of an administrative and preventative approach towards organized crime and criminal groups. That is, in its fight against mafia-structured organizations, state authorities in New York not only sentenced offenders, but also aimed to drive organizations away from legitimate businesses by means of a more pro-active and administrative approach (Van de Bunt, 2006). This administrative approach made the Dutch government to realize that a combination of repression and prevention was deemed important in the fight against organized crime as well.

organized crime (TK 1992-1993, 22 838, nr. 2: 9). In this context, one first of all pointed to the role of the government in facilitating criminal organizations.<sup>12</sup> Besides the general acknowledgment that the government creates a ‘market for crime’ simply by creating (new) laws (e.g. prohibiting goods and services), it was also noted that local governments can (unconsciously) offer a helping hand to criminal organizations by providing permits (e.g. to dubious entrepreneurs in the hotel and catering industry), assigning public tenders, or simply by *not* enforcing the rules and regulations. In the same way, non-state actors can facilitate criminals by making use of their goods and services. Furthermore, the government also pointed to and problematized the role of financial experts and lawyers, the real estate sector, and the hotel and catering industry in helping (again both consciously and unconsciously) criminals and criminal organizations. Criminals for instance might be dependent on the financial knowledge of experts to money launder their illicit earnings (e.g. via real estate), while lawyers can help to set up legal entities.

Following up on this ‘opportunity’-thesis, the Dutch government subsequently noted that the responsibility to fight organized crime equally lies with local governments and non-state actors. In other words, besides repression alone, both state and non-state actors were ought to instigate a ‘preventive policy that must first be directed to change the societal structures that offer criminal organizations the opportunities for lucrative forms of crime’ (TK 1992-1993, 22 838, nr. 2: 9). In this context one especially recognized that the local government holds all the aces to ‘take away the chances’ for organized crime to flourish: ‘an upright, open, independent, and verifiable administration in itself forms a barrier (in Dutch: ‘drempel’) against the influence of organized crime’ (TK 1992-1993, 22 838, nr. 5: 5). As a result, initiatives were set to develop a toolbox of administrative measures against organized crime. For instance, one looked – in cooperation with private organizations – for possibilities on how to use the Beverage and Catering Act for a stricter monitoring of cafes, restaurants and hotels (TK 1992-1993, 22 838, nr. 5: 4; see also Fijnaut, 2002: 19-20).

### 2.5.2 *Van Traa-Committee and the Organized Crime Monitor*

While the attention for the prevention of organized crime started in the early 1990s, it gained even more momentum after the findings of the Parliamentary Inquiry into

12 In this white paper, the Dutch government described that criminal organizations in the Netherlands were built around (the combination) of six characteristics: (1) the organization mainly aims to acquire income via various forms of crime; (2) there is a working relationship of multiple years with a hierarchical relation; (3) the association uses an internal sanctioning system with sanctions such as a violent assault or assassinations; (4) via a legal entity of the organization, it invests the illicit earnings in real estate and other legal entities; (5) the organizations buys or works together with financial and legal experts, and legal organizations such as banks, contractors, commercial trading firms; (6) attempts are made to get in contact with as much relevant (corrupt) civil servants as possible (TK 1992-1993, 22 838, nr. 2: 3).

Investigative Methods lead by the Van Traa-Committee (1996), and an extensive study about organized crime in the Netherlands conducted by the Scientific Research and Documentation Centre of the Minister of Justice (abbreviated in Dutch as 'WODC') (1998).<sup>13</sup>

After systematically studying the nature of organized crime in the Netherlands, the 'research group Fijnaut' concluded that organized crime in the Netherlands was not or 'rarely' composed by hierarchical and mafia-structured organizations. Neither were there clear signs that criminal groups gained control (by means of corruption or intimidation) over legitimate sectors of the economy and/or governmental services (Fijnaut, Bovenkerk, Bruinsma & Van de Bunt, 1998: 200-204).<sup>14</sup> Instead of thinking about organized crime in terms of distinct, hierarchical, or 'octopus-like' groups, the researchers rather understood organized crime to be committed by 'a diffuse and ever-changing network of individuals and groups' (Van der Schoot, 2006: 15; TK 1995-1996, 24 072, nrs. 10-11: 35-37). It is also for this reason that the research group preferred to adopt a definition of organized crime that did not put emphasis on the hierarchical relation between criminals (groups).<sup>15</sup> In line with the insights presented in the aforementioned white paper of 1992, the Van Traa-committee furthermore raised attention to the 'vulnerabilities' and

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13 The Van Traa-Committee was formed in response to the so-called 'IRT-incident'. In short, this incident involved the use of dubious investigative methods by police districts that participated in the 'interregionaal recherche team' (IRT) (among them the police in the city of Amsterdam and Utrecht). One of these controversial methods involved deliberately letting drugs transports pass under the supervision of the police and Public Prosecution Service in order to gain better insight in the top of the criminal organization. The committee was tasked with the responsibility to research the application of investigative methods by the police, as well as the legitimacy and effectiveness of these methods. Besides this, the committee was also given the task to give insight into the nature and extent of organized crime in the Netherlands. The latter task was outsourced to a group of four leading Dutch criminologists, also known as the 'research group Fijnaut' (Prof. dr. C.J.C.F. Fijnaut (chairman), prof. dr. F. Bovenkerk, prof. dr. G.J.N. Bruinsma and prof. dr. H.G. van de Bunt). After the committee published its results, the Dutch government longed for a periodical study to monitor the nature and extent of organized crime in the Netherlands, as well as to remain informed about any new trends and developments. So far, this unique task has resulted in five extensive Organized Crime Monitor-reports (Kleemans, Van de Berg & Van de Bunt, 1998; Kleemans, Brienen & Van de Bunt, 2002; Van de Bunt & Kleemans, 2007; Kruisbergen, Van de Bunt & Kleemans, 2012; Kruisbergen, Leukfeldt, Kleemans & Roks, 2018).

14 The authors did make an important exception for the situation in Amsterdam and the (in)famous Red Light District Area in particular. Police investigations revealed that a considerable amount of the hotels, restaurants, nightclubs, pubs, as well as the slot machine sector in Amsterdam was under the control of five criminal groups. These same groups were also thought to be involved in the drug trade, prostitution and the arms trade. These criminal groups particularly gained a stronghold by buying real estate in the city centre. More in general, the researchers also noted that a large amount of the owners of pubs and coffee shops had considerable criminal records (Fijnaut et al., 1998: 138). Whereas the researchers also recognized a criminal role for the Hells Angels MC, I will discuss these results more in-depth in chapter five.

15 The researchers adopted the following definition: 'organised crime can best be formulated as what ensues when groups primarily focused on illegal profits systematically commit crime that adversely affects society and are capable of effectively shielding their activities, in particular being willing to use physical violence or eliminate individuals by way of corruption' (Fijnaut et al., 1998: 26-27, Van der Schoot, 2006: 15).

‘opportunities-structures’ of the legitimate environment that could facilitate the organization of crime. The hotel and catering industry in particular was again recognized as a branch that offers e.g. possibilities for money laundering and the selling of drugs. Furthermore, as a second example, large profit margins, complex and vague regulations, and a low chance of being caught also made the waste industry, the committee argued, an interesting branch for criminal activities.

These insights were endorsed and further elaborated on in the first report of the Organized Crime Monitor. In this extensive study, the authors similarly recognized that criminal organizations generally do not follow a pyramid-like organization whereby criminals collaborate on the basis of hierarchy and a clear division of tasks (Kleemans et al., 1998: 35). Especially when it concerns the production and trade of synthetic drugs, the researchers argued that the various parts of the production or logistic process of the drugs are rather fulfilled by separate and little groups of criminals (with each their own expertise), and not by one leader who is in charge of the entire process. These networks are moreover ‘dynamic’ in the sense that criminals were thought to be easily replaced. All in all, Kleemans et al. (1998: 32, 125) particularly pointed to the ‘fluid’ character of criminal networks and with this, averted the idea that organized crime is the result of what is known as an ‘alien conspiracy’.<sup>16</sup>

The latter study was also important because the authors again stressed that ‘the availability and support of the licit environment is a vital condition for many forms of organized crime to thrive’ (Kleemans et al., 1998: 130). Organized crime, in other words, does not exist ‘despite’ but ‘thanks to’ the licit society. It was first and foremost noted that criminals are dependent on citizens who actually buy the illicit products or services (think of illegal prostitution and selling drugs). Moreover, in order to fulfil their criminal activities, criminals also often rely on the opportunities provided by the illicit and licit world. Here you can think e.g. of the products needed to produce the drug ecstasy, buildings or homes to store illegal products, the legal infrastructure to transport the products, and legal companies to money launder the illegal earnings. Finally, criminals are often also depended on ‘facilitators’ with a specific set of expertise or contacts (e.g. people who can counterfeit official documents, illegal money exchangers, and criminals who have specific knowledge on how to produce narcotics). Organized crime is thus, so the authors concluded, ‘a social phenomenon that takes shape in its relation to its environment’ (Kleemans et al., 1998: 123).

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16 The ‘alien conspiracy model’ refers to the idea that organized crime is not inherently part of society, but rather the result of a plan (or conspiracy) of an ethnic homogenous group of outsiders to corrupt, threaten and undermine a society. This ‘model’ generally also departs from the notion that this group of outsiders has organized itself in a clear ‘pyramid-like’ and hierarchical structure. As described by Kleemans, this perspective has long dominated the view on organized crime in the United States and was particularly applied (by policy-makers) to Italian-American mafia groups (Kleemans, 2014: 33-34; see also Smith, 1976).

It is easy to see how the insights provided by the Van Traa-Committee and the first Organized Crime Monitor reinforced the stage to import the rationale underlying SCP to the (preventive) fight of organized crime. That is, it was argued that specifically its intersection with the licit world forms the ‘achilles heel’ for criminal collaborations; when opportunities provided by the legal environment are denied or blocked beforehand, the ‘illegal production processes will run more difficult’ accordingly (Kleemans et al., 1998: 77). This can be done, so the authors added, by ‘raising the risks and lowering the benefits in the intersection between organized crime and its environment’ (Kleemans et al., 1998: 125, 131). In the spirit of SCP, the focus thus shifted from the perpetrators of crime to the circumstances that facilitate organized crime (Van de Bunt, 2006: 690). Indeed, the fluidity of criminal networks in combination with the ‘symbiotic relationship’ of the criminal and its legal environment led the researchers to cast doubt over large-scale criminal investigations into the ‘top’ of a criminal organization. By depicting various organized crime activities as logistic processes to which various criminals and facilitators contribute, it was instead suggested to take away the vital links of such a ‘chain cooperation’ (in Dutch: ‘samenwerkingsketen’). This ‘vital link’ could well be the one who facilitates the criminal network with the needed materials and chemical precursors to e.g. produce narcotics. All in all, starting from the ‘opportunity perspective’, the authors proposed to fight organized crime by ‘disrupting’ (in Dutch: ‘ontwrichten’) the ‘long chain of activities’ on which the criminal network is built (Kleemans et al., 1998: 126-127).

### 2.5.3 *The Amsterdam project*

The notion that organized crime exists ‘thanks to’ the licit society had a direct bearing on the local fight of crime in Amsterdam. Indeed, after ‘research group Fijnaut’ raised red flags about the fact that both native and foreign groups in the Red Light District area had acquired an economic position of power in real estate, brothels, the hotel and catering sector, and in prostitution, the local government quickly developed an administrative approach that was built on the opportunity ‘spirit’ of SCP (Kleemans & Huisman, 2015: 251).

In order to strengthen the defensibility of the city against criminal influences, the city council of Amsterdam launched the ‘Wallenproject’ (1997), which was later renamed into the ‘Van Traa-project’ (2000).<sup>17</sup> This project departed from the idea that real estate ownership plays a crucial role in the opportunities for criminals. It can be used e.g. as a way to money launder, house illegal immigrants or prostitutes, or to produce drugs.

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17 For a more comprehensive insight in both the ‘Wallenproject’ and the ‘Van-Traa project’ as well as the effectiveness of this approach I recommend reading Huisman, Huikeshoven, Nelen, and Van de Bunt (2005) and Van der Schoot (2006).

Moreover, in case criminals own large parts of the real estate within a certain area (such as in the Red Light District), this will not only affect the general liveability of this area, but it will also turn the area into a breeding ground for (organized) crime. Also the many 'criminogenic' sectors (most notably; smart shops, coffee shops, phone centres, brothels, and the gambling industry) established in the Red Light District Area were looked upon with suspicion as they can equally act as opportunities for crime (Van de Bunt, 2006). In addition, on a more organizational level, the general lack of interest, tolerance, and low levels of control by the local government (the 'absence of a capable guardian') was in itself also thought to provide criminals with an opportunity to obtain real estate and commit crimes (Kleemans & Huisman, 2015: 252). Or in other words, 'a government unaware of possible irregularities, facilitates crime' (Van der Schoot, 2006: 157). The general assumption underlying the Van Traa-project, then, was that the local administration not only has the responsibility, but also the ability and means to limit the opportunities for (organized) crime (Huisman & Nelen, 2007; see also Nelen, 2010).

To address and fight the intermingling of criminals with the licit environment in the city centre, the Van Traa-team – in sum – started to map the houses, real estate, local businesses, as well as the finances, licenses, ownership and the actual activities within these premises. By means of a multi-agency approach, the Van Traa-team was given authority to combine this collection of information with intelligence from the police, the Public Prosecution Service and the tax authority. On the basis of the subsequent assessment of the criminal involvement in the area, the team started to strictly enforce the rules (e.g. rules or permit violations by local businesses), take action against the misuse of properties by withdrawing permits, and initiate more in-depth fiscal or criminal investigation when needed. To prevent that particular buildings would fall in the hands of criminals, the team also closely worked together with housing cooperatives to strategically buy premises, to subsequently rent it back to bona fide entrepreneurs. Finally, to increase the liveability of the area the approach also included the refurbishment of the area as a whole (Van der Schoot, 2006: 185-191; Van de Bunt, 2006).

To, how Van der Schoot (2006: 157) put it, 'raise a barrier against intrusions by organized crime', the local administration of Amsterdam also stressed the importance of an trustworthy, transparent, independent, alert and cautious civil service apparatus. To put it simple, the civil servant must not in any way facilitate criminals and must be shielded against any form of corruption, fraud or intimidation. With this, the local administration clearly built on the white paper of 1992 which stated, as quoted above, that 'an upright, open, independent, and verifiable administration in itself forms a barrier against the influence of organized crime' (TK 1992-1993, 22 838, nr. 5: 5). To form this situational 'barrier', the local administration established the Screening and Auditing Bureau (SBA), which was tasked to prevent companies with criminal connections from taking part in public tendering procedures. Finally, to raise awareness and strengthen the integrity of

the civil service in Amsterdam a so-called Integrity Bureau was established in 2001. In short, this bureau was tasked to make risk assessments on possible future integrity issues, to screen and train personnel, and to investigate integrity violations (Van de Bunt, 2006; Nelen, 2010).

As described in more detail by Van der Schoot (2006) and Nelen (2010), the measures taken for what I called the 'Amsterdam project' can all be categorized under the SCP-framework provided by Ronald Clarke. After all, due to the endeavours of the Van Traa-team it became more difficult for criminals to abuse the opportunities provided e.g. by the real estate sector. That is, by strictly and systematically mapping the (ab)use of real estate, the team 'increases the risk' for criminals to be caught in the same way as it 'increases the effort' for criminals to achieve their illegal aims. The authors furthermore pointed to the idea that the approach 'reduce the awards' as the joint interventions of the various partners (criminal prosecution, administrative and tax fines, losing premises) take away the profitability of crime ('deny benefits'). The efforts to increase the integrity of civil servants, then, can be understood under the banner of 'removing excuses'. Indeed, by setting clear codes of conduct, by informing civil servants on possible integrity issues, and by making it obligatory to report integrity issues, the civil servant is ought to feel less 'free' to not report or enforce any violations (in the same way as it 'increases the risk' for the civil servant who is (planning to be) involved in violating (integrity) rules) (Van der Schoot, 2006: 179-181, 204-207). As a final example, Nelen also argued that the efforts to renovate and reconstruct the Red Light District Area 'reduces provocations' for crime (Nelen, 2010: 99).

Where I cited Kleemans and Huisman (2015) to mark the 'Amsterdam Project' as the 'front runner' of the Dutch preventive, administrative, and multi-agency approach to (organized) crime, it is clear that the attention for situational crime prevention was further endorsed and strengthened through the policy programs, laws, and concepts that followed shortly after the turn of the millennium. Indeed, in the national policy program Crime Control of 2001, the government again emphasized that 'crime control starts with prevention' (TK 2000-2001, 27 834, nr. 2: 2). In relation to organized crime, the policy program validated the aforementioned findings of the 'research group Fijnaut' and the Organized Crime Monitor by depicting organized crime through a network-perspective. Instead of incarcerating those at the 'top' of the organization, the aim must be, so it was noted, to 'disturb criminal activities and to create turmoil in criminal networks'. In line with this, the government also (again) pointed to the need of limiting opportunities 'at the intertwining of organized crime with the regular society' (TK 2000-2001, 27 834, nr. 2: 52). Moreover, whereas the local government of Amsterdam introduced the Screening and Auditing Bureau, the national government drafted the Public Administration Probity Screening Act (better known as the BIBOB Act). In short, this Act (which came in effect

in 2003) made it possible for governmental agencies to deny a permit application when there is a risk that this permit will be used for criminal activities. Since this piece of legislation aims to prevent (future) offenders from taking advantage of ‘opportunities’ provided by the government, it is easy to see why Van de Bunt and Van Wingerde (2013: 107) concluded that the BIBOB Act ‘fits well in contemporary views on organized crime and situational crime prevention’.<sup>18</sup> The Dutch police force equally looked for ways to integrate situational crime prevention into its daily practices. In 2001, this quest led to the introduction of the concept ‘Tegenhouden’.

## 2.6 TEGENHOUDEN

With the Dutch term ‘Tegenhouden’, which is best translated in English as ‘obstructing’ or ‘the act of stopping or blocking something’, the police stressed the importance of preventing crime, rather than putting all efforts on reacting to wrongs done: ‘preventing is better than investigating’ (Raad van Hoofdcommissarissen, 2003: 35).<sup>19</sup> While presented as an alternative approach, it is clear that the operationalization of Tegenhouden directly built on the preventive path taken since the 1980s:

‘Influencing behaviour and circumstances in such a way that crime or other violations of safety and social integrity are prevented or promptly ended by means of a systemic, multi-agency approach by various actors, who all act out

18 The first ideas to develop new (national) administrative tools were fuelled by the findings of the Van-Traa Committee as well as the insights of the administrative approach in New York (Huisman & Koemans, 2008: 133). Again starting from the rationale that criminals need the services of the government to carry out their criminal activities (e.g. to set up a company), the national government proposed to study how to prevent the government from facilitating criminals (Kamerstukken II, 1992–1993, 22 838, nr. 2: 12). As well-documented by other authors, this proposal first resulted in Armoured Administrative Law (Struiksma, 1994), which report subsequently inspired the drafting of the Public Administration Probity Screening Bill (‘Wet Bevordering Integriteitsbeoordelingen door het Openbaar Bestuur’), or BIBOB-bill, in 1999 (Huisman & Nelen, 2007). While the bill was initially drafted to hinder criminals from infiltrating legitimate sectors, it is now also used to prevent that applicants use public permits, subsidies or any other contracts for any criminal purposes (most notably in the hotel and catering industry, public transport, real estate, and housing sector). As noted, the BIBOB Act allows for the refusal or withdrawal of public services when there is a serious risk that the respective service will be abused by criminals (e.g. to invest illegal profit). To assess this risk, the National Bureau BIBOB is authorized to screen the personal background of applicants (often on request of a local government) by combining criminal and tax records, or any other administrative information. After this assessment, the Bureau advises the requesting authority on ‘the seriousness of the threat of abuse’ (Van de Bunt: 2006: 700). For an in-depth (re)view of the BIBOB Act see the thesis by Van der Vorm (2016).

19 The concept was described and operationalized in two so-called ‘vision documents’: ‘Misdaad laat zich Tegenhouden’ (2001) and ‘Tegenhouden Troef’ (2003), which titles can loosely be translated into ‘crime is to be blocked’ and ‘obstructing is best’ respectively.

of their own core tasks and responsibilities' (Raad van Hoofdcommissarissen, 2003: 38).

In doing so, the concept Tegenhouden was built around three characteristics. It first departs from the notion that crime must be regarded and investigated as a 'system', 'life-cycle', 'process', or as the illegal counterpart of a 'regular production process'. For instance, what specific circumstances facilitate a specific type of crime and what does a (future) criminal need to do to fulfil the illegal process of this crime? By posing these and other questions, then, one is also able to reveal the 'weak spots' suitable for intervention. With the concept Tegenhouden the police thus gave itself the task 'to untangle how criminal processes run, and to see how various partners are able to raise barriers to make these criminal activities impossible' (Soomeren & Beerepoot, 2004: 12). The second characteristic builds on the importance of cooperation between different organizations as it was stressed that Tegenhouden should involve a combination of different interventions (see also paragraph 2.4.1). While the prevention of crime is thought to be the shared responsibility of all layers of society, the police thus fulfils only one example of all possible interventions: 'with Tegenhouden the idea is to only deploy a police investigation as an instrument when this is ought to be the most effective measure or when this is a mandatory from the point-of-view of the rule of law' (Raad van Hoofdcommissarissen, 2003: 37). Closely related to this, the third characteristic addressed by the police was the importance of a clear division of responsibilities. As more agencies become involved in the process of preventing crime, it was deemed important that all agencies know what their core tasks and responsibilities are. This to make sure that people and agencies will also hold each other accountable for their own responsibilities (Raad van Hoofdcommissarissen, 2003: 37).

All in all, the central goal of Tegenhouden is thus not to investigate a criminal case in order to get the offender behind bars, but to 'proactively' 'disrupt', 'block', 'stop', 'disrupt' or 'discourage' the decision-making process (potential) criminal and/or criminal groups by changing opportunities (Raad van Hoofdcommissarissen, 2001: 33). To give meaning to this, the police referred to the (strongly overlapping) categories of the LOODS-model as a tool to think of various situational prevention strategies. The 'L' relates to all measures directed at the 'Location' of a crime. Here you can simply think of 'techniques' that 'increase the effort' and/or 'increase the risk'. In this context, a focused deployment of police officers in an area (hot-spot policing) is ought to 'make the life of criminals or potential offenders unpleasant', which in effect should have a deterring effect on (future) offenders (Raad van Hoofdcommissarissen, 2001: 33). The same techniques, as well as the strategy of 'reducing rewards', can equally be applied to Object-related measures. The third strand of measures relate to the circumstances (in Dutch: 'omstandigheden') that facilitate crime. Here the police for instance pointed to the importance of both formal and informal surveillance in neighbourhoods. In addition, private companies were ought to be aware of 'the criminogenic

aspects of the products and services they offer' and should try to prevent criminals from using their products for illegal goals (Raad van Hoofdcommissarissen, 2003: 49). Despite its 'systematic' focus, the concept of Tegenhouden also involves strategies directed at known offenders (marked by the 'D' in 'Dader'). It was suggested, for instance, that it might be worthwhile (in some cases) to arrest a suspect at an early stage of a criminal investigation solely to frustrate (and prevent) the suspected illegal activities of a criminal group (also known as the strategy of 'short hits' or 'korte klappen'). The police also advocated to frustrate planned criminal activities of suspect offenders by purposively releasing information through the media. That is, when the (potential) offender learns through the media that the police are keeping a close eye on its activities, this might equally influence the perceived risks of the criminal to get caught (ultimately resulting in the decision to stop its activities) (Raad van Hoofdcommissarissen, 2003: 53-54). The same effect was also strived for when the police of Amsterdam sent post-cards to (known) offenders with the text 'we have not yet forgotten about you' (Soomeren & Beerevoet, 2004: 39). Finally, potential victims (or 'Slachtoffers') are held responsible to take measures to prevent victimization. While most of these measures can also be put under the banner of 'location' or 'object', the police for instance *suggested* taking away the right of the victim to file a police report when he or she left valuable goods inside the car.

Whereas Tegenhouden gave directions for the general practices of the police, the characteristics and rationales underlying this concept can equally be recognized in how the Dutch government – in more recent times – raised a whole-of-government approach specifically to fight organized crime. This approach, though, is better known as the 'program-based approach'. In the remainder of this chapter, I will describe this approach and the 'barriers' that come along with it. To make this description more specific, I will also, as an example, give an extensive account of how the program-based approach took shape in relation to organized hemp cultivation. The description of this case also helps to better understand and explain the contours of the present approach to outlaw motorcycle gangs.

## 2.7 A PROGRAM-BASED APPROACH TO ORGANIZED CRIME

In 2007, the fourth Balkende government (2007-2010) replaced the national safety and security program Towards a Safer Society ('Naar een Veiliger Samenleving') by the program Safety Starts with Prevention ('Veiligheid begint bij Voorkomen') (TK 2007-2008, 28 684, nr. 119). While the telling title of this program leaves little doubt on the central message

of this document, the program generally focused on six crime ‘themes’.<sup>20</sup> With regard to organized crime, the white paper raised the need for strengthening (1) the preventive and administrative approach, (2) the criminal prosecution of criminals, and (3) international collaboration. To follow up on the ‘preventive and administrative approach’, the subsequent Program Strengthening Approach Organized Crime (‘Programma Versterking Aanpak Georganiseerde Misdaad’, hereafter: PVAGM), which reads as an elaboration of the aforementioned policy program, set the following three goals: (1) reducing the illegal markets linked to organized crime, (2) raising barriers to organized crime and dismantle the opportunity structures, and (3) hampering the mingling of the licit and illicit world (PVAGM, 2007: 5). It is clear why the latter program was called a ‘strengthening program’ since these three goals largely departed from the same principles that began to take shape in the early nineties.

Indeed, as every citizen is inherently bad and held capable of being involved in organized crime, the ‘program’ reads that ‘organized crime takes place when opportunities and chances are presented to enrich oneself through illicit actions’. In other words, organized crime is assumed to take place when there is little formal control and/or rule enforcement, little chance of being caught, and when there is an opportunity to make a great amount of profit (PVAGM, 2007: 5). Moreover, criminal groups, so it was added, ‘cannot function without using the same infrastructure that equally facilitates the legal economy’ (TK 2007-2008, 28 684, nr. 119: 21).<sup>21</sup> Hence, to fight what was called the ‘illegal market’ of organized crime, the aim is to influence the situation or opportunity:

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20 These themes were the approach to ‘aggression and violence’, ‘theft’, ‘crime against corporations’, ‘nuisance and pauperization’, the ‘risky-youth and recidivism’, and the approach to ‘serious forms of crime’ Under the theme ‘serious forms of crime’, the report distinguished between ‘financial-economic crime’, ‘cybercrime’, and ‘organized crime’ (TK 2007-2008, 28 684, nr. 119: 3, 16).

21 The Organized Crime Monitor again played an important role in the direction of this ‘program’ as reference was made to the new reports published in 2002 and 2007. While again stressing the ‘fluid’ and ‘dynamic’ character of crime, the authors also characterized organized crime in the Netherlands as ‘transit crime’ or cross-border crime (Kleemans, Soudijn & Weenink, 2010: 18). The researchers found that criminals in the Netherlands were generally not concerned with infiltrating and gaining positions of power over economic and/or political sectors (also known as ‘racketeering’), but rather with using the existing legal infrastructures for cross-border human trafficking and the international smuggle of drugs, weapons or stolen vehicles (‘vices’). In addition to the role of the ‘facilitator’, who provides its service or knowledge to (various) criminal networks, the authors also pointed to the people who ‘build bridges’ between the ‘structural holes’ of social (ethnic groups and the ‘upper’ and ‘underworld’) and geographical (between countries) distances. Due to the key role of these ‘brokers’ it was suggested that eliminating these persons can be fruitful in tackling the larger criminal network (Kleemans, et al., 2002: 139-145). Van de Bunt and Kleemans (2007: 78-96) zoomed in further into the ‘local embeddedness’ of organized crime and how the social network of certain legal professions (often related to the transport sector) offers opportunities for organized crime The authors suggested to take more into account how the ‘social environment’ provides for the ‘situational circumstances’ that make illegal activities possible (Van de Bunt & Kleemans, 2007: 169).

‘The administrative and preventive approach in the Netherlands is grounded by a focus on the opportunity structures. It is about creating and changing the conditions in such a way that there are no or at least considerable less amount of opportunities for organized crime, or that carrying out criminal activities is made less attractive. This situational approach is also termed ‘to curb’, ‘logistic, preventive approach’ or ‘raising administrative blockades (“armed administrative law”)/bumps/barriers.’ (PVAGM, 2007: 6).

There is nothing new under the sun here. What was presented as ‘new’, though, was the ‘program-based approach’ (in Dutch: ‘programmatische aanpak’) to implement this situational-perspective in practice. The idea behind this multi-agency approach is to fight organized crime under the lead of a Task Force by means of both repression and prevention:

‘The strength of a program-based approach is that – under the supervision of a national Task Force – a combined effort takes place with the Public Prosecution Service, the police, other relevant enforcement agencies and organizations and both local and national administrative authorities. As a result it becomes possible to tackle problems comprehensively and also on all different levels (local-regional-national-international). The goal is not only to dismantle criminal collaborations and bring to trial individual offenders but more so to map out and take action against the underlying opportunity structures and more structural factors that intentionally or unintentionally facilitate organized crime’ (TK 2007-2008, 28 684, nr. 119: 21).

Hence, to put it in my own words, a program-based approach involves an approach in which various partners (the Dutch National Police, Public Prosecution Service, the Dutch Tax Authority, local governments, the LIEC, RIECs and other relevant private companies) exchange information and intelligence in order to gain insight in a particular crime problem, or more specifically, in what way persons, companies and governmental agencies play a facilitating role (consciously and unconsciously) in criminal activities. After a specific crime problem has been thoroughly discerned, the various partners – again in close cooperation – take (preventive) measures against this specific form of crime and its underlying opportunity structure. In this way, a post-crime approach of the police and Public Prosecution Service forms only one link within the chain of possible (preventive) strategies. In fact, via so-called ‘administrative reports’ (in Dutch: ‘bestuurlijke rapportages’), intelligence from police investigations (about the crime problem and its offenders) is used to inform and advice the local administration on possible and promising administrative

measures. This approach particularly comes to fruition through the application of so-called 'barrier models' (in Dutch: 'barrièremodellen').<sup>22</sup>

### 2.7.1 Raising barriers

In the previous paragraphs, I noted that criminal activities are depicted as processes consisting of several steps. A 'barrier model', also known as a 'logistic analysis model', gives meaning to this by modelling and making insightful how a specific form of crime is prepared and perpetrated, what parties and opportunities facilitate this process, and how various state and non-state actors can disrupt or raise barriers to this process (Van de Bunt & Kleemans, 2011: 9; Spapens, 2011: 11). In this way, constructing a barrier model can be regarded as a 'situational project' based on an 'action research paradigm' (see paragraph 2.3.2). These models also resemble what Cornish introduced in 1994 as 'crime script analysis'. In short, the author argued that SCP demands detailed knowledge on the 'script' or 'event schema' of 'all stages of the crime-commission sequence', which knowledge can then be used 'to enhance situational crime prevention policies by drawing attention to a fuller rang of possible intervention points' (Cornish, 1994: 160).<sup>23</sup>

The word 'barrier' in 'barrier model' thus has two meanings. It first reflects the barriers the (future) offender has to overcome to complete the logistic process of the respective criminal activity, to subsequently reveal the barriers law enforcement agencies and other partners can raise to disrupt this criminal activity. While the Social Intelligence and Investigative Service ('Sociale Inlichtingen- en Opsporingdienst') in 2004 was the first organization in the Netherlands to develop a barrier model for the approach to organized illegal labour by undocumented migrants (Spapens, 2011: 14), it is clear that 'raising barriers' and 'barrier models' turned into a common and popular concept in today's fight of organized crime.<sup>24</sup> This is reflected, for instance, through the prominent spot it received on the website of the RIEC:

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22 In 2007, the Dutch government raised a program-based approach to the following themes: 'organised hemp cultivation', 'abuse of real estate' and 'human trafficking'. Also 'Project Emergo', which is the successor of the Van-Traa Project, was put under this approach as it aims to tackle criminal concentrations of power in the inner city of Amsterdam (PVAGM, 2007: 15).

23 In 2002, Cornish and Clarke argued that 'crime script analysis' is also suited for analysing complex and organized crime activities (Cornish & Clarke, 2002). Since then, many scholars have used and discussed 'crime script analysis' as a method to analyse (organized) crime. It is beyond the scope of this chapter to discuss this extensive body of literature here. Those who do want to learn more on this topic might be interested to read e.g. Hutchings and Holt (2015) about the online black market economy; Yi-Ning Chiu, Leclerc and Townsley (2011) about drug manufacturing; and Leclerc, Wortley and Smallbone (2011) about adult child sex offenders.

24 This model departed from the idea that an undocumented migrant needs to take or overcome four steps to be able to (illegally) work in the Netherlands. In short, he or she (1) has to enter the country, (2) needs accommodation, (3) needs an identity, and (4) needs to be introduced to some working place. The model

'Local government and provinces can fight criminal activities by an administrative approach through raising barriers. To do this effectively, the criminal activities need to be made insightful in the respective municipality. The RIECs and LIEC connect and compare the insights of (security) partners. Subsequently, repressive, proactive and preventive measures are combined and *barriers* are raised to restrain the criminal activities' (www.riec.nl, last visited 10 July 2018, emphasis added).

There is even a website developed by the Centre for Crime Prevention and Safety ('Centrum voor Criminaliteitspreventie en Veiligheid') which is entirely built around barrier models. The opening sentences on this website are telling:

'How can organized crime be best approached? This becomes clear in the *barrier model*. The model maps what steps a criminal have to take to commit a crime. The model also exposes what parties and opportunities make this crime possible. In this way you will discover what *barriers* you and your security partners can raise to disrupt the work of the criminal' (www.barrieremodellen.nl, last visited 10 July 2018, emphasis added).

Besides providing general information on barrier models that have already been developed, the website also offers the possibility to develop 'your own barrier model'.<sup>25</sup> To learn what these models (and the program-based approach as a whole) involves in practice, it is best to provide a specific example. Because much has already been written about this topic, I chose the case of organized hemp cultivation. Besides describing the barrier model itself, I will also reveal how this approach naturally involves the cooperation between various state and non-state agencies.

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moreover makes visible that a migrant in each step is depended on the help of other people and services. For instance, in their need for accommodation (step 2), migrants might be depended on hostels or camping's. Furthermore, those who need an identity (step 3) might be depended on the expertise of a document forger. This model not only helped to enlarge knowledge about the process of illegal labour in general, but also to make insightful how and what organizations (e.g. local governments, the police, the labour inspection, and the tax authority) can 'raise barriers' in the process of illegal labour. Following up on this model it became more important for the police or the local government to monitor camping's more closely. Fake marriages also became 'interesting' for the local government, as this could be a way for illegal migrants to settle their residence permit (SIOD, 2006: 13).

25 The website already offers barrier models for twenty-four forms of crime under which; labour exploitation, sexual exploitation, hemp cultivation, truckload theft, the problem of lover boys, illicit employment agencies, mobile banditry, multi-problem families with a Roma background, synthetic drugs, and real estate fraud.

2.7.2 *Raising barriers to organized hemp cultivation*

In July 2008, the Minister of Justice and the Minister of the Interior and Kingdom Relations officially established the so-called Task Force Approach Organized Hemp Cultivation ('TaskForce Aanpak Georganiseerde Hennepteelt').<sup>26</sup> Following up on the Program Strengthening Approach Organized Crime, the Task Force was tasked with 'developing and implementing a program-based approach towards organized hemp cultivation that specifically focuses on the complete production process' (Ministerie van Justitie, 10 July 2008: 10). This, in order to 'investigate and dismantle criminal collaborations and approach the factors and opportunity structures that promote and facilitate large-scale hemp cultivation (TK 2007-2008, 28 684, nr. 119: 23). To support the program, the Task Force particularly focused on gaining more insight in the process of hemp cultivation (punishable by Article 3 of the Opium Act) to subsequently develop a crime-specific barrier model.<sup>27</sup> As noted by Spapens (2011: 18), this model was ought to make relevant partners aware of the problem and to think of 'smart ways to tackle the production'.

*The barrier model to organized hemp cultivation*

The barrier model that was developed breaks up the logistic process of hemp cultivation into seven steps (Spapens, 2011: 18; Te Pest, Nieuwdorp, Smeets & Van Wijnen, 2012: 66):

1. Acquiring a suitable location
2. Furnishing the location
3. Acquiring goods and materials
4. Cultivating the hemp
5. Harvesting and storage
6. Selling and transportation
7. Using the illegally earned money

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26 The Netherlands has a long history when it concerns the fight against hemp cultivation. It is way beyond the scope of this paragraph to give a comprehensive view of all these developments. I am only interested in providing insight how the concept of 'barrier models', as developed after 2007, is applied to this particular crime. For those interested in a more extensive description on the Dutch approach towards hemp cultivation and narcotics in general see Van Ooyen-Houben & Kleemans (2015).

27 In the Netherlands, the possession and selling of hemp (alike any other soft or hard drugs) is illegal. However, having less than 5 grams of hemp or 5 hemp plants is tolerated and thus will not be punished. Moreover, coffeeshops are under strict regulations (e.g. not have more than 500 grams in store) tolerated to sell cannabis ([www.rijksoverheid.nl](http://www.rijksoverheid.nl), last visited 18 July 2018).

During each of these seven steps, so it was described, the (future) offender is depended on goods and services provided by both the ‘upperworld’ and the ‘underworld’.<sup>28</sup> In one way or another, both ‘worlds’ thus facilitate the organization of hemp cultivation. To acquire a suitable location, the offender for instance needs (to buy or rent) real estate (e.g. a house or business premises) for which he is depended on e.g. a housing cooperation, a business owner, or the bank. Furthermore, to set up the plantation itself the offender needs various goods and materials (such as potting soils, isolation material, and lighting) which can usually be bought in construction markets, garden centres and grow shops. In fact, research has shown that grow shops form(ed) an important facilitator in the entire process of hemp cultivation. That is, besides providing materials, employees of these shops have shown to also offer advice, give suggestions on where to find suppliers of cuttings and/or dubious electricians, or even buy the end-product itself (Spapens, Van de Bunt, Rastovac & Miralles Sueiro, 2007: 62-63). What is more, the offender is also – not unimportantly – dependent on an energy supplier as well as the technical knowledge (of e.g. a mala fide electrician or experienced offender) to circumvent the electricity meter. The criminal often also hinges on the help of its social contacts to harvest the hemp while he might rent a van from a rental company to transport the hemp. Near the end of the logistic process, criminals furthermore need to find a way to get rid of the harvest waste. In this context, Spapens et al. (2007: 52) described a case where the waste was regularly brought to a municipal waste disposal site. Finally, to money launder the illicit gains through money laundering schemes the criminal is not rarely depended on the services of (mala fide) financial experts, lawyers, and/or notaries.

On a more abstract level, the Task Force generally distinguished three ‘legal environments’ that function both unconsciously or consciously as an ‘opportunity structure’ for hemp cultivation (Te Pest et al., 2012: 71). First, the ‘administrative environment’ (in Dutch: ‘bestuurlijke omgeving’) can play a facilitative role to the ‘underworld’ by e.g. providing permits to mala fide grow shops or simply by not using and enforcing existing laws and regulations (e.g. the BIBOB Act or the local development plan). Grow shops, social contacts, and internet websites, then, were coined as examples of the ‘social environment’ (in Dutch: ‘maatschappelijke omgeving’) that plays a role in the logistic

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28 Spapens illustrated that a similar model can be applied to the illegal production of ecstasy. The author described the production of synthetic drugs as a ‘complicated logistic process’ which involved; (1) preparing the lab and arranging equipment (e.g. tablet press machine) and raw materials (e.g. methylamine); (2) furnishing the lab (e.g. transporting the equipment to the lab); (3) the actual production process (including the process of getting rid of all the waste material); (4) selling the product; and (5) the actual distribution of the pills. One way of intervening in this logistic process is to make it harder for criminals to get hold of the needed equipment and illegal raw materials, subsequently taking away the opportunity to produce ecstasy. Because the fabrication of ecstasy demands materials, which are scarcer and are only distributed by a limited group of parties, the author noted that there are more possibilities to raise barriers to this specific process compared to hemp cultivation (Spapens, 2011).

process of hemp cultivation. The final strand of ‘opportunity structures’ are ‘criminogenic sectors’ (the ‘business environment’ or ‘zakelijke omgeving’) such as energy companies, the transport branch, the real estate sector, lawyers, and the financial sector.

Subsequently, when it is clear what barriers a (future) offender has to take to fulfil the seven steps of hemp cultivation, it also becomes clear what barriers can be raised to frustrate the criminal in fulfilling this process, or in other words, in what way the ‘legal environment’ can prevent people from using the licit ‘opportunity structures’ for hemp cultivation. In what follows, I will give some examples of the barriers raised by the police and Public Prosecution Service, the mayor, and by civilians and non-state organizations.

### *The criminal justice approach*

Although a situational and preventive approach to organized crime naturally comes with the efforts of partners other than the police and Public Prosecution Service, it was nevertheless noted that the approach to hemp cultivation always includes an important repressive component: ‘it remains an important goal of the approach to dismantle the criminal organizations behind the cultivation, prosecute offenders and to take away the illicit gains’ (PVAGM, 2007: 19). It is yet clear that this repressive approach is equally influenced by the ‘situational-perspective’ as the government favoured ‘directed interventions in the earliest stadium of the production process possible’. That is, by focusing particularly on ‘key figures’ in the ‘production chain’, such as exploiters of multiple cultivation rooms, grow shops or traders of large amounts of hemp, the goal was to ‘nip the cultivation in the bud’ (in Dutch: ‘in de kiem smoren’) and ‘confine the market’ (in Dutch: ‘de afzetmarkt beknotten’) (PVAGM, 2007: 20). In its report about the year 2012, the police and Public Prosecution Service indeed described that multiple criminal investigations were directed at the facilitating role of e.g. electricians, real estate agents, notaries, and people who prepare and build the grow room itself (Openbaar Ministerie & Politie, 2013: 11-12). Alongside this, the ‘program’ equally pointed to the importance of conducting financial criminal investigations as a way to hinder offenders in the final stages of the process (money laundering the illicit gains).

Furthermore, the approach to hemp cultivation is also well-known for the earlier described strategy of ‘korte klappen’ (see e.g. Schoenmakers, Bremmers & Van Wijk, 2012: 127). It was already in 1998 when Kleemans et al. (1998: 8-9) concluded that this strategy would answer to the more fluid and dynamic character of criminal networks. Instead of conducting large-scale investigations to incapacitate a few criminals (which are shown to be easily replaced), ‘korte klappen’ provides for a strategy that ‘can frustrate the cooperation within the chain on the short notice’. With regard to hemp cultivation, this strategy in short attempts to arrest a suspect (facilitator) or dismantle a plantation at the earliest stage possible: ‘as soon as chance presents itself, actions are taken [...] the motto is to frustrate

as often and as much as possible' (Nationale Politie & Openbaar Ministerie, 2016: 5). These short investigations could lead to information for further interventions but it above all disrupts the process of hemp cultivation (for instance because essential goods and materials are confiscated). By continuously raising these small and swift barriers, the government also intends to discourage the (future) offender to start or continue its involvement in hemp cultivation (due to an increase of the risk and effort).

The aim to frustrate hemp cultivation at the earliest stages of the process was moreover voiced through the introduction of Article 11a of the Opium Act (1 March 2015). Taking hemp cultivation as a 'production process' built around the 'facilitative activities' of various actors, this act provided for the legal possibility to prosecute persons (such as electricians) who play(ed) a facilitative role in hemp cultivation (TK 2010-2011, 32 842, nr. 3: 2). In other words, this act made it possible for the Public Prosecution Service and the police to criminally intervene, even before the actual process of cultivating hemp has started and before dangerous grow rooms are functional. Besides grow shops, which were described as the 'rotating discs' around which hemp cultivation 'spins', this act targets anyone who e.g. supplies lamps or nutrients, arranges grow rooms, or installs the needed electric supplies. A facilitator is punishable up to three years imprisonment when he or she had 'serious reasons to suspect' that the provided materials were to be used for the illegal production of hemp. Hence, while enabling the prosecution of people besides the actual grower, this act also made it possible to prosecute people way before the actual cultivation process is fulfilled.<sup>29</sup> The underlying rationale of this act is that it will decrease the amount of motivated facilitators which in effect frustrates – in one way or another – the aforementioned steps of hemp cultivation (TK 2010-2011, 32 842, nr. 3: 3, 6).

### *The mayor*

Whereas the mayor is traditionally responsible for enforcing the public order and liveability of the municipality, he or she is now also fully recognized for its responsibility of taking administrative measures against severe and organized forms of crime. In this role, the mayor developed into a constant and equal partner of the police and Public Prosecution Service. For Prins (2016: 155), this administrative approach can be characterized by its aim to intervene 'on the front side of the problem' and to break through the opportunity structures that precede organized crime. The role of the local government in the Van-Traa project and the introduction of the BIBOB Act in 2003 are clear examples of such interventions. The idea that the mayor increasingly developed into a 'crime-fighter' (Mein, 2010; Sackers, 2010) was more recently (September 2017) reinforced when the ten 'regional mayors' proposed to empower the administrative approach to (organized) crime by altering

<sup>29</sup> For a critical and more comprehensive discussion of the Act, see Borgers and Poecke (2012).

the law. In their proposal, the mayors among other things suggested to codify the responsibility of the mayor to prevent and fight (organized) criminal activities and to make it possible for governmental agencies to exchange intelligence more easily (Regioburgemeesters, 2017). The benefit of an administrative approach was generally described in the Handbook Administrative Approach Organized Crime:

‘An administrative approach on the one hand offers the possibility to discourage criminals and criminal groups from settling in the municipality and on the other hand to avert settled criminals from the municipality. An adequate approach prevents criminals or criminal groups from developing mala fide activities, for instance by declining applications for permits and subsidies. Besides this, action can be taken against situations whereby it is clear that permits or subsidies are already used for criminal activities. A premises can be closed for definite or indefinite duration, additional conditions can be tied to permits or a permit can be revoked’ (CCV, 2010 quoted in Prins, 2016: 152).

This administrative approach also plays a significant role in the context of organized hemp cultivation. This becomes clear, to begin with, through the many ‘hemp covenants’ in which local governments committed itself to cooperate with other (state and non-state) partners. These covenants in general terms involve agreements to exchange information and intelligence, to bring into line the various measures, and to keep other partners updated on planned actions. As part of this multi-agency approach, the local government particularly fulfils an important role in the first two steps of hemp cultivation.

That is, since the installation of a grow room (e.g. in a house) often creates a fire hazard, the mayor is generally authorized to command for the immediate dismantling of the hemp installation without first informing the owner of the premises. While doing so, the costs of these activities can later be collected from the offender (TK 2005-2006, 24 077, nr. 184). Under certain circumstances, the mayor is even authorized – by means of the so-called Damocles Act (Article 13b of the Opium Act) – to temporarily close any building (including houses) in which hemp or any other type of drugs are stored. To prevent that a closed building will again be used as a grow room in the future, the mayor is moreover able to reallocate the ownership of a building to a third party (Victor Act, Article 13b Housing Act). Those who enjoy social welfare from the municipality but nevertheless make money through hemp cultivation are also stripped from their monthly payments.

Furthermore, the mayor also has the possibility to screen (and possibly revoke or decline the permit of) the (future) owners of coffee shops by using the BIBOB Act. In fact, in 2011 the Minister of Security and Justice sent a letter in which he summoned all mayors to apply the BIBOB Act to all the coffee shops in the municipality. By altering the local government plan, the government can also control the locations and number of coffee shops within

the borders of the municipality. As a final example, the local government moreover plays an important role in enforcing the permit conditions of permitted coffee shops (e.g. limited amount of hemp in store, not serving alcohol, strict opening hours). A violation of the permit conditions often leads to administrative measures such as the (temporarily) closing of the coffee shop or the repeal of the exploitation permit (see e.g. Gemeente Breda, 2017).

#### *Civilians and non-state organizations*

As part of what Garland (2001: 124) described as the responsabilization strategy, the fight of hemp cultivation also became a responsibility of civilians and non-state organizations. To begin with, civilians are actively persuaded to hint the police or local government when he or she suspects that hemp is being cultivated in a building. For obvious reasons, this responsibility especially applies to electricians. Illustrative for this is the Electrical Engineering Fair held in 2015 during which the police and Public Prosecution Service informed visitors on how to recognize the signs and dangers of illegal hemp cultivation. To prevent electricians from facilitating the production of hemp through the installation of electricity (the second step of the barrier model), they were moreover pointed to their (possible) criminal liability under the (at that time) recently introduced Article 11a Opium Act (Netbeheer Nederland, 4 September 2015). Hence, to speak in terms of the strategies described by Cornish & Clarke (2003: 90), informing electricians acts as a nice way to 'remove excuses'. For the same purpose, energy companies also started to develop integrity guidelines for its personnel. Furthermore, the Task Force also settled a covenant with the Association of Insurers ('Verbond van Verzekeraars') and the Dutch Association for Energy Suppliers ('Netbeheer Nederland'). In this covenant, an agreement was made to exchange information between these two organizations and law enforcement agencies. Bart Nieuwenhuizen, the chairperson of the Task Force in 2011, explained that this exchange of information is helpful because 'an insurer knows in which neighbourhoods an insurer compensates for fire damage well above the average amount of compensations'. Energy suppliers moreover are the first to notice abrupt increases of energy usage in a household, while the Public Prosecution Service knows where people live who have been convicted for a drug-related offence in the past. 'When you combine this information', Nieuwenhuizen continued, 'you discover it might be interesting to start an investigation in a neighbourhood' (Kattestaart, 2011: 42). Furthermore, in yet another covenant with the Association Approach Mortgages Fraud ('Stichting Fraudebestrijding Hypotheken'), the police and Public Prosecution Service (in the region Zeeland-West-Brabant) agreed to inform banks about dismantled grow rooms in houses. This information can urge the bank to investigate whether the offender also committed mortgage fraud, in which case the fraudster will not

get a new mortgage in the future.<sup>30</sup> In line with this, housing associations are urged to adopt a rule in rental agreements stating that the rental agreement will be annulled when the tenant furnishes a grow room. Since the last two strategies make it harder for the (future) offender to continue or start its illegal activities in a house, you could say that this ‘increases the effort’, or raises barriers, at the very start of illicit production process (‘acquire a suitable location’).

## 2.8 PRE-CRIME AND RAISING BARRIERS

This chapter served as an exploration of the (theoretical) roots of the word ‘barrier’ as it occurs in Dutch crime policies. I have shown that it is no coincidence that the Dutch Minister of Security and Justice spoke of ‘raising barriers’ when he launched the national approach to OMGs in 2012. The phrase ‘raising barriers’ more generally echoes how the Dutch government also gradually adhered to a pre-crime logic of fighting crime. In sum, Dutch law enforcement agencies adopted a strategy to take away or limit the *opportunities* for crime. This is not done by focusing on ‘the’ criminal (post-crime), but by altering the criminogenic situation preceding the criminal activity (pre-crime). Grounded by the perspective of situational crime prevention, this logic follows from the rationale that the offender is not different from someone who does not violate the (criminal) law. Instead, crime is taken as the result of the ‘everyday citizen’ taking advantage of the opportunities provided by the licit and illicit environment. While this insight initially only instigated a preventive focus for petty crime, it later also influenced the Dutch approach to organized crime. Important for this turnover were criminological insights on how organized crime is organized. Organized crime is thought to be committed by rather ‘fluid’ and ‘dynamic’ criminals (groups) who are depended on and (ab)use the opportunities provided by the (licit and illicit) environment. Since (organized) crime thus takes shape in relation to its environment, the Dutch government aims to fight various crimes by ‘raising barriers’ to the opportunities within this environment. I intentionally say ‘various’ because the uniqueness of each and every criminal activity also demands crime-specific ‘barriers’. After all, the future offender who wants to fabricate ecstasy is depended on different opportunities compared to the offender who is involved in human trafficking. By describing crime as a ‘logistic process’, ‘barrier models’ make insightful what specific steps an offender has to take to successfully commit the respective crime. These ‘steps’ thus do not map the actual offender(s), but identify the goods, services, or economic sectors that are at-risk of (both

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30 Covenant aanpak Hennepteelt 2014. Retrieved from [https://www.stichtingfraudebestrijdinghypotheken.nl/images/downloads/OD113\\_Convenant\\_aanpak\\_hennepteelt\\_Zeeland\\_West\\_Brabant\\_2014\\_1.pdf](https://www.stichtingfraudebestrijdinghypotheken.nl/images/downloads/OD113_Convenant_aanpak_hennepteelt_Zeeland_West_Brabant_2014_1.pdf) (last visited 21 December 2018).

consciously and unconsciously) facilitating crime (think e.g. of ‘the’ electrician or ‘the’ transport branch). From these models, it also becomes clear why the police and Public Prosecution Service only play *one* part in the management of these risks. Also other state authorities, local governments, private companies, and citizens have the means (and thus the responsibility) to take away the opportunities and chances for crime. The case of illegal hemp cultivation was used to show how these various partners work together – under the banner of a program-based approach – to tackle crime in the earliest stages possible. This is not to say, though, that repression (post-crime) no longer plays a role. However, the police and Public Prosecution Service particularly has the task to frustrate or dismantle the criminal groups in such a way that it will also frustrate the future completion of a criminal activity. All in all, the Dutch pursuit to ‘raise barriers’ to (organized) crime clearly symbolizes what Zedner (2007: 262) meant when she wrote that ‘we are on the cusp of a shift from a post- to a pre-crime society, a society in which the possibility of forestalling risks competes with and even takes precedence of responding to wrongs done’.



## 3 THE HISTORY OF THE OUTLAW MOTORCYCLE GANG

### 3.1 INTRODUCTION

One of the terms that I will use most often in this thesis, is the term ‘outlaw motorcycle gang’ or ‘OMG’. This is simply because the Dutch government in present times (alike other countries) also adopted this term. Indeed, as will be shown in this thesis, the term ‘outlaw motorcycle gang’ is essentially a label adopted by law enforcement agencies to distinguish one group of persons from the other. The use of this ‘gang’-term is therefore also not a neutral or an innocent descriptive: ‘it is rather a transcendental signifier saturated with meanings that are immediately brought into play when it is mobilized’ (Hallsworth & Young, 2008: 184, quoted in Roks & Van Ruitenburch, 2018: 69). Today’s use of the term outlaw motorcycle gang in the same way brings into play ‘meanings’ that originally trace back to the United States of America, which country can be considered the ‘birthplace’ of the label. In fact, the historical background of the outlaw motorcycle gang seems to have influenced both the portrayal and governmental policies of OMGs in the present. Hence, in order to understand the present, it is essential to first understand the past. In doing so, I find it important to emphasize that I do not aim to discuss the *use* of the label itself, or in other words, whether the clubs labelled as outlaw motorcycle gang are rightly to be seen as ‘gangs’. In this chapter, I will thus also not discuss at length the criminal involvement of the various OMGs. By describing the history of the term outlaw motorcycle gang in the United States, this chapter rather serves as a historical steppingstone to understand and describe the approach to OMGs in the Netherlands.

For sure, the history of the outlaw motorcycle gang has already been described by many authors on previous occasions. I will therefore focus primarily on some of the key moments in time that caused North-American law enforcement agencies to take a different stance to certain motorcycle clubs. This historical narration naturally also comes with the introduction of the terms ‘outlaw motorcycle club’ and ‘1%-motorcycle club’, which terms are sometimes used in combination or instead of the term ‘outlaw motorcycle gang’. In the next paragraph, I will first describe how the first formation of motorcycle clubs equally resulted in the existence of so-called outlaw motorcycle clubs. In paragraph 3.3, I will pay attention to the moments and incidents that led some outlaw motorcycle clubs to adopt the term 1%-motorcycle club. In the final paragraph, then, I will describe how and when law enforcement agencies increasingly adopted the OMG label to mark certain outlaw motorcycle clubs and 1%-motorcycle clubs (which change equally came with a fiercer

approach from the government). Along the way, I will also reveal that the concern of the general public and law enforcement agencies has always moved beyond criminal activities alone. Simply put, members of outlaw motorcycle gangs have not only been a problem because they were (and are) involved in criminal activities, but also because they form(ed) a group endangered the conventional norms and values of society.

### 3.2 FROM MOTORCYCLE CLUBS TO OUTLAW MOTORCYCLE CLUBS

Although law enforcement agencies argue that OMGs today have nothing to do with riding motorcycles, the history of the OMG nonetheless traces back to the manufacturing of the first motorcycle. It therefore might not come as a surprise that the birthplace of the OMG is to be found in the United States of America. In a country centred around the ideal of freedom and liberty, the motorcycle has always acted as symbol of freedom and also offered the perfect 'toy' for the thrill seeker. It has even been argued that the motorcycle became the 'outlet' for one's 'need for expression and individualization' as the country became more civilized in the course of the 19th century (Lauchs et al., 2015: 8). The first motorcycle manufactures were moreover successful in selling their motorcycles because it offered a relatively cheap alternative mode of transportation.

#### 3.2.1 *The first motorcycle (club)*

The first company that produced reliable motorcycles was the Indian Motorcycle Company. This company was established in 1901 and originated from a partnership between George Hendee and Oscar Hedstrom. Both partnered up to come up with more reliable motorcycles to be used as so-called 'pacers', which enabled bicycle racers to gain and maintain higher speeds on the racing track. More importantly, though, was that this company also made the motorcycle – which basically was little more than a motorized bicycle – available to the general public. For Dulaney (2006: 46), the establishment of the Indian Motorcycle Company even marks the start of what the author called the 'preformative period' (1901-1944) in the history of outlaw motorcycle clubs as the introduction of the very first motorcycles also came along with the flocking together of riders and motorcycle enthusiasts in clubs. It was, however, the Harley Davidson Company (established in Milwaukee in 1903) that mostly influenced how today's motorcycles function and look. Barker (2015: 11-12) in this context also noticed that it was the Harley Davidson motorcycle that made it easier for people to travel longer distances between cities and states. Although motorcycle clubs were thus formed pretty much since the Indian Motorcycle Company began to sell motorcycles, the amount of motorcycle clubs particularly increased since the 1920s (Yates, 2007: 59). It has been argued that this upsurge might best be ascribed to the returning

veterans of World War I who looked for new ways to express themselves as well as to sustain the social contacts made during the war. Established in 1936 in the area of the city of Chicago, Dulaney (2006: 48) pointed to the McCook Outlaws as the first ‘enduring motorcycle club’, which members came together to make long motorcycle tours and to participate in racing events (such as hill-climbing and racing over oval wooden board tracks).

What soon followed the establishment of various motorcycle clubs, was the formation of motorcycle federations. Already in 1903, the Federation of American Motorcyclists (F.A.M.) was established to defend the interests of the motorcyclist by way of e.g. regulating motorcycle races and by promoting proper roads to ride. Furthermore, the Motorcycle and Allied Trades Association (M&ATA), an organization that represented the motorcycle manufactures, was formed in 1916. The M&ATA took up the task to also represent the motorcyclists after the F.A.M. was disestablished. In 1924, then, due to popularity and the call for a new federation for motorcyclists, M&ATA registered the American Motorcycle Association (A.M.A.) as a separate federation that represented the motorcyclists.<sup>1</sup> The reason I point to the establishment of these federations is that the A.M.A. later turned out to play a pivotal role in coining the term ‘outlaw motorcycle clubs’.

### 3.2.2 *The ‘outlawed’ motorcycle clubs*

The A.M.A. stills exists today and acts as the nationwide federation for motorcyclists and motorcycle clubs.<sup>2</sup> The mission statement of A.M.A. is ‘to promote the motorcycle lifestyle and protect the future of motorcycling’.<sup>3</sup> In doing so, it e.g. informs its members about upcoming motorcycle races and protects the legal status of the motorcyclist on the highway. Moreover, the A.M.A. was, and is, also concerned with defending a good and positive public image of the motorcycle rider. In 1961, for instance, the federation launched a campaign (‘Put Your Best Wheel Forward’) which encouraged motorcyclists to behave well on the road (e.g. by taking care of a proper personal appearance and by always following up on the safety-rules and regulations) (Swart & Krier, 2016).

Whereas the A.M.A. sanctioned various motorcycle events throughout the country, it also started to organize so-called ‘gypsy tours’. These tours basically are gatherings of motorcyclists at one specific location to celebrate and enjoy the (family) life of a

1 In 1976, the ‘American Motorcycle Association’ changed into the ‘American Motorcyclist Association’ ([www.americanmotorcyclist.com](http://www.americanmotorcyclist.com), last visited 31 July 2018).

2 In the 1930s around 300 motorcycle clubs were registered with the A.M.A. (Lauchs, et al., 2015: 9). Today, the A.M.A. counts 213,555 members and chartered a total of 1,256 clubs, [www.americanmotorcyclist.com](http://www.americanmotorcyclist.com) (last visited 8 August 2018).

3 [www.americanmotorcyclist.com](http://www.americanmotorcyclist.com) (last visited 31 July 2018).

motorcyclist. At these multi-day events various activities are organized including different types of motorcycle races. Participating in these racing-events comes with the 'A.M.A. Racing Rulebook', which lists the rules for participating in such events (for instance about what cloths to wear during the races). Ever since its establishment, the A.M.A. also decided which motorcycle clubs were entitled to participate in these events to begin with. That is, only the responsible and law-abiding motorcycle clubs that followed the rules and regulations were 'sanctioned' or 'chartered' by the A.M.A. The motorcycle clubs that were allowed to join the A.M.A. and were thus allowed participated in the various activities were, what Barker called, the 'conventional motorcycle clubs':

'members of **conventional motorcycle clubs**, representing all races and sexes and riding all makes of motorcycles foreign and domestic, behaving according to the norms of society and joins together based on their common interest in motorcycles, riding together for pleasure and companionship. They promoted responsible motorcycling as a family activity. The family-oriented ethic exists today in conventional motorcycle clubs' (Barker, 2015: 13, emphasis in original).

However, not every motorcyclist lived by the rule-abiding image set by the A.M.A. and not every motorcyclist joined an A.M.A.-sanctioned motorcycle club to begin with. There were also groups of motorcyclists who crossed the country looking for unskilled jobs while living a more deviant life-style (Barker, 2015: 13). These riders did not take safety-rules (e.g. wearing protective clothing) too seriously and their lives were not so much centred around family-life as it was around drinking. Since these clubs tarnished the positive public image defended by the A.M.A. and above all did not live by the rules set by the latter, they were also not allowed to participate in the (racing) events such as the 'gypsy tours'. Because they were not recognized and sanctioned or approved by the A.M.A., these clubs were also termed 'outlaw motorcycle clubs' (OMCs). Although the members of these motorcycle clubs were indeed more prone (compared to the members of the law-abiding and family-oriented clubs) to be involved in alcohol-induced bar fights, theft, and traffic violations, the term 'outlaw' thus initially only referred to the fact that these clubs were not officially recognized by the A.M.A. (Wolf, 1991: 4; Lauchs et al., 2015: 10; Barker, 2015: 12-13). Hence, you could say that these clubs were initially 'outlawed' by the A.M.A. itself. It was only later in time when the term 'outlaw motorcycle club' gained a more deviant and criminal connotation, which shift ultimately also came along with the adoption of a new term; the '1%-motorcycle clubs'.

### 3.3 FROM OUTLAW MOTORCYCLE CLUBS TO 1%-MOTORCYCLE CLUBS

Even though the Second World War hampered the further expansion of (outlaw) motorcycle clubs and events organized by the A.M.A., it quickly regained momentum after veterans returned from the battlegrounds in Europe. For Dulaney, the end of the War marked the beginning of a short but decisive 'formative period' (1945-1947) in the development of the outlaw motorcycle club (Dulaney, 2006: 49).

As described by the latter author, the war had 'melted down the pre-war personalities' of many veterans that were lucky enough to return home safely. Due to the terrors of the war, many veterans suffered from what we would now label as Post Traumatic Stress Disorder (PTSD). As veterans found trouble adjusting to normal life as well as in coping with the traumatic memories of combat, many looked for ways to let off steam. Besides drinking in pubs, riding motorcycles particularly turned out to be a good way to relief stress and 'relive some of the better, wilder social aspects of their times during the war' (Dulaney, 2006: 51). Especially riding with other veterans offered a good way to, how Barker (2015: 14) described it, 'recreate the camaraderie and excitement they had experienced in battle'. Besides riding a motorcycle as a way to relieve stress, it has also been argued that some veterans were drawn to motorcycling as a response to feelings of anomie or 'as a way of to rebel against the domestic expectations of the dominant culture. Rather than marrying, buying houses, having children, these men focused their energies on riding and spending time with friends who shared similar interests' (Austin, Gagne & Orend, 2010: 946). Related to the former arguments, Quinn (2001: 388) reasoned that some other veterans adopted their 'combat roles' as their 'master status' which they were again able to live by in a life 'centred around motorcycles'. Noteworthy in this context is also that many of the returning veterans already learned to ride motorcycles during combat training, which made it easier to again hop on a motorcycle as soon as they got back in the United States.

Although Barker (2015: 14) questioned whether the military background of veterans was indeed the 'defining factor' for the upsurge of OMCs, it is clear that some motorcycle clubs (which were in fact formed by veterans) played a decisive role in strengthening the negative image of the 'non-A.M.A. sanctioned' or outlaw motorcycle club. A famous example of such a club is the Boozefighters MC. Established in 1946, this motorcycle club was formed by a veteran who was kicked out of his former A.M.A.-sanctioned club (the 13 Rebels MC) due to rowdy behaviour during a motorcycle event. In search for a more 'lively' motorcycle club, 'Wino Willie' Forkner in turn formed the Boozefighters MC together with three other veterans. For Barker (2015: 15), the formation of the Boozefighters MC, which was thus not recognized by the A.M.A., set the stage for the 'evolution to one-percent biker clubs'. That is, while OMCs initially (before the Second World War) were not a big threat to the conventional motorcycle clubs, this started to change when

OMCs such as the Boozefighters MC started to attend and disturb A.M.A.-sanctioned events. An event that played a crucial role in this 'evolution' took place in July 1947 in a small town called Hollister (California).

### 3.3.1 *The gypsy tour in Hollister*

As noted, the A.M.A. organized annual gypsy tours throughout the United States and in the summer of 1947 Hollister again hosted this three-day event for the first time since the War. I deliberately say 'again', because Dulaney (2006: 52) emphasized in his thesis that many authors failed to point to the fact that Hollister was not new to the biker scene. In fact, the town hosted a similar tour in 1936 and was known as a 'big motorcycle town' with many bars and gas stations (Barker, 2015: 17). Alike previous gypsy tours, the event of 1947 hosted various racing events, and in line with what I explained above, only motorcycle clubs that were officially recognized by the A.M.A. were welcome to participate in these races. However, during this year's event, other outlaw motorcycle clubs such as the Boozefighters MC also decided to join the festivities (Yates, 2007: 60).

The presence of both conventional and outlaw motorcycle clubs in combination with the gathering of hundreds of people in a relatively small town resulted in public disorder. The exact nature of the public disorder, however, remains turbid as McBee (2015) described the descriptions of the Hollister incident to be 'all over the place'.<sup>4</sup> For instance, while Journalist Mick Farren pointed to the Boozefighters MC as the single instigator of all the trouble (Farren 1985, cited in Ballard, 1997: 107), Barker (2015: 18) also included the OMC The Pissed Off Bastards of Bloomington 'and other hell-raising outlaw clubs' as the troublemakers. Furthermore, whereas Dulaney (2006: 52) noted 'some minor storefront damage and at least one misdemeanor for public indecency', Wolf described the event as 'the world's first motorcycle riot':

'Approximately five hundred non-affiliated bikers disrupted an AMA-sponsored Gypsy Tour and competition events involving 2500 affiliated bikers by drinking and racing in the streets of the host town of Hollister [...] At the height of the riot, bikers rode their motorcycles into bars and restaurants and through traffic lights, tossed bottles out of upper-floor windows, and got rid of the beer they had been drinking in streets (indecent exposure). The unruly behaviour lasted for approximately thirty-six hours' (Wolf, 1991: 5).

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4 The article written by McBee (2015) is found on page of an internet website. For this reason, I cannot mark the page number when I quote this author.

While it remains unclear whether Wolf's description is accurate, the same fuzziness goes for the number of people that were arrested. While Barker noted that 'soon the jail was filled to capacity with drunken motorcyclists', Dulaney remains a bit more reticent by noting 'at least one misdemeanour arrest for public indecency'. Wolf on the other hand was again less afraid to be specific and counted a total of 38 arrests (Barker, 2015: 18; Dulaney, 2006: 52, Wolf, 1991: 6). Although the descriptions of the tribulations during this 'gypsy tour' are divergent, the various authors do seem to agree on the idea that it was the sensationalistic coverage of the event by the (national) media that instigated 'the myth of the July Fourth' (Dulaney, 2006: 52), the 'birthplace of the American Biker' (Barker, 2015: 17), and the 'stigmatization' of outlaw motorcycle clubs as deviant and unruly (Wolf, 1991: 5).

### 3.3.2 *The media response to the Hollister event*

On 6 and 7 July, the *San Francisco Chronicle* headlined stories on the incident with 'Havoc in Hollister. Motorcyclists Take Over Town; Many Injured' (6 July, 1947), and 'The 40 Hours That Shook Hollister. Charge of the Motorcycle Brigade Ends' (7 July, 1947).<sup>5</sup> In these articles the incident was described as '4,000 motorcyclists' having 'terrorized the city for two days' (6 July, page 1). The newspaper also quoted the chief of police, who characterized the event as 'the worst 40 hours in Hollister's History'. Importantly, in the edition of 7 July, the *Chronicle* also added a photo of the scenery in the streets of Hollister. On this picture, a man holding two bottles of beer (and most clearly intoxicated) sat on a parked motorcycle which was surrounded by empty bottles of beer. Especially this picture turned out to be essential in building the new and deviant image of the 'outlaw biker'.<sup>6</sup> Yates even questions whether we would still know about the incident today had this photograph not been taken in the first place (Yates, 2007: 62).

That is, the Hollister incident received nationwide attention when *Life*, a popular photographic magazine, picked up on the story. In the issue of 21 July (1947), the magazine published a large version of the photo taken earlier by Barney Peterson, the photographer of the *San Francisco Chronicle*. It is clear that the words used in the *San Francisco Chronicle* heavily influenced the journalist of *Life* magazine as the short text (titled: 'Cyclist's Holiday. He and friends terrorize a town') that accompanied the photo reads as follows:

5 Original articles found under the following link: <https://www.sfchronicle.com/thetake/article/These-biker-photos-defined-the-boozy-bloody-6865973.php#photo-9457539> (last visited 4 January 2019).

6 Barker and Dulaney argued that the picture taken by the photographer never appeared in the *San Francisco Chronicle* (Barker, 2015: 19; Dulaney, 2006: 52). I however cannot but conclude that this was in fact the case. That is, an excerpt of the newspaper on the 7th of July clearly reveals that the newspaper did publish the famous photograph (see link above).

‘On the Fourth of July weekend 4,000 members of a motorcycle club roared into Hollister, Calif. for a three-day convention. They quickly tired of ordinary motorcycle thrills and turned to more exciting stunts. Racing their vehicles down the main street and through traffic lights, they rammed into restaurants and bars, breaking furniture and mirrors. Some rested awhile by the curb (above). Others hardly paused. Police arrested many for drunkenness and indecent exposure but could not restore order. Finally, after two days, the cyclists left with a brazen explanation. “We like to show off. It’s just a lot of fun.” But Hollister’s police chief took a different view. Wailed he, “It’s just one hell of a mess.”’ (Life, 21 July 1947: 31).

Today, it is common knowledge that the media reports about the three-day event did not cover the ‘exact’ nature of the tribulations (Austin et al., 2010: 946-947; Swart & Krier, 2016; McBee, 2016; Wood, 2003: 341). Although the authors cited above also seem – to some extent – tell diverging stories, all are clear in stating that the severity of the disorder ‘did not begin to approach the siege that life magazine portrayed’ (Dulaney, 2006: 52). Barker even speaks of ‘an extreme exaggeration’ as there was no actual ‘riot’. After *Life* had published the photo, the editors of the magazine even received letters from readers who claimed that both the picture and text gave an amplified portrayal of the incident (Dulaney, 2006: 53-55).<sup>7</sup>

Regardless of the attempts by some to downgrade the severity of the incident, you could say that ‘damage’ was already done. The Hollister incident coupled outlaw motorcycle clubs (and to some extent also motorcyclists in general) with deviance and public disorder, which frame was reinforced in the years that followed. Indeed, the gypsy tour that was organized a year after the tour in 1947 marked yet another significant event that strengthened the deviant-like portrayal of OMCs. Again held in the weekend of 4 July (1948), hundreds of motorcyclists (both conventional and outlaw motorcycle clubs) gathered to attend a tour planned in the city Riverside (California). The media response to this tour clearly revealed similarities with that of the Hollister incident as articles featuring titles such as ‘Cyclists Take Over Town’ framed the motorcyclists (especially members of

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7 Besides the exaggerations on the nature of the tribulations, it was (and still is) also doubted whether the picture used in the *Chronicle* and *Life* magazine was really that unique. Jerry Smith gave reason to suspect that the picture was staged and that the drunk biker more or less posed for the photo to be taken. He came to this conclusion after finding out that there were extra (unpublished) versions of the photo, which differed from the version published in *Life*. In one photo, for instance, beer bottles were standing neatly upright in front of the motorcycle, while in the published version the empty beer bottles were muddled around the front tire. One eye-witness also confirmed that the photo was staged as he saw Peterson scraping the bottles together to subsequently put the motorcycle near the stack of bottles (Smith, 2010). Although Smith himself remains reticent on providing a conclusive answer, others seem to have no doubt in concluding that the picture was indeed staged (e.g. Barker, 2015; Yates, 2007: 63).

the OMC the Boozefighters MC) as if they purposively came to raid the event (Hayes, 2009: 39-51). In this context, McBee also recalled reports that claimed the presence of 5,000 'wild riding' motorcyclists who 'thundered and roared up and down Riverside streets for three days before harried police officer finally turned the tide and restored some semblance of order'. Another newspaper described that during the event "outlaw' bikers moved into town and proceeded to paint it a bright red' (a saying for deliberately causing public disorder and/or behaving deviant) (McBee, 2015). Without going into too much detail, Hayes in particular goes at length to counter this portrayal of events by citing a letter written by a police officer of Riverside. In this letter, the police officer argued that the actual course of events was very much different from the exaggerated picture sketched in the newspapers (Hayes, 2009). For instance, media reports were accompanied by a picture of two members of the Boozefighters MC pretending it was again this club that caused turmoil. This picture, however, later turned out to be taken during the gypsy tour in Hollister one year earlier (Barker, 2015: 22-23).

Despite that the nature of the tribulations during both gypsy tours was inflated through media reports, it is apparent to see how the previous portrayal of events is still reproduced in present times. To take one example, in a Dutch book about the Hells Angels MC published in 2012, the Hollister incident was described in a piece titled 'Greased quiffs on warpath':

'In July of that year 700 angry looking greased quiffs, while wearing short leather jackets and having challenging looking girls on the back of their motorcycles, invade the town of Hollister to ruin a local festival. Within ten minutes, the motor devils had changed the peaceful streets in a Wild West decor, full with fighting men, fleeing women and children, crying dogs. Numerous were wounded and hundreds of windows break. Only after 36 hours a hastily formed army of policeman is able to put an end to the temporary occupation of the town' (Burgwal, 2012: 9).

Apart from the fact that the bikers at that time were not the people who showed off with the famous 'greased quiffs' that become popular in the 50s and 60s, it is particularly interesting to notice that the 'motor devils' are – similar to the news reports in the late 1940s – portrayed and framed as if they were on 'warpath' to deliberately 'ruin' the Hollister event.

3.3.3 *Threatening norms and values*

McBee, a historian who studied the evolution of motorcycle culture, interestingly recognized that more is to be learnt from these public responses. In his research, the author was not only interested in the exaggerated and sensationalistic response following the (staged) picture published in *Life* magazine, but even more so how the picture *itself* symbolized a deeper concern felt by the general public. That is, the author argued that ‘the rider’s posture [in the picture, TvR], which highlighted a familiar slouch, further emphasized a body at rest and confirmed the motorcyclist’s connection to other men (transients) whose separation from the community and steady employment was prominent’ (McBee, 2015).

To explain his point, McBee noted that the Hollister incident took place in a specific period of time (i.e. not long after The Great Depression) where one envisioned and valued the American citizen as someone who was independent by working hard, and as someone who lives by an ‘ethos’ of conformity and cleanliness. By visiting various motorcycle rallies, the motorcyclist however challenged or threatened this identity. This can be noticed, McBee argued, through the words used in the media reports published shortly after the incident. The author for instance pointed to the fact that the alleged troublemakers were not only depicted as motorcyclists but also, among other things, as ‘vagrants’, ‘transients’, ‘hoodlums’, and ‘cowboys’. This is significant because, so the historian explained, the words ‘transient’ and ‘tramp’ are commonly used to describe and point to people who have ‘an ambiguous and insufficient relationship to work and a tenuous if not outright negative relationship to the community’. The ‘transient’, in other words, has no strong ties to one community and wanders around the country. While doing so, the ‘transient’ moreover symbolizes a person who lives by a different standard of sexuality, such as having a non-marital sexual relationship. The values of these ‘transients’ thus opposed the normative values of the ‘good citizen’; the citizen that works and settles at one specific location to start a family. McBee argued that the wild behaviour (such as sleeping on the streets and ‘public acts of sexuality’) of the motorcyclists at the Hollister incident in the same way opposed the normative values upheld by the residents of Hollister. In addition, the ability of the motorcyclists to come and leave a place at any given time symbolized the transient-like lifestyle generally rejected by the (American) citizen:

‘Besides the motorcycles participants rode in on, visible signs of property or the means to support themselves were inconspicuous at best, and ties to the community were just as fleeting. Likely to have a bed roll strapped to the rear of their machine, motorcyclists were neither here nor there and likely to depart as quickly and as abruptly as they had arrived.’

Besides the lack of ties to the community, it was suggested that the way in which motorcyclists (sometimes literally) ‘occupied’ the road equally formed a ‘source of tension’. This is reflected, in the first place, through the way in which motorcyclists controlled the speed on the motorway by not letting other road users pass the motorcade. Secondly, motorcyclists were also described as ‘cowboys’ because of their stunts on the road and the speed with which they made their way through traffic jams. Thirdly, media reports also voiced complaints about the hard noise coming from the motorcycles itself, especially caused by what is called ‘straight pipes and funnels’ and ‘motor-popping’. All in all, McBee argued, the public’s reaction to the different rallies at that time followed to a large extent from the perception of motorcyclists being ‘rowdy, undisciplined, and loud’. The picture of the motorcyclist in *life* magazine in other words symbolized ‘the’ rebellion or undisciplined who had no ties to any occupation whatsoever and in effect threatened ‘the community and its values’ (McBee, 2015).

In support of McBee’s argument, Fuglsang argued that media reports after the gypsy tours defined the biker as ‘not-a-citizen’, which in turn supported America’s middle-class norms and values:

‘The outlaw bikers’ marginal existence was an invitation for the news media, in their role as moral entrepreneurs and watchdogs of the public good, to exhibit a negative example of citizenship. [...] mainstream media exploited the image of outlaw bikers, identifying them as a menace to middle-class values. Motorcycle clubs and their activities at once served to define the boundaries of acceptable behaviour and reveal the effectiveness of law enforcement procedures against a rising tide of criminal activity’ (Fuglsang, 2001: 192-193).

In similar words, Austin et al. (2010: 947) argued that the *Life* picture ‘initiated fears among some Americans and confirmed the beliefs of others that motorcyclists presented a threat to their conservative postwar way of life’. Following up on Stanley Cohen’s thesis, you could say that the motorcyclists (and the outlaw motorcycle clubs in particular) at that time were thus not only problematized because of ‘particular disapproved forms of behaviour’ but rather as ‘distinguishable social type’ which acted as a folk devil or as ‘a visible reminder of what we should not be’ (Cohen, 2002: 2; Barker, 2015: 20-21).

### 3.3.4 *Exploiting the image of the ‘outlaw biker’*

It is clear that the meaning of ‘outlaw’ in outlaw motorcycle club by now gained a much more deviant, violent, unlawful, or unruly connotation (instead of solely referring to not being affiliated with the A.M.A.). This image was further amplified by a growing number

of biker movies, which generally portrayed 'the' biker as someone who wants to set his own rules and lives outside conventional society. According to Perlman, these biker movies more or less replaced the popular 'western movie' as the member of the outlaw motorcycle club was portrayed as the new 'modern-day cowboy' (Perlman, 2007; see also Wood, 2003).

Especially the movie *The Wild One* (1953) (featuring famous actor Marlon Brando) deserves to be noted here as the idea for this movie came directly from the (media) reports written after the Hollister incident. Indeed, the director of this movie was inspired by a fictional story in *Haper's Magazine* published in 1951 (titled: 'Cyclists Raid'), which described a scenery during which a few dozen members of the (made-up) Angelo Motorcycle Club raided a little and quiet town. Whereas the idea for this story was fuelled by the Hollister incident, it in turn encouraged the director to make a film about the so-called Black Rebels Motorcycle Club equally raiding and causing public disorder in a small rural town. Interesting to note in the context of the previous paragraph is that the movie was initially disapproved by the Production Code Administration (PCA) of the Motion Pictures Association of America (MPPA). Perlman described that the PCA did not find the film suitable because it had a 'anti-capitalistic stance' and because the message of the movie was 'anti-American' (Perlman, 2007).<sup>8</sup> According to Austin et al. (2010: 947), this movie reinforced the motorcyclist as a threat to the social order and the image that 'they were a menace within US borders that could arise anywhere'. In similar wordings, Syder remarked that this movie (alike other biker movies) built on the 'narrative' of the OMC as a social problem and as a threat to society as a whole:

'The sense of bikers as outlaws is commonly reinforced by tales of them invading small rural townships, a regular feature of press reports ever since the Hollister Riot incident. In these news stories, the small town appears to be a repository for traditional American values. The notion of the ostensible "purity" of the small town being raped, pillaged and defiled by outlaw bikers seems to serve as yet another means by which the news media sought to illustrate the perceived threat of the Angels to the American way of Life' (Syder, 2002: 8).<sup>9</sup>

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8 As was the case with the article written by McBee (2015), this article is also found on page of an internet website. For this reason, I cannot mark the page number when I quote this author.

9 Numerous other movies equally built on the script set by *The Wild One*. Examples are *Rebel Without a Cause* (1955), *The Wild Angels* (1966), *Devil's Angels* (1967), *Hells on Wheels* (1967), *The Glory Stompers* (1967), *The Born Losers* (1967), *Satan's Sadists* (1969), *Hells Angels '69* (1969), *Easy Rider* (1969), and *Hell Riders* (1974). This is not to say that there are no important differences between the different movies. The articles written by Perlman (2007) and Syder (2002) serve as an interesting starting point for those interested in learning more about the diverging scripts of various biker movies.

3.3.5 *The 1% and the 99%*

Besides the media reports and biker movies that magnified the deviant-like character of motorcyclists, there were also attempts to counter the negative portrayal of 'the' biker. For instance, the editor of the magazine *motorcyclist* wrote in a letter to *Life* magazine that the disorder in Hollister was not the act of 4,000 motorcyclists, but only due to 'a small percentage of that number' (Dulaney, 2006: 54). Following up on the gypsy tour in Riverside, police officers also stated that the bikers causing serious trouble were 'representing not more than 2% of the cyclists' and a 'change in attitude and acts of the one percent of irresponsible, intemperate and sometimes vulgar motorcyclist hiding behind the cloak of decency of the ninety-nine percent of motorcyclists must be accomplished' (McBee, 2015). The A.M.A. also put effort in polishing the image of the motorcyclist. The earlier mentioned campaign 'Put Your Best Wheel Forward' aimed to encourage 'all motorcyclists to present a good appearance to the public – not only by their personal appearance, but also by their riding habits' (American Motorcycling, February 1961: 15). As part of this campaign, letters were sent to motorcycle dealers in which they were pointed to the idea that it was only a small part, or a 'fringe element', of all motorcyclists that had tarnished the 99% of motorcyclists who do behave in an upright manner. Many authors described that the president of the A.M.A. also released a statement stating that only 1% of all the motorcyclists are involved in causing problems during e.g. motorcycle events (see for instance Lauchs et al., 2015: 13; Austin et al., 2010: 959; Quinn, 2001: 380; Wolf, 1991: 4-5; Burgwal, 2012: 9).<sup>10</sup>

The previous statements obviously played a crucial role in adopting the terms '1%-motorcycle clubs' (or 1%-MCs) and 'one-percenters' as some outlaw motorcycle clubs took up the 1%-statement not as insult, but as a mark of distinction. Indeed, in the course of the 1960s, members of some OMCs proudly stitched a diamond shaped '1%'-logo on their colours (as some sort of 'badge of honour') with which they aimed to qualify themselves as the 'truly' outlaw motorcycle clubs.<sup>11</sup> Although the term outlaw motorcycle

10 Dulaney (2006: 53-54) researched this matter in-depth and concluded there is no record of such a statement made by the A.M.A. While this author thus questions the consensus around this statement, it is at the same time not unthinkable that the 1%-label followed from a combination of the various statements made by the above quoted police officers, the letters sent to *life* magazine, and the A.M.A. distancing itself from the behaviour of some OMCs.

11 Indeed, the colours refer to the (mostly leather) vests with insignia worn by members of clubs like the Hells Angels MC. Although differences between OMCs do exist, the colours generally consist of a 'top-rocker' and 'bottom-rocker' on the back of the vest. The 'top-rocker', located on the top, signs the name of the club and the 'bottom-rocker' reveals the name of the chapter of the club. Between these two 'rockers' the symbol of the club is shown accompanied by a small 'MC' emblem, which stands for 'motorcycle club'. On the front of the vests small tags reveal the position of the member within the club. Originally only so-called 'full-colour members' are allowed to wear this full combination of insignia. That is, 'hangarounds' (the first stage towards full-membership) are only allowed to wear the tags with the clubname and the tag 'hangaround'.

club became increasingly linked to deviant behaviour after the tours in Hollister and Riverside, Dulaney (2006: 60) emphasized, however, that not every OMC is by definition also an 1%-MC:

‘Outlaw motorcycle clubs are simply motorcycling organizations that do not hold American Motorcyclist Association charters, and represent the vast majority of motorcycle clubs in America [...] The reality is that all one-percent clubs are outlaw motorcycle clubs, but not all outlaw motorcycle clubs are one-percent clubs’.

### 3.4 FROM 1%-MOTORCYCLE CLUBS TO OUTLAW MOTORCYCLE GANGS

As described, outlaw motorcycle clubs were first portrayed as ‘social rebels and deviants’ who lived according to a different set of norms and values compared to the average and normal citizen. From the sixties onwards, however, these clubs (and the 1%-motorcycle clubs in particular) were increasingly seen as subcultures of violence and drugs (Wolf, 1991: 7). Barker introduced this transition as follows: ‘the outlaw clubs evolved from the raucous “hell raising” misfits of the late fifties and early sixties and they become the drug dealing outlaw motorcycle gangs of the 1960s’ (Barker, 2017: 15). In this paragraph, I will focus on the latter shift and recall some of the events that caused law enforcement agencies to adopt the label ‘outlaw motorcycle gang’. Before describing these events, though, it is first time to further introduce the Hells Angels Motorcycle Club (HAMC) (a club that also marked itself with the ‘1%’-logo and is thus considered an 1%-MC), which were to become the most (in)famous outlaw motorcycle gang in the world. Barker even went as far to state that ‘the history of one-percent motorcycle clubs is ultimately a narrative of the HAMC’ (Barker, 2015: 25). Indeed, the HAMC not only had an important stake in building the organizational structure many OMGs live by today, it was also due to the actions of this particular club why U.S. state authorities instigated a more nationwide focus on ‘outlaw motorcycle gangs’.

#### 3.4.1 *The Hells Angels Motorcycle Club*

The first chapter of the Hells Angels MC was established (initially as ‘Hell’s Angels’) in 1948 (San Bernardino, California) after members (WWII veterans) of the OMC The Pissed Off Bastards of Bloomington felt prompted to form a new club after the bad publicity it

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Prospects (the second and final stage before full-membership) are allowed to add the ‘MC’-emblem (KLPD, 2010: 30).

received after the Hollister incident.<sup>12</sup> The former members of The POBOB were not the only ones who took up this idea though. Among others, Wood (2003: 342) noticed that various motorcycle clubs across the United States had been adopting this name independent of each other. For instance, in 1954, a Hells Angels club was equally formed by veterans who were formally members of a club called the Market Street Commandoes. In the first years, the various and separate Hells Angels clubs were thus not yet as organized as they are today (some even did not know about each other's existence). It was only from the 1960s onwards when the separate clubs became connected into a more top-down and 'business-like' organization (Wood, 2003: 342). This change is commonly attributed to the arrival of Ralph 'Sonny' Barger, who himself established the Hells Angels in Oakland in 1957. The transition towards a more formally structured MC is remarkable because the first OMCs were actually born out of resentment against the 'organization' and 'conformity' present in conventional society. Wood explained this irregularity by pointing to the simple fact that the 'new' OMCs of the 1960s were not established by veterans of the Second World War. Many of the members (such as Ralph Barger) that formed new motorcycle clubs at this time did serve the army, but 'in no way resembled the supposedly disaffected World War II veterans who were the core of the early outlaw clubs' (Barker, 2015: 27). Barger, born in 1938, was what Wood called a 'war baby'. He and his friends flocked together in Oakland not to escape 'stifling organization and conformity', but precisely because they longed for the strict organization and discipline as present in the army (Wood, 2003: 342-344).

Not long after he became president of both the Oakland chapter and the National Hells Angels MC in 1958, Barger indeed started a process of linking all existing HAMC-chapters into one 'cohesive' group. The separate and independent Hells Angels clubs thus became chapters of one and the same formal organization, instead of a 'bunch of chapters who just happened to wear the same patch' (Barger, quoted in Wood, 2003: 342-343). Along with this, Barger also introduced various club rules. To give some examples, formal and structured meetings were introduced which the members were obliged to attend. During these meetings, minutes were taken and members had to pay a fine in case they missed one. Also new club rules were set to fine swearing during club meetings and women were no longer welcome at the club. Each chapter of the Hells Angels also became built around a hierarchical structure as one started to entitle so-called 'officers' (i.e. president, vice-president, treasurer, secretary, and sergeant-of-arms), which were appointed by a majority of the members. Allowing new members to the club was also strictly regulated; a new member first had to get through a 'prospect-period' which enabled the other members to get to know the person before he became a full-member. Pretty much the same principle

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12 The Hells Angels MC uses the term 'charters' instead of 'chapters' to refer to its local clubs. For reasons of convenience (all the other clubs use the word 'chapter'), I will use the word 'chapter' throughout this book.

was adopted for motorcycle clubs that desired to become an official chapter of the HAMC. That is, a club was only entitled to call itself a Hells Angels MC chapter after the majority of all Hells Angels members agreed on its admission. Finally, in 1966 the Hells Angels MC was registered as a formal legal corporation and the logo of the Hells Angels (the 'Death's Head') was copyrighted in 1972. Since the HAMC hence became a legal company, the members were also able to gain profit from the use of the name and logo by others. The HAMC for instance received money because its name was used in the title of the movie *Hell's Angels '69* (Wood, 2003: 343-345). Alike many other American-based OMGs, the HAMC also spread its wings to establish (what the club calls) 'charters' abroad.<sup>13</sup>

It would be false to suggest that the 1960s only marked a change of the organizational structure of the HAMC. From the sixties and seventies onwards, the Hells Angels MC namely also became involved in more serious criminal activities. As members of HAMC particularly moved into drug dealing, Barker argued that membership became increasingly based on 'criminally exploitable ties' oriented towards illicit profit making (Barker, 2015: 27-28). It is also for this reason – in combination with its strict organizational structure – why Wood (2003) generally concluded that the Hells Angels MC of the sixties were no longer to be regarded as part of a counterculture. The 1960s at the same time also marked the decade where the Hells Angels MC slowly gained nationwide attention from law enforcement agencies. The main cause for this was the alleged rape of two women by a number of Hells Angels members in California. Although the case was ultimately dismissed due to a lack of evidence, the incident (and especially the media that covered this case) nevertheless induced Attorney General Thomas C. Lynch to initiate a state-wide investigation into the activities of 1%-MCs such as the HAMC. According to Dulaney (2006: 57), the Lynch-report (1965) was the 'first large-scale bureaucratic attempt to portray motorcycle clubs as clear and present danger to local, state and ultimately international constituencies'. In other words, it again set in motion an image of 1%-motorcycle clubs (and the Hells Angels MC in particular) as a 'social problem' and a threat to 'ordinary society' (Syder, 2002: 4).

### 3.4.2 *The Lynch-report*

For this internal report (which was later made public) Attorney General Lynch initiated a call for intelligence about the Hells Angels and other clubs with law enforcement agencies across the state of California. The responses to the questionnaires ultimately resulted in a 15-page report that was built around a list of what was called 'hoodlum activities'. This

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13 According to its own website, the Hells Angels MC currently has 466 'charters' spread over 57 countries ([www.hells-angels.com](http://www.hells-angels.com), last visited 25 February 2019).

enumeration basically consisted of various cases in which Hells Angels members were involved in the past fifteen years, and most importantly involved theft, cases of rape, violence, acts of retaliation, gang rapes, and traffic violations (Thompson, 2007: 115-126). To face this problem, Thomas Lynch argued to take stronger measures against the members and promised that ‘they will no longer be allowed to threaten the lives, peace and security citizens of our state’ (Attorney General Thomas Lynch, 1965, quoted in Thompson, 1967: 26). However, the report has been criticized by many scholars for portraying a biased, dramatic, and wrong picture of the Hells Angels at that time. Barker (2015: 30) even qualified the Lynch-report as ‘largely fiction compiled from questionable police files’ (see also Lyng & Bracey, 1995). It also turned out that most of the cases described in the report did not result in an arrest and only a few were actually convicted for these crimes (Murray, 2007: 100).<sup>14</sup>

Howbeit, it was again – similar to the Hollister incident – the media coverage on the report that ‘set in motion a new turn in the criminalization spiral’ of the outlaw biker phenomenon (Lyng & Bracey, 1995: 250). Whereas the Hells Angels were, before the Lynch-report, mainly known to law enforcement agencies in California, the national and rather sensationalistic coverage by newspapers such as *The New York Times* helped the Hells Angels to be considered a threat on the national level as well. To provide a taste of the tone of the media coverage, *Time* magazine described that:

‘No act is too degrading for the pack. Their initiation rite, for example, demands that any new member bring a woman or girl (called a “sheep”) who is willing to submit to sexual intercourse with each member of the club. But their favourite activity seems to be terrorizing whole towns [...] in between drug-induced stupors, the angels go on motorcycle-stealing forays, even have a panel truck with a special ramp for loading the stolen machines. Afterward, they may ride ride-off again to seek some new nadir in sordid behaviour’ (Time, 26 March 1965, quoted in Thompson, 1967: 25-26).

Besides being involved in various criminal activities, the Hells Angels members were also portrayed as filthy, vulgar, alcoholics, fascists, job-less, and as having an abnormal sexuality. In this context, Syder reasoned that the Lynch-report and the media coverage that followed needs to be placed within a broader concern about the idea that the status-quo of the United States was under pressure. That is, the author reminded us of the idea that America’s ‘national identity’ in the 1960s was threatened by civil rights protests, student movements,

14 Considering the fact that the Hells Angels were already known to use violence against other civilians, we have to consider the possibility that part of the dismissals was due to victims being afraid to file a case against the Hells Angels MC.

the Cold War and the Vietnam War. Not least because the Hells Angels at that time were mainly unskilled men (in the age of 20-30 year), Syder concluded that ‘much of the press seems to exhibit a whiff of class fear, and the outlaw bikers clearly represented a threat to an image of the United States that the lawmakers and mainstream media were attempting to promote’. In a way similar to the analysis of McBee (2015), Syder (2002: 4) thus concluded that the press’ portrayal of the ‘outlaw bikers’ acted as a way to ‘valorize American national identity in the face of growing turmoil and embarrassment’.<sup>15</sup>

### 3.4.3 *Introducing the ‘gang’-label*

It was in the same time period of the Lynch-report when the 1%-motorcycle clubs were more and more qualified as outlaw motorcycle gangs. According to Barker (2017: 15), Journalist Hunter Thompson was the first to do so when he wrote an article for *The Nation* titled ‘The Motorcycle Gangs’ in 1965.<sup>16</sup> In the course of the 1970s, local law enforcement agencies – fuelled by the criminal activities that came to light through various police investigations – equally began to describe 1%-MCs as ‘outlaw motorcycle gangs’ or ‘OMGs’. An undercover operation in 1977 for instance led to the indictment of 19 Hells Angels members for, among other things, drug trafficking and murder. The fact that the Hells Angels were indeed not afraid to kill follows from the fact that the Hells Angels posted an award for the death of the respective undercover agent. A few years later, in 1981, a police investigation led by the police in North Carolina resulted in various arrests of members across the country (insurance fraud and theft of motorcycles). Again one year later, the police also found a large amount of explosives and (automatic) weapons with the Hells Angels MC (Barker, 2015: 37; Barker, 2017: 17).

These and other cases led a special agent of the Federal Bureau of Investigation (FBI) to conclude in 1982 that ‘evidence is mounting to indicate that some of the freewheeling riders of the 1960s and 1970s have grown up in terms of criminal sophistication’ (Davis,

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15 Another well-known incident that marked the violent character of the Hells Angels MC took place in 1969. In December of that year, The Rolling Stones hired the Hells Angels MC in California to act as security personnel during a free concert at the Altamont Raceway Park (this is somewhat less remarkable knowing that the band previously also hired the London Chapter of the Hells Angels at a concert in England). Barker described how the Hells Angels used ‘lead-filled pool cues’ and threw ‘full cans of beer’ to control the audience. Moreover, a band member of the rock band ‘Jefferson Airplane’ was beaten unconscious and other ‘troublemakers’ in the audience were beaten up. Yet, the ‘Gimme Shelter’ concert will mostly be remembered for the death of eighteen-year-old Meredith Hunter. While the Rolling Stones were performing on stage, Hunter was tragically stabbed to death by a member of the Hells Angels, only a few meters away from Mick Jagger. Despite the stabbing itself was recorded on film, the San Francisco HA-member, Allan Passaro, was not found guilty of murder because the jury concluded that he acted out of self-defence (Barker, 2015: 31-32).

16 The original article written by Thompson can be found under the following link: <https://www.thenation.com/article/motorcycle-gangs/> (last visited 3 August 2018).

1982a: 12). In the FBI Law Enforcement Bulletin, the agent wrote that FBI investigations revealed that ‘some members of major motorcycle gangs’ are involved in crimes related to drugs (both in terms of manufacturing and distribution), theft, weapons-related offences, prostitution, and murder. As members also revealed to invest illicit earnings in legal businesses and to act as debt collectors, OMGs were also described as ‘criminal enterprises’. Criminal behaviour was even thought to be a desirable and prerequisite to become member in the first place (Davis, 1982a: 16). Finally, the existence of various chapters spread out over the country was deemed to serve as a perfect ‘network of associations’ for perpetrating ‘sophisticated criminal activities’ (Davis, 1982a: 15).

It is interesting and at the same time striking to see that ‘the OMG member’ was also described as someone who has different (personality) characteristics compared to the normal citizen. The OMG member was, to give some examples, described as having a ‘sociopathic personality’ involving hedonistic and impulsive behaviour:

‘He feels no remorse because, in fact, he feels little guilt. He reacts, often with violence rather than worry, about what is bothering him. He does not learn from bad past experiences because he gives them little thought-he is simply reactive [...] to the sociopathic gang member, violence is exiting and easy, since he feels no anxiety or guilt for what he has done’ (Davis, 1982b: 21-22).

Since ‘outlaw gang members’ were mostly from the lower class, it was also suggested that they hold values that are in conflict with ‘the values of the majority of American citizens’ and the ‘legal code’. As a trademark of the lower class, the members were furthermore characterized by feelings of hopelessness, and they were deemed to feel bitter towards society since they were unable to live up the ‘societal expectations that require achievement and education’ (Davis, 1982b: 19). The member was moreover described as a ‘risk-taker’ and as someone who typically ‘externalizes life pressures by blaming others for his problems’ (Davis, 1982: 21b). Striking is also that the tattoos of members were taken as ‘indicative’ for being maladjusted, hostile, impulsive and for being involved in deviant behaviour (Davis, 1982b: 17). As a finale example, the women who engage with these members (also described as ‘gang women’) were characterized as ‘inadequate personality types’ having ‘relatively poor judgment, not because they do not care but because they are inept’.

In line with the previous cited work of McBee (2015) and Syder (2002), OMGs thus formed a problem not only because its members were involved in (organized) crimes, but also because the ‘culture’ of the ‘gang’ as a whole opposed that of the law-abiding and mainstream society. To use again the words of the aforementioned FBI-agent, OMGs ‘challenge dominant features of American society’ and openly ‘break with the value system of society’ (Davis, 1982b: 17). To be able to counter the problem more effectively, Davis urged for more attention to what he called the ‘motorcycle gang subculture’ and noted

that it is important for ‘law enforcement officials [to, TvR] understand the behaviour and characteristics unique to motorcycle gangs’ (Davis, 1982: 16a).

#### 3.4.4 *Outlaw motorcycle gangs*

The idea that law enforcement agencies in the United States began to look upon OMGs as criminal organizations follows from the fact that the FBI began to target OMGs by using the Racketeer Influenced and Corrupt Organizations (R.I.C.O.) Act. In short, this Act (which formally passed in 1970) opened up more and better possibilities to prosecute (as well as seize assets and illicit profits) a group or ‘enterprise’ involved in organized crime activities (and racketeering) instead of focusing solely on the individual perpetrator.<sup>17</sup> Among other things, this act made it a federal crime (punishable by higher sentences) to belong to an ‘enterprise’ without necessarily being convicted for the criminal activity itself. Importantly, it also criminalized the planning of a group to commit criminal activities. While initially drafted to dismantle families of La Cosa Nostra, this piece of legislation was – as noted – used against OMGs as well (Jacobs & Dondlinger Wyman, 2014: 537-539; Barker, 2015: 39-40). Although the first R.I.C.O. case against the Hells Angels MC in 1979 failed, it turned out successful in putting members behind bars in the following years.

It is important to note that the Hells Angels MC forms only one example of a club that was and is labelled (and approached) as an outlaw motorcycle gang. As described by Barker (2015: 39), the R.I.C.O. Act was, for instance, also successfully used against the Outlaw MC in 1982. In fact, in its report of 1986, the President’s Commission on Organized Crime estimated the existence of 800 to 900 outlaw motorcycle gangs among which the Hells Angels MC, the Pagans MC (established in 1959), the Bandidos MC (established in 1966), and the earlier mentioned Outlaws MC (established early 1950s) were considered ‘full organized crime groups’. These OMGs (which currently also hold many chapters in the rest of the world) were held accountable for ‘almost every conceivable crime’, most notably crimes related to illegal drugs, murder, extortion, kidnapping, robbery, bombings and receiving stolen property. Especially the Hells Angels were also known to be involved in investing illicit money in legitimate businesses such as bars and restaurants, motorcycle and automobile services, and machine shops (President’s Commission on Organized Crime, 1986: 59-64). Furthermore, during an annual and national meeting of law enforcement agencies units in 1991, an overview was presented of the so-called ‘Big Five’ outlaw motorcycle gangs which included the previous mentioned OMGs plus the Sons of

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17 An ‘enterprise’ was operationalized as ‘any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity’. A ‘racketeering activity’ basically includes all serious criminal offences such as murder, extortion, robbery, terrorism related offences and drug related offences (Reichelt, 1995).

Silence MC (established in 1966).<sup>18</sup> These five OMGs were considered the biggest and most criminally involved clubs in the United States (Richardson, 1991; Barker, 2015: 104-115). More recently, in 2015 the National Gang Intelligence Center of the FBI also added the Vagos MC (established in 1965) and the Mongols MC (established 1969) as the 'largest OMGs' that evolved into 'sophisticated criminals'. The notion that the clubs currently labelled as OMGs are deemed to be centred on committing crimes follows from the definition of an outlaw motorcycle gang adopted in the same FBI-report:

'OMGs are ongoing organizations, associations or groups of three or more persons with a common interest or activity characterized by the commission of, or involvement in, a pattern of criminal conduct. Members must possess and be able to operate a motorcycle to achieve and maintain membership within the group' (NGIC: 2016: 22).<sup>19</sup>

It is clear that members of the OMGs summed up above are and have been involved in a wide range of serious (organized) crime activities. Since it is beyond the scope of this chapter (and even beyond the scope of this thesis as a whole) to give an extensive insight in the nature and extent of these activities, I limit myself by generally referring to some of the authors who have already concluded the involvement of members in e.g. theft, violent offences, money laundering, extortion, drug and firearms trafficking, and murder (see e.g. Barker & Human, 2009; Quinn, 2001; Quinn & Koch, 2003; Barker, 2015; Klement, 2016a, Klement, 2016b; Blokland, Van der Leest & Soudijn, 2017; Lauchs, 2018; Rostami & Mondani, 2017; Morselli, 2009).<sup>20</sup> Important to add – as already became clear in the introduction of this thesis – is that OMGs are also known and feared for its 'turf wars'. Quinn and Forsyth (2011) described that OMGs reveal a 'war mentality' that is often expressed through inter-club conflicts over territory. That is, whereas OMGs generally aim to expand by establishing new chapters in other areas, these clubs also regularly find themselves in violent and deadly conflicts with clubs that are already settled in these areas.

18 During this meeting, outlaw motorcycle gangs were described as follows: 'today, outlaw motorcycle gangs are sophisticated organizations who utilize their affiliation with a motorcycle as a conduit for criminal activity. The nature of their activity is generally conspiratorial, and their goals are attained through use of violence and intimidation. Because of their expertise in sophisticated weaponry and their international intelligence networks, outlaw motorcycle gangs pose a formidable threat to society in general and specifically to law enforcement' (Richardson, 1991: 2).

19 Although I see no added value in listing other clubs that are equally labelled as outlaw motorcycle gang, it is clear that law enforcement agencies in the United States listed many more clubs under the same banner. The overview presented in 1991 for instance noted 'thousands of outlaw motorcycle gang members in the country organized into approximately 500 to 600 gangs' (Richardson, 1991: 10). In 2011, the National Gang Intelligence Center estimated around 44,000 comprising a total of 3,000 OMGs (NGIC, 2011: 12). For a more comprehensive overview of the various OMGs in the United States see Barker (2015: 52-76).

20 I will zoom in further on the criminal involvement of Dutch OMG members in chapter six.

### *RAISING MORAL BARRIERS*

These conflicts are basically about which club has the 'power' or dominance over e.g. a city, region, or state, and in turn, about which club has the 'right' to put the name of the region on its vests or colours (Quinn & Forsyth, 2011). In this context, Barker for instance pointed to a long-lasting conflict between the Hells Angels MC and the Outlaw MC over dominance of the state of California (Barker, 2015: 118). It has been noted that a conflict over territory is sometimes also fuelled by a fight over 'crime markets'. The earlier described 'Quebec biker war' in Canada and the 'Great Nordic Biker War' in the Nordic countries are known to be related to dominance over the local drug market. It goes without saying that these confrontations inherently come with severe public disorder and immediate danger for innocent bystanders. As a final example of this I recall the recent shooting (in clear daylight) between members of the Bandidos MC and the Cossacks MC in May 2015 in front of a restaurant in Texas. While remembered as the 'most deadly encounter between motorcycle clubs in United States history' the shooting ultimately resulted in the death of nine members, 18 wounded, and a total of 177 members arrested (Barker, 2016).

## 4 FACILITATING THE HELLS ANGELS MC

### 4.1 INTRODUCTION

From the 1970s onwards, law enforcement agencies in the United States increasingly started to regard and fight clubs such as Hells Angels MC as ‘outlaw motorcycle gangs’. As shown in the previous chapter, members were recognized for its involvement in severe forms of (organized) crimes and were approached by law enforcement agencies as criminal organizations. However, this does not mean that other countries also immediately took up the same approach against the Hells Angels MC and other OMGs. Indeed, it is clear that when the Dutch government first encountered the Dutch counterpart of the Hells Angels around the start of the 1970s, it did not follow the example set by the United States. In fact, the opposite seems to be true as I started this thesis by pointing to the fact that the local government of Amsterdam decided to provide the Hells Angels with its own clubhouse in 1974; a decision I explained to be in stark contrast with today’s approach to outlaw motorcycle gangs.

In this first empirical chapter, I will trace back the arrival of the Hells Angels MC in the Netherlands and uncover the breeding ground and rationales that fuelled the mayor’s decision to build a clubhouse for this club. As a first explanation, Blokland, Soudijn and Teng (2014: 7-8) characterized the 1970s as a period in which the local government ‘showed indulgence towards’ (in Dutch: ‘begrip tonen’) and ‘responded to the needs of’ (in Dutch: ‘tegemeotkomen’) the Hells Angels MC. The authors also noted that the clubhouse offered the Hells Angels a place to give meaning to their ‘youth culture’. Based on this description and by generally referring to Garland’s analysis of the welfare state (2001), Geurtjens et al. (2018: 98) likewise described the 1970s as a period of ‘dialogue’, ‘regulated tolerance’ and ‘understanding authorities’, meaning that the ‘government generally stimulated young adolescents to express themselves’. Although terms such as ‘showing indulgence’ and ‘regulated tolerance’ at first sight indeed seem to resemble nicely the time period in which the Hells Angels established in the Netherlands, a more thorough analysis remains absent. For instance, to what exactly was the local government indulgent; to the behaviour of the members or to the Hells Angels MC phenomenon as such? And if the clubhouse (literally) served as a ‘room for expression’, why did the local government not simply sent the Hells Angels to some of the already existing youth centres?

While answering these and similar questions, this chapter aims to describe more precisely how the Dutch Hells Angels member first established in the Netherlands and explain why the local government of Amsterdam provided this group with its own clubhouse. In the following paragraph, I will first introduce the emergence of the youth

culture in the Netherlands, which is important to also understand the emergence of the first Hells Angels in the Netherlands described in paragraph 4.3. Besides describing how Dutch youngsters decided to call themselves the ‘Hell’s Angels’, this paragraph gives also insight in the problematic behaviour of these youngsters as well as how this behaviour was rationalized by the local and national government. Paragraph 4.4, then, forms the core of this chapter and gives extensive insight in why and how the local government provided the Hells Angels with a new clubhouse. In paragraph 4.5, I will shortly describe how the Dutch Hells Angels became an official chapter of the international HAMC-network, to reflect on the cited explanations by Blokland et al. (2014) and Geurtjens et al. (2018) in paragraph 4.6.

#### 4.2 THE EMERGENCE OF YOUTH CULTURE

To understand why and how the first Dutch Hells Angels established in the Netherlands, it is important to first introduce the upsurge of Dutch youth culture in the 1950s and 1960s. This is important because, as we will learn, this development forms the backdrop for the emergence of the Hells Angels as well as the governmental response to this group.

While the first two years after the Second World War can be characterized by a period of rehabilitation and austerity, economic growth (among other things) soon made room for self-development in the years that followed (roughly from the 1950s). The youth in consequence took this ‘room’ to increasingly claim their own place in society. That is, youngsters more and more untied themselves from the chains of school and family to subsequently explore the domain of leisure life styles. They opted out of, and rebelled against, a world that until then was largely dominated by ‘grown ups’ (Kleijer & Tillekens, 1994: 115). While doing so, the maturing baby boomers replaced what Bakker, Noordman and Rietveld-van Wingerden (2010: 381) called an ‘ascetic moral’ with a ‘hedonistic moral’, which equally came along with the emergence of new music-styles (e.g. Rock-’n-Roll), different and eccentric fashion-styles, and a more critical youth. Alongside this development, Meijers, Leenstra and Peters (1987: 144) also recognized an ‘institutionalizing of the youth-status’, which the authors explained by the idea that youngsters began to receive ‘more material and symbolic room in where being young can take shape and gain an own, positively respected status’. The following fragment of a note on youth policy written by Minister Klompé in 1969 (Minister for Culture, Recreation, and Social work) is telling on this matter:

‘A movement is to be recognized in where the youth wishes to present themselves in their own creative way by which they distance themselves from the present society. (...) there is an increasing demand for participation on the

one hand, and a desire for their own freedom on the other hand' (quoted in Van der Zande & Gerritsen 1987: 99).

Various authors provided several inter-related explanations for the rise of this so-called youth culture. It has been argued, to begin with, that youngsters were less expected to contribute to family income due to the uphill of economic welfare in the Netherlands. As a result of increasing wages, working youngsters at the same time became more independent and were able to save more money to spend on leisure goods (Meijers et al., 1987). In line with this argument, De Rooy (1986: 81) interestingly noticed that the number of mopeds increased from 4.000 in 1949 to 1.150.000 in 1960. Moreover, due to transformations of the national education system and the growing need for educated personnel, youngsters received education for a longer period of time, which also postponed the life as a working adult. This development was particularly important because as the 'adult-status' was prolonged, youngsters also had more leeway to follow their own path and to search for their own identity. This identity was especially found while spending more time with peers (at e.g. sports clubs, school, the cinema and theatres) and by the development of different subcultural identities. The idea that youngsters began to spend more time with its peers also stemmed from the process of urbanisation, which fuelled the mingling of youngsters in the inner city (Kleijer & Tillekens, 1994: 118). In addition, Boutellier (1988: 10) and Spierts (2014: 74) also pointed to the effect of secularization in the Netherlands, which downgraded the role of the church in the lives of the youth, opening up other perspectives on life accordingly. Furthermore, the authoritative parent-child relationship changed into one that was based on equality and 'openness', and the values and norms concerning sexuality became more liberal (De Rooy, 1986 79-83; Du Bois-Reymond & Hazekamp, 1987: 68). Not least important for the development of youth culture was the introduction and emergence of pop music, television and radio. Especially the arrival of the sounds and images from the United States turned out to be of particular importance. As similarly noted by Barker (2017: 12), the way in which the 'biker' was portrayed in movies such as *The Wild One* equally found its way to the Netherlands:

'With the emergence of pop culture, film and television the youth develops new images of itself, identifies itself with new pop stars and movie heroes such as Marlon Brando and James Dean. The American popular culture offers ready-made examples. That continent provides the new culture symbols of the youth, which places itself as the new socializing agents between parents and youngsters. With this cultural invasion especially the element of the early pop music, the rock 'n roll, plays an important and loud role' (Kleijer & Tillekens, 1994: 126).

It also for this reason why Boutellier (1988: 10) characterized this generation of youngsters as the 'James Dean-generation'. James Dean, the famous movie actor who starred the movie *Rebel Without a Cause* (1955), symbolized the generation of youngster who, after the Second World War, rebelled against the rules set by adults in search for a new identity, adventure and freedom (see also paragraph 3.3.4). All in all, the aforementioned developments caused the youth to become much more outspoken and resistant to the status quo and the mainstream values of society (Bakker et al., 2010: 381). In the Netherlands, this unsettling group of youngsters were also generally known as the 'nozems'.

#### 4.2.1 *The nozems, dijkers and pleiners*

It is important to recognize that the 'nozem' as such did not exist as it was more like a general and elastic label attached to the (in any way) deviant youngster. In his thesis about the nozems, Buikhuisen indeed recognized that e.g. 'youth delinquents', the 'sceptic youth', and 'youngsters who visited snack bars or hang-around on the streetcorners' were all similarly characterized as nozems. Precisely because it was used to denote such a wide group of youngsters, Buikhuisen noted that the label nozem had turned into the 'personification of everything that strikes us as undesirable in the younger generation' (Buikhuisen, 1965: 4-5).

The term was first coined by a journalist of the magazine *Vrij Nederland* in 1955 to characterize youngsters who distinguished themselves through deviant clothing and behaviour. The nozems were generally characterized as uncivilized youngsters (roughly between the age of 16 and 18 years old) with a life-style that opposed the values and norms of the older generation. They were portrayed as having no ambition other than hanging around on the streets, committing (minor) criminal offences, and confronting the police on a regular basis (De Rooy, 1986). The distaste of the older generation with these youngsters becomes very much clear when a judge described the youth with the following words: 'with too long, unkempt, [...] unwashed, unshaved and unorganized pieces of hair on their cheeks [...] with way too narrow trousers [...] with naked stinking feet in sandals, they hang in cafés or in porches of shops, looking for riots' (quoted in Jongerius, 2008: 57).

Although Dutch 'nozem-like' groups were first 'recognized' in Amsterdam, they were also localized in other parts of the Netherlands. A documentary in 1965 on the so-called Dingly Boys in the city of Leeuwarden gives us a short but lively insight in such a group. When the reporter asked one of the members of this youth group how they mostly spent their leisure time, he simply replied: 'playing cards, drinking, and fighting'. The youngster continued by explaining that they valued freedom, which he described as 'the ability to do whatever they want, without the need to follow-up on the rules set by some sort of elderly

people who have no idea about what we actually want'. Since the Dingly Boys were not the only youth group in the city, it happened that some groups sometimes met to fight. On one occasion, as narrated in the documentary, a fight resulted from discontent over the jackets worn by the Dingly Boys. When the Dingly Boys started to wear jackets with the logo of a tiger, a second group named the Black Panthers demanded the members to stop wearing the logo of a tiger. Since the Dingly Boys were not planning to follow up on this demand, both groups met at a prescheduled location in the evening to settle the dispute in a fight (VARA, 21 April 1965). The 'undesirability' of the nozem as earlier remarked by Buikhuisen can clearly be recognized in an article about this youth group written by a local newspaper. While downgrading the actual severity of the deviant behaviour of the members, the article did describe the youngsters as 'vrijbuiters' or 'freebooters': 'the Dingly Boys are young people about which wise people shake their heads and honourable civilians say: happy, that my son or daughter is not part of it'. Furthermore, a police officer was quoted stating that 'they are no different from the thousands of peers who, while riding their mopeds in their leather vests [...] feel the need to demonstrate against a normal and quiet life' (Nieuwsblad van het Noorden, 7 May 1965: 29).

Two famous youth groups in Amsterdam also characterized as nozems were the 'pleiners' and the 'dijkers'.<sup>1</sup> While mostly formed by youngsters from the unschooled working class, the dijkers (youngsters between 14 and 20 years old) were particularly inspired by famous North-American stars such as Elvis Presley, Marlon Brando (*The Wild One*) and James Dean (*A Rebel Without a Cause*). They were known for its grease heads, pointy shoes, tight jeans, leather jackets, and interest for rock-and-roll music. An important daily activity of the dijkers was riding race-like mopeds of the brand Kreidler or Zundapp. The cultural counterpart of the dijkers, the pleiners, were mainly young intellectual would-be artists and students from the middle-class. They were, among other things, interested in literature, discussing art, and particularly wore black cloths, polo necks and suede shoes. In contrast to the dijkers, this group mainly rode mopeds of the brand Puch and Tomos. In the beginning, both groups did not go well together, which regularly led to violent confrontations in the city centre of Amsterdam (Hekma, 2013: 51; De Rooy, 1986; Bernard, 1990: 188-194).<sup>2</sup>

The dijkers and pleiners (as well as the Dingly Boys) were most definitely not a unique Dutch phenomenon. In his famous book *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (first published in 1972), Cohen equally described the 1960s as a

1 The dijkers and pleiners were named after the streets they gathered most of the times. De Dijker were known to hang out at the (lower-class) 'Nieuwendijk' and 'Haarlemmerdijk', whereas the Pleiners mostly gathered at the (higher-class) 'Leidseplein'.

2 Examples of other similar moped or motorcycle clubs in the Netherlands were Hells Reds (Groningen), the Mad Dogs (Amsterdam), the Hells Toros (Haarlem), the Cannibals (Santpoort) (Burgwal, 2012: 26; Blokland, Soudijn & Van der Leest, 2017: 94).

period where various forms of youth culture emerged in Great Britain. In fact, the reason for the creation of a *moral* panic over the Mods and Rockers was – in short – because of the morally unsettling effect of a ‘new feature’ called the ‘mass teenage culture’ (Cohen, 2002: 206; see also Bouabid, 2018: 21).<sup>3</sup> Whereas the pleiners can be characterized as the Dutch counterpart of the Mods and the dijkers as the counterpart of the Rockers, Righart (1995: 161) nicely summarized the two opposing subcultures as follows:

‘Rockers or grease heads personify the mingling of the traditional proletarian working class culture with a new style, derived from the modern, strong Anglo-American consumption culture. The artistic people, Pleiners, or mods represent a more intellectual youth style [...] looking for shelter in cafes and jazz-basements, more ‘artistic’, inclined to dandyism’.

Despite the differences between the two groups, their common denominator was that both groups were very much characteristic for the upsurge of youth culture described above. Both groups symbolized what Righart called the ‘new consumers’. These were the ‘youngsters that rebel against the ruling sexual morality which they swap for a hedonistic life-style. It is about experiencing the identity of being young, about the youth as a quality in itself’ (Righart, 1995: 161).

#### 4.2.2 *The provo’s and the police*

Especially due to a steep increase of the student population, the 1960s can also be characterized by a strong upsurge of political youth activism. Especially in Amsterdam, left-oriented youngsters began to initiate demonstrations and protests against, for instance, the threat and use of nuclear weapons (Bernard, 1990: 196-197). In 1965, a student by the name Roel van Duijn initiated the famous term ‘provo’ (which is an abbreviation of ‘provocation’) to give meaning to his desire for social change and political revolution. Van Duijn adopted this term from the previous cited thesis written by Buikhuisen, who preferred the term ‘provo’ over the use of the emotion-laden and all-encompassing term ‘nozem’ (Buikhuisen, 1965: 5-6). The subsequent provo-movement was known, in short, for its activism in the areas of secularization, democratization and individualization. By launching so-called ‘white plans’ (in Dutch: ‘witte plannen’), the provo’s moreover protested against air pollution, housing shortage, and the authoritarian police (Bernard, 1990: 201). Also characteristic for this movement were the ‘happenings’, also known as ‘ludieke acties’,

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3 Other European examples are the French Blousons noirs and the German Halbstarcken (Hazekamp, 1990: 438).

which were weekly and public gatherings first initiated by Robert Jasper Grootveld to protest in a playful way against consumerism.

While the ‘white plans’ and the ‘gatherings’ were intended as an artistic and harmless means to provoke society (they generally rejected the use of violence), the police in Amsterdam nevertheless regarded the provo’s as troublemakers who violated public order. Not knowing how to deal with this new phenomenon, the police considered the happenings as ‘actions against the authority’ and fiercely suppressed their plans and regularly made arrests (Bernard, 1990: 202). During a happening held at the Leidseplan on 23 October 1965, for instance, the police arrested 25 youngsters for violating a ban on public assembly. During another happening one week earlier, the police likewise arrested 34 people for not following up on the directions of the police (Leeuwarder Courant, 25 October 1965: 8). When they wanted to initiate the ‘white-bicycle-plan’, which involved the idea to provide free bicycles to fight air pollution caused by cars, the police moreover confiscated a number of bicycles (Bernard, 1990: 202). It came to another fierce confrontation with the police when a smoke bomb struck the golden carriage of Princess Beatrix and Prince Claus on the day of their royal wedding on 10 March, 1966 (De Rooy, 1986: 91). Fuelled by the protests of the provo’s, the many subsequent confrontations with the police, as well as the emergence of youth culture in general, the 1960s are also known as the ‘roerige jaren zestig’ (or the ‘turbulent sixties’).

As noted above, this first introduction on the emergence of youth culture in the Netherlands and Amsterdam is important because it formed the breeding ground from which the first Dutch Hells Angels members emerged. You could say that the youngsters who first called themselves the ‘Hells Angels’ were textbook examples of what Dutch society qualified as nozems. The suppressive approach of the police against the provo’s in the 1960s at the same time forms an interesting contrast with the way in which the local government in Amsterdam coped with the Hells Angels in the first part of the 1970s.

#### 4.3 THE FIRST HELLS ANGELS IN THE NETHERLANDS

During the 1960s, another group of youngsters in Amsterdam formed the so-called ‘Kreidlerploeg-oost’ (hereafter: K.P.O.), named after the brand of mopeds they used to ride. Similar to the pleiners and dijkers, the boys of the K.P.O. (14-15 years old) spent most of their time hanging on the streets and rode their mopeds from cafés to snack bars to youth centres. The youngsters, mostly originating from the working class neighbourhoods in the eastern part of Amsterdam, looked – out of mere boredom – for other peers to fight with. Or how one member of K.P.O. explained:

‘You just needed something to fight against. Hippies and Negroes, you just stood up against them. I was 13, 14 years wearing white jeans and a bandana. This was crazy man, going to the city centre with the whole group. We fought the hippies, a group of 10, 15’ (Hazekamp, 1990: 443).

Because K.P.O. was infamous for their street fights and rowdy or ‘nozem-like’ behaviour, the group quickly also became known as ‘Knokploeg-oost’, which can loosely be translated into ‘fight squad east’. It did not take long before the youngsters of K.P.O. – in line with the observations by Kleijer and Tillekens (1994) – got inspired by what I described earlier as the ‘images’ from the United States. That is, in addition to the movie *The Wild One*, a story about the American Hells Angels published in Dutch magazine *Panorama* (1964) fired up the desire to equally own and ride a heavier motorcycle. Although a K.P.O. member explained that they did not simply copy the Hells Angels in America, he did admit that ‘you have to be inspired by something!’ (Hazekamp, 1990: 443-444). The desire flourished even more when the K.P.O. youngsters came in contact with slightly older men who already owned a ‘real’ motorcycle and wore the same colours as the American Hells Angels. Together with some youngsters from other youth groups (from both in- and outside the city) the K.P.O. youngsters (at that time between 18-20 years old) decided to call themselves the Hells Angels around the year 1970. As again quoted by Hazekamp (1990: 443), one of the earliest members argued: ‘actually, this was quiet a quick process, you know, that we switched to the Hell’s Angels. One after the other followed!’

As years passed by and the youngsters grew older, some members got a girlfriend and eventually lost interest in the Hells Angels, which in turn made the group ties of the remaining members closer. The group also became closer due to the initiation of rules. Clearly inspired by the codes initiated by Ralph Barger, the Dutch Hells Angels decided that new members first had to go through a so-called prospect-period, allowing the members to get to know the new future member (or ‘prospect’). A member explained that the prospect had to prove himself, he had to prove he was someone to be trusted:

‘When you enter a café and there is a fight then we look how he reacts. One fights each other and we look how he responds, because when he walks always he is done. He first has to catch some hits and do the things we order him to do: like cleaning or carrying beer kegs’ (Hazekamp, 1990: 443).

The idea that a future member had to prove himself through violent behaviour offers a convenient occasion to zoom in further on the deviant behaviour of these first Hells Angels.

#### 4.3.1 *'Terrorizing' Amsterdam*

While born in working class neighbourhoods, the members were particularly involved in simple but physical work. One of my respondents, a police officer who worked for the police in Amsterdam and in this capacity also personally dealt with the Hells Angels explained: 'they were all hard-working boys. They used to work in the slaughterhouse, almost everyone. That is how they got to know each other, all were burly boys, and they dragged around with half cows and half pigs' (respondent 2). In their leisure-time, however, the Hells Angels were especially known for their rowdy and deviant behaviour. Hazekamp (1990: 442) even concluded that the Hells Angels 'symbolized the brutalization of violence' and fuelled the public opinion that the problem of violence increases hand over fist. They settled in squatted buildings, experimented with drugs and members were arrested for violence, rape, theft, and public disorder (Hazekamp, 1990: 441). The latter police officer indeed recalled 'that it actually has been a problem from the very start'. Both K.P.O. and the later Hells Angels formed what this respondent called a 'management problem' (in Dutch: 'beheersprobleem') for the police (respondent 2). The same concern was felt with the local government of Amsterdam as I started this thesis by quoting a civil servant of the Municipal Bureau for Youth in Amsterdam ('Gemeentelijk Bureau voor Jeugdzaken') who wrote that the Hells Angels formed 'the top of the mafia-hierarchy' of youngsters that were 'truly terrorizing' and were 'hardly to be controlled'.<sup>4</sup> The cited public prosecutor in the same way argued that the behaviour of the group 'spread terror' (NRC Handelsblad, 16 June 1973: 2). For the prosecutor this threat of 'violence and terror' was even more problematic for society than the problem of drugs. While drugs 'only' destroys one personal life, the prosecutor argued, 'blind rage and terror also affects innocent victims' (Knoop, 23 June 1973: 23).

The same picture emerges from a couple of other newspapers of that time period. One newspaper for instance wrote about a 'gang' (in Dutch: 'bende') terrorizing the eastern part of Amsterdam. The article (titled: 'In Amsterdam-east terror exercised for months in a row. Two to eight month's imprisonment demanded against gang "Hell's Angels"') was written in response to a series of violent acts, mistreatment, and theft perpetrated by members of the Hells Angels. Another case involved an incident whereby members mistreated a night-shop owner and stole 18 bottles of wine and sherry (Leeuwarder Courant, 16 June 1973: 8). The same happened to two teachers during a school party. Despite that the party was only open to students and alcohol was not allowed, several members nevertheless wanted to attend the party while carrying with them a bottle of cognac and gin. When one teacher refused entrance to the members he and his colleague were beaten up. The victim later declared to the police that his wife was called by someone who spoke

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<sup>4</sup> A2914000003.

on behalf of the Hells Angels to threaten to hurt her and her two children in case the victim would testify against the Hells Angels. As a result, the two children of the victim were escorted by the police in the days that followed (Burgwal, 2012: 32).<sup>5</sup> The Hells Angels not only caused trouble in the city centre of Amsterdam. In November 1972, newspaper *Nederlands Dagblad* published about a series of incidents caused by the Amsterdam Hells Angels in the city of Leeuwarden: ‘according to the police they violated numerous traffic regulations and also intentionally parked their motorcycles wrongly’, after which the members also turned a café into a ‘ruin’ and hit one police officer on his eye with a chain (Nederlands Dagblad, 7 November 1972: 4).

Journalist Fons van Westerloo had the chance to walk along the Hells Angels for a few days and described how outsiders were very much aware of their violent character and in effect stood in absolute awe vis-à-vis the Hells Angels. This, to the satisfaction of the members themselves (see also Hazekamp, 1990). For the journalist this became clear especially in the way other youngsters moved out of the way as soon as the Hells Angels entered a café:

‘Right from their arrival in the premise the Angels seemingly enjoy the awe other youngsters show towards them. At the overcrowded bar everyone makes way for a free passage [...] when the music band starts to play, the same happens. The Angels have a place right in front of the stage and between them and the other spectators there is some sort of no man’s land. Those who approach too closely can expect a stream of beer in his face’ (Van Westerloo, 19 July 1974: 13).

It is clear that the members of the Hells Angels themselves also did not deny their violent behaviour as one of the members admitted that ‘they would not avoid a good fight’. However, so he continued, this was only the result of boredom: ‘we just do not have much less thing to do. I would not do anything to those who don’t offend me. As long as they don’t touch my bike or my wife, there is no problem’ (Van Westerloo, 19 July 1974: 12). Most certainly fuelled by this ‘boredom’, the documentation retrieved from the city archive of Amsterdam revealed that the Hells Angels also regularly ‘paid visits’ to various clubhouses or youth centres.

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5 A29140000043.

### 4.3.2 *Disrupting youth work*

In short, the youth centres at that time can be characterized by what was known as ‘open youth work’ (in Dutch: ‘open jongerenwerk’). In these youth centres, youngsters from different subcultures were offered the possibility to shape and give meaning their own subculture and interests. In general, the youth centres of the 1970s were less paternalistic than its predecessors and respected the youngster without prescribing the norms and values coupled to life of an adult. In other words, it was believed that youth centres should serve as a place where youngsters can meet without striving for some higher pedagogical goal, whereas the youth worker was merely a facilitator of this process. You could say that these youth centres thus acknowledged and symbolized the ‘existence’ of youth culture and granted the youth ‘the right to have their own youth life’ (Boutellier, 1988: 16-17; Van Wel, 1987: 82).<sup>6</sup>

This is not to say that there were no differences between youth centres. On the one hand, some youth centres were increasingly more responsive to accommodate subcultural groups such as the ‘hippies’. The ‘alternative behaviour’ of this group demanded an approach built around the idea of providing room for self-fulfilment and social contact in a relaxed atmosphere (e.g. organizing pop concerts) (Spierts, 2014: 114). Besides this, a second movement was much more focused on the youth that was more politically and socially active. This group, often well educated, was critical towards processes of bureaucratization and the (in their eyes) undemocratic governance by the national government (Du Bois-Reymond & Hazekamp, 1987: 69). In a letter to the mayor of Amsterdam written in 1974, the alderman for Youth and Social Development (‘Jeugdzaken en Volksontwikkeling’) likewise explained that every youth centre in the 1970s had its

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6 This is in contrast with the pedagogical interpretation of youth work before the 1960s. Roughly from the end of the 19th and the start of 20th century, various clubhouses were initiated by what Peper called the ‘socially engaged representatives of the citizenry’ (Peper, 1973: 65). These first youth work initiatives had a rather ideological and educational character as they were developed within the various religious pillars existent in the Netherlands. The purpose of these clubhouses was to help adjust and civilize the poor civilians living in neglected areas of the city (Van der Zande & Gerritsen, 1987: 87, see also Te Poel, 1990). These first activities were centred on religious education and were born out of concern about the destiny of the youth. At a time where religious organizations began to lose grip on the youth (in terms of membership), the Dutch government became more involved in response to concerns around the ‘mass youth’ (in Dutch: ‘massajeugd’). Van Ginkel (2004: 241) described how ‘intellectuals’ were concerned about how the Second World War guided the Netherlands (and elsewhere) into a country of ‘spiritual crisis’ and ‘demoralisation’, which led them to commence ‘the project of defining morality and normality’. In response to the loosening of norm and values, one called upon the need for ‘national unity’ while emphasizing moral behaviour. Be it short lived, the organization ‘Nederlands Volksherstel’ (‘Dutch Nation Recovery’) acts as an example for the urge to reinstate moral unity in the Netherlands. The ‘Nederlands Volksherstel’ received money from the state government with which it financed initiatives to re-build the Netherlands with a special focus on social-cultural activities. In other words, there was a focus on transmitting ‘the message of how they should be or how they should become’ (Van Ginkel, 2004: 422).

## *RAISING MORAL BARRIERS*

'own face', meaning that each centre had a particular work method appealing to a particular group of youngsters. This method was depended on the staff and board within each centre. When youngsters visited a centre, the staff usually tried to 'assimilate' the new group to the practice and activities of the centre. The alderman described this process as follows:

'The professional staff will by virtue of their expertise and experience strive to get to know the new visitors, gauge their wishes and needs, liaise between the old and new group, and try to include some members of the new group into the group of people that decides about the program'.<sup>7</sup>

This process, however, was disrupted when the Hells Angels (together with members of some other youth groups such as the White Wheels) also started to visit the youth centres. The members not only rejected the assistance of the staff within these centres, but also destroyed inventory, provoked other visitors and were generally violent in their behaviour. The alderman even wrote that the Hells Angels occasionally made the work in youth centres and clubhouses 'impossible'. A youth worker active in the same period recalled the situation as follows:

'It was a disaster in the city, a lot of clubhouses had to close because it was too dangerous, the Angels visited these places and it was not safe any longer. Something had to change because safety was at stake, youth work also could not develop because of that' (respondent 59).

The retrieved archive material revealed that the Hells Angels for instance visited a clubhouse called 't Stekkie, which 'caused that all the other work in this house came to a standstill due to the aggressive way in which this group operates'. In search for a place to get-together, the Hells Angels at one point also threatened to break in and occupy the clubhouse of the local scouting club.<sup>8</sup> The problem of clubhouses being forced to close its doors was also widely covered in the newspapers. In an article titled 'Heavy Times for Youth Centres', Groen likewise described that the various youth centres were troubled with some of the more violent youth groups. The mingling of the youth (with diverging social backgrounds) at the remaining centres still open in turn fuelled new problems and disorder (Groen, 3 January 1974: 5).

Indeed, Famos, a youth centre that focused on youngsters between the ages of 14-18, at one point in time carried the responsibility of other centres and was, to their own view,

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7 A29140000018.

8 A29140000007.

'heavily overloaded'.<sup>9</sup> The youngsters of the working class did not feel attracted to the activities organized in existent youth centres and the 'regular visitors' felt frustrated with the changing atmosphere and influx of new and other (violent) youngsters. In a letter (22 March 1974) to the alderman of the Department for Youth and Social Development, the board of Famos described the problems to be 'acute' and thus longed for a quick solution:

'In youth centre 't Stekkie the danger exists that the older visitors will not tolerate the presence of the Hell's Angels any longer. Considering the nature of the people visiting 't Stekkie [...] the consequences are not hard to predict [...] when no solution will be thought of quickly, then also this situation, in 't Stekkie, will soon get out of hand'.<sup>10</sup>

Although the police and Public Prosecution Service tried to control the problem by arresting and prosecuting members, it is clear that this did not provide for a long term solution. The earlier quoted youth worker for instance pointed to the limited effect of punishing individual members: 'the individual Hells Angels I knew were arrested and got released shortly after. It was just like a revolving door. And they [the police and municipality, TvR] knew this, if we fight them hard you get this, you get this jojo-effect' (respondent 59). In addition, the public prosecutor mentioned earlier noted that he did not had the means to tackle the group as a whole: 'our criminal law does not know collective guilt. This means that would they act as a group, each individual share has to be punished separately' (Knoop, 23 June 1973: 23).

Before describing how the local government nonetheless worked towards an approach to control the group as a whole, it is vital to first understand that the aggressive behaviour of the Hells Angels was not explained by the unique character of the group itself, or because one was aware of the idea that U.S. law enforcement agencies at that time already aimed to tackle the group as a 'outlaw motorcycle gang' (see paragraph 3.4.3 and 3.4.4). Respondent 2 gave a possible explanation for this:

'The government did not know what it was, it was a whole new phenomenon for the government [...] what are the Hells Angels? [...] nobody really looked into it [...] because at that time you also did not had internet you know, exchanging of information went via the telephone. To my understanding, it

9 A29140000053.

10 A29140000048.

took a long time before the police and local government realized that it was not just a motorclub, but that they were the Hells Angels’.

While unfamiliarity with the Hells Angels phenomenon in the United States undoubtedly played a role, I believe it is even more important to recognize that the first Dutch Hells Angels members were much younger than the American members of that time. Hence, while still looked upon as youngsters, the local government in Amsterdam rationalized that the (aggressive) group behaviour of the Hells Angels stemmed from a combination of the social background of the working class youth and the practices of youth work in general. To introduce this rationale, it is telling that the Municipal Bureau for Youth argued that aggression among the youth in general is widespread, which ‘justifies the presumption that it is a bad side-effect of what we call the modern welfare state’.<sup>11</sup> The latter public prosecutor in addition raised the idea that a criminal justice approach ‘might not be the most effective way to tackle this threat’. While noting that not much was organized for youngsters of the working class to begin with, the prosecutor proposed to ‘give more attention to the backgrounds and causes of this type of aggression, which might in the first place be an expression of discontent among what we in present times call working youngsters’ (Het Parool, 23 June 1973: 18).

#### 4.3.3 *Explaining aggressive behaviour*

As if in response to the prosecutor’s proposal, it is clear that the 1970s indeed marked a decade where the Dutch (national) government started to pay more attention to the aggressive behaviour of the working class youth. This attention eventually came together when the national government published a white paper on the ‘Aggressive Behaviour of Youngsters: Signals from Social Cultural Work’, which document addressed the aggressive behaviour of youngsters from the working class (in the age of 12-25 years) also described as ‘stray groups’ (in Dutch: ‘zwerfgroepen’), ‘high risk groups’, or as the ‘marginalised youth’ (in Dutch: ‘randgroepjongeren’) (TK 1979-1980, 16 228, nrs. 1-2).<sup>12</sup> These youngsters were generally characterized as having; a lack of motivation, limited verbal skills, a lack of education, limited family contacts, and a bad labour position. In short, the aggressive behaviour of these ‘randgroepjongeren’ was explained by boredom, ‘a thirst for sensation or the urge to impress’, as well as by a ‘more fundamental dislike with their own social position or society at large’. Whereas these youngsters equally wanted to take part in society,

<sup>11</sup> A29140000003.

<sup>12</sup> In this policy document, aggression was described as: ‘behaviour of youngsters, often committed in a group, which hinders the public and could cause damage to persons and the community at large’ (TK 1979-1980, nrs. 1-2: 4).

their aggressive behaviour was understood as a 'signal' or 'expression' of their disadvantaged social position:

'There are marginalised youngsters who refuse to do underpaid work, who refuse to be squeezed into the straitjacket of the common welfare institutions that sets objectives they do not want to abide by. Other acts of aggression by 'randgroepjongeren' are resulting from an unfair or discriminating treatment by society, for instance by their bosses, civil servant, police, justice department, probation office, or detention personnel' (TK 1979-1980, 16 228, nrs. 1-2: 4).

Aggressive behaviour among the working class youth was regarded as a means to articulate critique to a society that is not paying enough attention to the lower classes of society. In other words, while some of the more educated youngsters express their critique to society 'through sonorous discussions or nicely formulated notes' the working class youngsters reveal their critique, by means of 'problematic behaviour, fights, and sometimes through massive forms of vandalism' (TK 1979-1980, 16 228, nrs. 1-2: 8). In relation to this, the government also pointed to the general urge for prestige and adventure, as well as the desire of youngsters to build an identity. It was argued, however, that one's 'social climate' influences how a youngster gives meaning to these desires. While youngsters from the middle and higher class were deemed to have more possibilities to build their identity in a more creative, artistic or intellectual way, these means were held largely absent in the social environment of the working class; which in effect was thought to explain for 'aggression as a form of expression' (TK 1979-1980, 16 228, nrs. 1-2: 7).

In direct relation to the above, the board of Famos (in its earlier described letter to the alderman of the Department of Youth and Social Development) also analysed that the present youth work facilities were not geared to the interests of groups such as the Hells Angels. It was argued that youth work for too long primarily focused its attention on two movements. According to Famos, youth culture was commonly discerned by a 'cultural wing' and a 'political wing'. Whereas the 'cultural wing' was characterized by 'an attitude in which behaviour, appearance and beliefs completely deviate from the established order', the 'political wing' was more interested in changing society and to 'shape democratic values more rigorously'.<sup>13</sup> While youth centres have been predominately responsive to these two 'wings', it largely, so it was argued, forgot about the youngsters of the working class:

'In all acuteness the unjust distribution of social-, cultural facilities for youth in Amsterdam is marked. Precisely those youngsters who live in rather

<sup>13</sup> A2914000049.

unfavourable circumstances concerning family, school and employability, have no leisure space in which they can realise their needs and wishes. The failure of the present youth work, which so desperately wanted to include all groups of youngsters is very much obvious.<sup>14</sup>

In support of this argument, various scholars explained that the ‘open youth centres’ during the second half of the 1960s were indeed primarily tailored to the more ‘privileged’ youth of the middle and higher classes. As explained by Du Bois-Reymond and Hazekamp (1987: 68): ‘youngsters from the lower-class stayed far away from the experimenting and politically active youth. They rather speak up in their own noisy and aggressive way’ (see also Dibbits, 1987). The idea that some groups of youngsters did not feel well represented by the existing programs was also described more recently by Spierts (2014). This author argued that the ‘open youth work’ in the five years before 1970 viewed the youth as one large ‘focus group’ without making a distinction between different types of groups. Since youth work was built around the idea of ‘autonomy’ and ‘emancipation’, it were especially the middle and higher classes of youngsters that felt attracted to youth work: ‘many youngsters from the working class neighbourhoods no longer felt welcome in youth work or were even not welcome anymore’ (Spierts, 2014: 115).

Hence, it is clear that, in sum, aggressive behaviour among the working class youth was not understood as something inherent to the youngsters themselves, but was first and foremost taken as the outcome of the (social) position of the youngsters in society at large. This understanding, in turn, also reflected in the way in which the local government of Amsterdam sought to control the disturbing behaviour of the Hells Angels.

#### 4.4 TOWARDS A RESPONSIVE APPROACH

As a result of the latter developments and insights, efforts were made to bridge the gap between youth work and the working class in general and more attention was devoted to increase the chances for self-improvement of the (working) youth (Dibbits, 1987: 32). Telling in this context is the rationale adopted in the above cited policy paper:

‘Youngsters who constantly reveal problematic behaviour apparently are not sufficiently reached by the welfare state or revolt against it. These are the youngsters who are difficult to be reached by welfare organizations and who do not want or get entrance to social-cultural work’ (TK 1979-1980, 16 228, nrs. 1-2: 8).

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14 A2914000051.

To come up with a solution and diminish 'excessive aggressive behaviour', it was suggested by the national government to improve nurturing conditions, education, and housing, as well as to instigate more appealing services in social-cultural work. Put differently, the Dutch government argued that the discontent of the youth about their own existence and their desire for change (which was thus expressed through violence) 'can serve as an impulse for policies' (TK 1979-1980, 16 228, nrs. 1-2: 8). In order not to solely fight the 'symptoms', one moreover longed for a 'close cooperation' between various associations and agencies such as the local government, housing associations, schools, employers, social work, and law enforcement agencies.

Exemplary for this development was the establishment of an association called Streetcornerwork. While it officially started its activities in Amsterdam in 1972 (later also active in Utrecht, Eindhoven and Enschede), youth workers of this association tried to come in contact with the working class youth, build a trusted relationship, and to better align the practices of existing welfare institutions with the needs of the youngsters. In similar words, Du Bois-Reymond and Hazekamp (1987: 70) described that this organization aimed to offer better chances to the lower-class youth by 'developing a working method, signalling problems of the youngsters, making welfare institutions aware of these particular problems and influencing these same institutions so it is better equipped to facilitate this group of youngsters as well'. Besides compelling welfare organizations to develop programs that would better meet the needs of the youth, Streetcornerwork (which initially started as an experiment) also fulfilled some sort of intermediary role between welfare organizations and the youngsters themselves. 'Streetcornerworkers' for instance assisted youngsters with filling in application forms for social benefit, finding jobs, and with problems related to finding a house. Streetcornerwork employees sometimes even acted as mediator in relationship-related issues and taught youngsters how to socialize with women in a decent manner (Du Bois-Reymond & Hazekamp, 1987: 38).<sup>15</sup>

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15 Streetcornerwork also organized so-called 'Tuigdagen' (which is best translated to English as 'days organized for scum' or 'scumdays'). By organizing various activities (such as motocross events, tattooing, and music concerts) Streetcornerwork looked for positive publicity for the youth, which was hoped to also reduce societies' existing prejudices vis-à-vis the working class youth or 'randgroepjongeren'. The first Tuigdag (also attended by the Hells Angels) took place in the city centre of Eindhoven on the 28th of September 1980. Activities during this event included (among other things) music, time trials with motorcycles and cars, a mast climbing competition, and a tattooing-competition. As the youngsters still could not find any reconciliation with the existing local youth centres, the Tuigdagen were also organized to raise attention for the problems these youngsters were facing. One of the organizers explained to newspaper *Trouw*: 'there is still no political party or social institute that is responsive to the problems of aggressive youngsters. The so-called scum only receives publicity in cases of vandalism, fights or petty crimes. We have organized this first Tuigdag to show normal people that scum can do other things than messing around' (Leestemaker, 30 September 1980: 9).

4.4.1 *The rationale behind a new clubhouse*

While the policy paper I cited above was published at the end of the 1970s, it is nonetheless clear that the youth centres and the local administration adopted a similar rationale in 1974 when it sought to come up with a solution for the disorder caused by the Hells Angels. To begin with, Famos (as a representative of a broader collaboration of youth workers) advised and requested the local government to offer the Hells Angels its own accommodation as well as to set-up a research to learn more about the specific needs of this group. This advice came after various youth workers already made multiple (unsuccessful) attempts to integrate the Hells Angels in existing youth work facilities and was generally fuelled by two considerations. On the one hand, providing the Hells Angels with their own clubhouse was deemed necessary (by Famos) to divert the problems away from the existing facilities and to enable the latter centres to continue their own youth work activities. A new clubhouse, in other words, was a means to prevent a further escalation of public disorder in the near future. On the other hand, Famos noticed that specifically the groups ‘that drop out the facilities of the existing social-cultural sector’ are mostly in need of supportive facilities and guidance. These groups after all originated from the lower class and were facing more problematic social circumstances than the youngsters from higher classes.<sup>16</sup> To conclude, Famos reasoned that ‘an attempt for a meaningful society (integration) is only worthwhile when every group first has the right to be (or become) itself.’<sup>17</sup>

The alderman for Youth and Social Development was also advised (on 3 April 1974) by the Municipal Bureau for Youth. This Bureau followed the rationale of Famos and also reasoned that providing the Hells Angels with its own clubhouse enables ‘the youth centres to re-open its doors again’.<sup>18</sup> Besides the idea that the Hells Angels themselves also longed for its own clubhouse,<sup>19</sup> the Bureau moreover argued that this ‘quarantine-approach’ might also prevent other youngsters from becoming ‘inspired’ to copy the behaviour of the Hells Angels:

‘It would be too simple to assume that “extinguishing” [in Dutch: ‘uitschakelen’] the Hell’s Angels can solve the problem; it is a gradual scale from more to less aggressive behaviour. On the other hand, it is without a doubt clear, that the risk of infection [in Dutch: ‘besmettingsgevaar’] can be contained by

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16 A29140000046.

17 A29140000051.

18 A29140000069.

19 According to Du Bois-Reymond and Hazekamp (1987: 71), the members were initially satisfied about the existing youth facilities in the city. It was only after various youth centres had to close its doors (due to the behavior of the Hells Angels themselves) when the members brought up the idea to have their own clubhouse.

quarantining the most contagious [in Dutch: 'besmettelijke'] group. Whether these group will comply with this remains to be seen, but it is a fact that they ask for their own space, in which they can be themselves'.<sup>20</sup>

In addition to facilitating the clubhouse itself, a second recommendation was to look for ways to pay more attention to the individual problems of the members. The Bureau reasoned that 'aggressive behaviour' rarely is 'congenital' and to make sure not to solely 'fight the symptom', it also urged for the presence of individual social care at this new clubhouse.<sup>21</sup>

In reaction to the letter written by Famos, a meeting was scheduled with the alderman for Youth and Social Development, civil servants, youth workers, representatives of multiple youth centres as well as a representative of the Hells Angels. During this meeting (held on the 11 April 1974), the alderman followed up on the previous recommendations and assured that he will cooperate to find an accommodation for the group. The alderman confirmed the urgency of the case and recognized that this situation demanded a more leading role of the local government.<sup>22</sup> By doing so, the alderman sought to fill the earlier described 'gap' between existing youth work centres and the needs and wishes of the working class youth:

'In East the situation in relation to so-called aggressive groups has escalated. This concerns the groups who call themselves the Hells Angels and White Wheels. This escalation has erupted mainly because the existing units of the club- and community centres and youth centres in East lacked adequate staff and facilities to work with these groups.'<sup>23</sup>

The alderman assumed that 'good facilities' can help to take away much of the problems of the aggressive youngsters. After all, so he argued, 'the youngsters are not inherently criminal.' To put it in my own words, the alderman followed the rationale that the aggressive behaviour of the Hells Angels was for a large part the outcome of unresponsive facilities that did not meet the needs and wishes unique to this group (see also paragraph 4.3.3). Interestingly, the alderman also valued this approach (i.e. facilitating a clubhouse) precisely because it worked around the criminal justice system. He believed that it was a 'status-symbol' for youngsters to come in contact with the police: 'now it is often the case that a youngster leaves prison in the possession of "corporal stripes" and returns to the group with a higher status and simply continues his life-style'.<sup>24</sup> In line with Famos and

20 A29140000069.

21 A29140000004/A29140000070.

22 A29140000011/A29140000076.

23 A29140000075.

24 A29140000006/A29140000079.

the Municipal Bureau, the local government furthermore believed that a clubhouse would relieve the pressure on the (closed) youth centres and could prevent a further escalation of the described tribulations. The earlier quoted youth worker interestingly added that the local government was keen not to relive the riots that had taken place in the sixties:

‘One was afraid to crack down hard on the Hells Angels. It should not get out-of-hand. Indeed, Amsterdam already had ample experience with fierce police intervention against the experimenting youth and Provo’s in the sixties. They even had the army on stand-by that time, it was a real mess. So they tried not to repress it too much [...] so the idea of facilitating a clubhouse also was a way to control them’ (respondent 59).

In the weeks after the first meeting in April, the same parties continued to meet each other to discuss a suitable and available location for the Hells Angels to settle (meetings were held in May and June 1974). After discussing and weighing various possible locations, one agreed to build a new clubhouse at the H.J.E. Wenckebachweg, a street situated outside the city centre. The additional benefit of this somewhat remote location was, so it was noted, that the Hells Angels would cause less public disturbance to other residents and that ‘extraordinary behaviour’ would not attract too much attention.<sup>25</sup> The building was labelled as a ‘sociëteit annex werkplaats’ and ‘open jongeren centrum’ and initially had a temporary character due to the planned construction of a road (the local administration strived to relocate and facilitate the Hells Angels with a permanent accommodation within two years).<sup>26</sup> Although the clubhouse was originally set up to facilitate all types of motorcycle or moped clubs (the clubhouse also included a working place to tinker on motorcycles), the clubhouse was soon claimed by the Hells Angels and therefore also became known as ‘Angel Place’.

#### *4.4.2 A multi-agency experiment*

The plan to control the behaviour of the Hells Angels yet did not stop with simply establishing a building. To really make an approach responsive to the needs of the members it was emphasized that a new clubhouse could and should serve as a first step for further supervision and social guidance. This is clearly in line with how the local government of Amsterdam in the 1970s raised a debate on how to deal with the (aggressive) working class youth in general.

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25 5320.B/120 KLAD03678000021.

26 5320.B/120 KLAD03665000027.

The local government of Amsterdam as well as the Public Prosecution Service generally emphasized the importance of early intervention and prevention. In a meeting with the mayor and various other civil servants (held on 7 November 1974), a public prosecutor for instance argued to be very much interested in the roots of aggressive behaviour as ‘the Public Prosecution Service also does not really benefit from repression alone’.<sup>27</sup> Furthermore, the Department for Youth and Social Development reasoned that aggression in general ‘often escalates from bad to worse’, which thus raised the need to look for ways to take measures in the earliest stages possible.<sup>28</sup> The Municipal Bureau for Youth at the same time signalled a lack of cooperation between social-cultural centres and agencies such as the police, the justice department, and child protection. In order to come to a more effective approach (for the youth in general), the Bureau hence recommended to establish a ‘multi-agency approach’ involving all relevant agencies.<sup>29</sup> To give meaning to this cooperation, the alderman subsequently raised the question whether there were ways to come to a ‘multi-disciplinary’ and ‘integrated approach’ by exchanging information and experiences between relevant organizations. Information collected by the police, the justice department, and municipal organizations (e.g. about family composition, possible criminal records of parents, and education) was deemed useful for other organizations that worked with the (deviant) youngsters.<sup>30</sup> The alderman furthermore proposed that a preventive and multi-agency approach can particularly come to fruition via what he called a ‘pre-justice treatment’. He suggested to plan a conversation with a social worker or rehabilitator directly after a youngster was arrested, which in turn was assumed to offer a possible starting point for further social guidance (both during and after detention).<sup>31</sup> Although it remains unclear from the analysed documents to what extent these ideas really got off the ground (the Public Prosecution Service and the mayor for instance emphasized that police information cannot be shared with other municipal or social organizations),<sup>32</sup> it is nevertheless insightful to see how the various parties thought about the (approach to the) aggressive youngster in the 1970s. To put it simple, to prevent (more serious) criminal behaviour in the future, one clearly attached much importance to help the youth by solving the personal and social problems they were facing.

The same rationale and intent can clearly be recognized in relation to the *suggested* approach to the Hells Angels. The idea to facilitate the Hells Angels with a clubhouse was even coined as an ‘experiment’ to come up with new ideas for ‘preventive’ measures. The following, lengthy fragment is telling for this idea:

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27 A29140000082.

28 A29140000074.

29 A29140000071.

30 A29140000077.

31 A29140000006.

32 A29140000078.

'It is deemed desirable to provide as much guidance to the group as possible, not only as support for the group, but also to use these contacts to gain ideas and experiences and to make propositions for "preventive" facilities for younger youth groups and for the care of similar groups in other city-parts [...] A group such as the Hell's Angels is not a coincidentally and isolated phenomenon; groups like this exist here and there in Amsterdam and in other big cities [...] An approach to the problems within these groups and of the problems their behaviour causes to the outside of course lies not only – and maybe not even in the first place – with the sector Youth (youth centres, clubhouse and community centre work); also probation service, child protection, the juvenile court etc. are involved in this. The sector Youth – since it concerns youth and youngsters – wants to coordinate a multidisciplinary approach and is willing to support and guide an experiment, in order to solve some of the problems for this group and to gain more experience in working with these kinds of groups'.<sup>33</sup>

In order to set up the 'Hells Angels experiment', various parties were involved. To give some insight in the social guidance as well as the organizational structure behind the project, I will zoom in on the role of Streetcornerwork, the association specifically established to influence the hard-to-reach youngsters of the working class.

Especially in the beginning Streetcornerwork indeed played – in line with the general goals of Streetcornerwork – an important role in guiding and safeguarding the wishes of the Hells Angels (see also Du Bois-Reymond & Hazekamp, 1981: 71). Two social workers of Streetcornerwork worked to build a trusted relationship with the Hells Angels and guided and supported the group when needed. This process already started well before the local government formally decided to build a clubhouse at the Wenckebachweg as the social workers built a relationship to inform and ask the members (sometimes by visiting a member in prison) about the roots of their behaviour and/or their wishes. When the members were convinced about the idea to have responsibility over their own clubhouse, Streetcornerwork moreover fulfilled an intermediary role between the members of the Hells Angels and the civil servants of Amsterdam (e.g. during negotiations about the clubhouse). Interesting to note is that the social workers demanded from the Hells Angels to put effort in this process as well. That is, the members were pushed (yet guided) by Streetcornerwork to schedule and participate in meetings themselves. The idea behind this was to 'teach' the members how to independently defend their own interests and achieve certain goals in life.<sup>34</sup> Together with five members of the Hells Angels, the two

33 5320.B/120 KLAD03665000028.

34 5320.B/120 KLAD03665000054-55.

social workers furthermore formed what was called the 'projektgroep', which group was the first point of contact for the local government and in which each 'streetworker' had its own special focus.<sup>35</sup>

The one social worker mainly focused on providing 'social guidance' to the members, which involved e.g. helping members with personal issues and building or maintaining contacts with (governmental) agencies. The five members of the 'projektgroep' however were also responsible for managing the clubhouse itself. After the members settled in the clubhouse, the other social worker then particularly focused on 'guiding' and 'supporting' the Hells Angels in its task to 'independently' and 'responsibly' run the clubhouse.<sup>36</sup> This task (divided over the five members) for instance involved painting and furnishing the clubhouse, making financial plans, dividing tasks among the rest of the members, planning events, maintaining order, and making sure every member fulfils its individual task within the clubhouse. In one of its reports, Streetcornerwork described that these and other activities were thought to help the members in developing (social) skills such as negotiating, planning, and organising.<sup>37</sup>

The local government also attached some conditions to the subsidy. First, the Municipal Bureau for Youth demanded a report from the 'projektgroep' every three months. In this report, the 'projektgroep' was ought to justify and describe how each of the five members fulfilled its task in the clubhouse. Secondly, the members also (again every three months) had to make a financial report together with an association called 'Stichting Projektbeheer' (S.P.B.). S.P.B. was an administration office that organized (at cost price) the financial administration of small organizations that were involved in youth care. In short, the local government paid the subsidy to S.P.B., which in turn paid e.g. the water and gas bills as well as the rent for the building. It was the responsibility of the 'projektgroep' to notify the municipality in case any problems occurred. In case of any financial problems, however, the 'projektgroep' first had to look for solutions on their own. Only when help was most urgent, they were able call the local government for help. To discuss the reports and the progress of the project, the local government finally demanded a meeting with the 'projektgroep' and a representative of S.P.B. every three months.<sup>38</sup>

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35 Willem van Boxtel was without a doubt the most well-known member of the 'projektgroep'. Van Boxtel established the Dutch Hells Angels group and was president of the club until 2004.

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38 5320.B/120 KLAD03665000006.

#### 4.4.3 *Avoiding media attention*

From the previous paragraph it became clear that the ‘experiment’ can be characterized by an attempt to help the Hells Angels in becoming more independent and capable of running their own clubhouse. Although the clubhouse also served as a way to displace disorder away from the city centre, the local government clearly wanted to help and be responsive to the needs of the members. In this context, it is also interesting to note that the local government of Amsterdam was (at least in 1974) averse to cooperate with journalists by providing information about the Hells Angels.

That is, similar to the United States, the Hells Angels formed an interesting and mediagenic topic for newspapers to publish about. During a meeting (held on 17 June 1974) of the ‘projektgroep’, the local government, and ‘Stichting Projektbeheer’, the Head of the Department for Youth and Social Development however declared that she opposed any further publicity on this issue. She made clear, in other words, that she would not speak about this topic with journalists from that moment on. This critical stance was fuelled by previous ‘bad experiences’ with the media and the idea that journalists always seem to seek for a ‘sensational tone’ in their publications, which was in turn thought to be detrimental to the social position of the members.<sup>39</sup> Streetcornerwork followed this standpoint and described in more detail how the media attention had a negative effect on the group.

According to Streetcornerwork, the Hells Angels attracted sensationalistic media attention not only because of the rowdy behaviour of the members, but also (or particularly) because the group distinguished itself through recognizable clothing and signs:

‘The group gave itself a name that sparks one’s imagination and the fact that the group also pinned itself some insignia through which the individual members were easy to recognize as being part of the group the Hells Angels. The Hells Angels became a concept [in Dutch: ‘begrip’]. The media mainly accentuated those aspects of the group behaviour and culture that mostly appealed one’s imagination. Aspects that raise fear and aversion’.<sup>40</sup>

By emphasizing the deviant and criminal behaviour of the Hells Angels, the media reports were thought to have paved the way for further exclusion of the Hells Angels. That is, as the Hells Angels became an easily recognizable but infamous group in Amsterdam, the group was increasingly declined entrance to venues, which in turn led to incidents that again made front-page news. In relation to this, Streetcornerwork moreover argued that

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39 5320.B/120 KLAD03665000004.

40 5320.B/120 KLAD03665000052.

the members themselves learnt that they can receive attention and a fearful status precisely by behaving in the way as portrayed in the media. While being aware of this effect, the group was believed to act in line with its status, an effect famously described by Lemert (1951) as secondary deviation. Deviant behaviour, in other words, became an objective in its own: ‘the group started to behave in the way as it was emphasized in the publications, because apparently this guaranteed the attention and interest’.<sup>41</sup> Streetcornerwork problematized this media attention because they feared that this would eventually have long-lasting negative effects for lives of the members. Whereas behaving in line with the public and violent image as portrayed in the media in the short-term resulted in the attention the members were looking for, it could in the long run lead to e.g. long prison sentences and the loss of jobs.<sup>42</sup>

I find the influence of the media as described by the local government and Streetcornerwork relevant not because it gives us insight in the (deviant) actions of the Hells Angels per se. From this description alone, it still remains unclear whether the Hells Angels indeed started to behave in line with the way in which they were portrayed in the media. I find this discussion interesting because it does reveal how the local government and Streetcornerwork explained their aggressive and criminal behaviour and in turn, how both organizations aimed to treat the Hells Angels. Both organizations aimed to keep the Hells Angels out of the media because this was thought to have negative consequences for the individual members, which again reveals a willingness to help the members and change their lives for the better.

#### 4.4.4 *Assessing complaints and weighing risks*

Providing the Hells Angels with a clubhouse at the Wenckebachweg was not immediately accepted by everyone. The alderman for Youth and Social Development received several official complaints regarding the (planned) built of the clubhouse at this specific location. It is worth describing one of these complaints (and more interestingly the response of the alderman) at length here; not only because it reveals again the reasons for providing the Hells Angels with a clubhouse, but also because it makes insightful how the local government thought about (how to deal with) the Hells Angels in terms of the risks they posed.

The city archive of Amsterdam provided me with three interesting documents about a complaint against the construction plans filed by a company called Reactor Centrum Nederland (hereafter: R.C.N.). This company, situated close to the planned location of the

41 5320.B/120 KLAD03665000052.

42 5320.B/120 KLAD03665000053.

clubhouse, housed a laboratory for research into so-called 'gasultra-centrifugesystems'. These systems, and the technology behind it, are used to split and enrich uranium which is in turn vital for the fabrication of nuclear energy (and thus nuclear weapons). The research activities at this institute stemmed from a collaboration with Germany and England and was declared secret by the Minister of Economic Affairs (Mr Lubbers, 1973-1977) to make sure that other 'wrong' parties or countries would not benefit from this technology. Precisely because of the secrecy of the project, representatives of the R.C.N. were worried about the plans to offer the Hells Angels a clubhouse close to their research centre. R.C.N. argued that the arrival of the Hells Angels would trigger strong protests from England as international treaties proscribed strict regulations concerning the safety and security of the research labs. To prevent raising unnecessary 'flags', which was thought to also fuel protests from civilians against the fabrication of ultra-centrifuge systems, R.C.N. was clearly keen to keep the research project secret. This wish also stemmed from the idea that it was relatively easy to steal an installation to configure nuclear weapons, which was for obvious reasons something to be prevented. In a meeting between R.C.N., security inspectors, the alderman and other civil servants of the Department for Youth and Social Development (held in August 1974), the R.C.N. company lawyer argued as follows:

'This project has been declared secret. Due to this vow of secrecy the department is rather worried about the plan to have the Hells Angels as their neighbours. In case of any damage England and Germany will probably claim a larger part of our joint research. Furthermore, the experience is that any publicity about the Ultra centrifugeproject, will always have a negative effect [...] we just need to make sure not to give our partners the arguments to take away our part of the research'.<sup>43</sup>

One security inspector continued by arguing that the security personnel that protected the premises could act as what he called 'a red rage on a bull' (i.e. attracting attention from the Hells Angel members). In this context, the inspector noted that 'one clod of dirt against one the windows will be enough to set-off the alarm and this can become a nice little game for them when they [the Hells Angels, TvR] figured this out'.<sup>44</sup> He admitted to be 'very startled' of the construction plans and emphasized that the 'damage can be enormously big' when it goes wrong. The company lawyer reinforced this argument by pointing to the possible (financial) risks for the Netherlands as a whole:

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43 5320.B/120 KLAD03665000033.

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‘The damage might not be only large, the risk for damage is enormous. Internationally this could provide England and Germany the argument to lower the research activities in the Netherlands. Besides damage to buildings and facilities this involves financial damage to the Netherlands. The sole possibility would be to allocate a whole group of security personnel, but this would be too costly [...] we understand it is a shame for the municipality, but we nevertheless ask you [the alderman, TvR] whether it is possible to look for a different location for the group Hells Angels’.

In uttering their objections against the Hells Angels, it is noteworthy that R.C.N. labelled the Hells Angels as a ‘gang’. That is, when R.C.N. was pointed to the presence of their own security system (arguing R.C.N. had nothing to fear about), R.C.N. responded by arguing that this system would indeed be efficient to counter ‘normal burglars’, but would not be able to cope with a ‘gang’.<sup>45</sup>

In response to the arguments raised by R.C.N., the alderman started off by arguing that it has been very difficult to find a suitable area for the Hells Angels, and that the local government already took into account future complaints about noise nuisance caused by the motorcycles.<sup>46</sup> A civil servant of the Department for Youth and Social Development moreover responded by stating ‘that the risk you feel must be weighed against what we known of this group’.<sup>47</sup> That is to say, the local government, in contrast to R.C.N., doubted whether the premises of R.C.N. would indeed attract the attention of the Hells Angels members. To underline that not much was to be feared, it was argued that the Hells Angels now ‘have something to lose’ (i.e. their own clubhouse) in case they continue to cause disturbance to their neighbours. In addition, the alderman argued that the problem of the Hells Angels ‘was not unique and no different from other groups’ and that the problematic behaviour of the Hells Angels resulted from the fact that not much was organized for the working class youth: ‘the problem is that the H.A. feel a bit casted off’.<sup>48</sup> In line with what I described above, the alderman hence noted that the aggression of the ‘youth group’ Hells Angels was not targeted at the belongings of others, but solely expressed a desire to obtain their own place to settle. In fact, so he continued, no cases were known with the municipality where the Hells Angel members, as a group, committed any burglaries. The aggressive behaviour, in other words, was solely to be understood as a means for provocation; ‘one is not aggressive, simply to be violent’. The purpose of facilitating the Hells Angels with a clubhouse, then, was to actually be responsive to the needs of the group and to subsequently

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48 5320.B/120 KLAD03665000034.

call a halt to the aggressive behaviour of the Hells Angels. The alderman explained to R.C.N.:

‘The expectation is that when this group has its own accommodation, much of the problems will disappear. The risk for damage to any project in the neighbourhood of the clubhouse is deemed not large by the municipality. Above all, professional guidance is present, two workers of Streetcornerwork are involved. It is for this reason that the municipality has confidence that it, despite previous failed attempts in east, will succeed this time’.<sup>49</sup>

One day after the meeting with R.C.N., the same alderman wrote a letter in which he informed the mayor, Mr Ivo Samkladen, about the standpoint of R.C.N. and in which he also gave an advice on whether or not to permit the construction of the clubhouse. Although the alderman admitted to ‘share with R.C.N. the feeling that the clubhouse of the Hell’s Angels involves some risk to the neighbourhood’, he did not deem it likely that R.C.N. ran a ‘higher risk’ than any other company settled in the neighbourhood. The risks raised by R.C.N. rested, according to the alderman, on a mere presumption about ‘everything what might happen due to the acts of the Hells Angels.’ Precisely because the risk for any damage to the research lab was thought to be unclear and indeterminable, the alderman advised the mayor *not* to cancel the Hells Angels project:

‘Whether the damage this youth group can cause to the property of R.C.N. is disproportionately higher, cannot be assessed [...] the argument of possible damage solely on the basis of the presence of the Hells Angels proximate to the lab [...] seems not acceptable to me. To what extent this argument is actually practical can impossibly be retraced by the local government’.<sup>50</sup>

The advice of the alderman was endorsed by the mayor in a letter to R.C.N. In short, the mayor followed the alderman’s rationale and wrote that the complaints of R.C.N. were not specific enough. In other words, the sole presence of the Hells Angels did not provide for a sufficient ground to cancel the project:

‘It is not possible to check what risk factors are tied to the presence of your lab and the possible destructions and damages. The argument for possible damages

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49 5320.B/120 KLAD03665000034.

50 5320.B/120 KLAD03665000038.

solely based on the presence of the “Hell’s Angels” in the proximity of the lab is deemed unfounded in the present procedure’.<sup>51</sup>

This description shows how a rather simple and apparently insignificant complaint holds interesting insights. The way in which the local government counters the complaint of R.C.N. reveals how it understands the problem of the Hells Angels as well as what is to be done about it. Whereas R.C.N. described the Hells Angels as a ‘gang’ that was more dangerous than ‘normal burglars’, the local government rationalized the behaviour of the Hells Angels by the absence of facilities that matched the interests of a working class ‘youth group’. In other words, the aggressive behaviour and public disorder was not inherent to the Hells Angels themselves and also not intended to do damage to others. Besides this, the local government also ascribed an amount of rationality and thoughtfulness to the Hells Angel members. You could say that the local government trusted the members to behave themselves as they would not want to lose their long wanted place to hang-out. Facilitating the clubhouse can thus be seen as an act of faith in the ability of the members to act responsibly. Interesting about this case is also that the alderman (and with him the mayor) argued that the risks were not explicit enough to cancel the construction of the clubhouse. While today’s ‘risk society’ can be characterized, as described in paragraph 1.5, by a desire to prevent any kinds of risk (sometimes even when the risk itself is indeterminate to begin with), this case revealed a more reticent stance; although the alderman admitted that the clubhouse came along with some risks, they were still too vague to not pursue the building plans.<sup>52</sup>

#### 4.4.5 *Making exceptions*

The mayor and alderman of Amsterdam ultimately agreed to subsidize the Hells Angels ‘project’ on the 10 September 1974.<sup>53</sup> Interesting to shortly remark upon is that the establishment of the clubhouse was however not in line with the local development plan (in Dutch: ‘bestemmingsplan’) of Amsterdam. At that time, the local development plan of the area called ‘Weespertrekvaart’ (the area in which the clubhouse was planned) still

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52 Another well-known ‘neighbour’ of the Hells Angels was the prison ‘Penitentiare Inrichting Amsterdam Over-Amstel’ also known as the ‘Bijlmerbajes’ (opened in 1978 and closed in 2016). Hero Postma, the director of the prison argued in 2002 that the Hells Angels have always been ‘fine neighbours’. As described by Leistra and Van Ulden, Postma even let Hells Angels ride their motorcycles through the centre corridor of the prison (also known as the ‘Kalverstraat’) because ‘they loved to see the inside of the new prison once’. He moreover recalled that the members regularly walked his dog and that he was always welcome to call when he needed some help (Leistra & Van Ulden, 2016).

53 5320.B/120 KLAD03665000027.

dated back to 2 January 1942, and described and designated this particular area as intended for businesses or industrial facilities. Thus, as the clubhouse was described as a 'sociëteitsgebouw' and 'open youth centre', the construction of the premises was strictly in violation with the local development plan. The mayor of Amsterdam however decided to call upon the Spatial Planning Act to circumvent this clause. That is, the latter act offers leeway to deviate from a development plan in case the planned construction only provides for a temporary accommodation (lasting no longer than five years). Because the clubhouse was originally intended as a temporary accommodation (the aim was to provide for a permanent accommodation for the Hells Angels within two years) and the municipality had already expressed their intentions to revise the local development plan of 1942, the local government chose to make an exception for the Hells Angels. So, while the construction of this clubhouse actually did not fit within the development plan, the municipality nevertheless looked for legal ways to settle the Hells Angels.<sup>54</sup>

#### 4.4.6 *An exceptional and controversial measure*

According to some authors, the local government of Amsterdam spent 172,500 guilders to build the clubhouse and on top of that, provided the Hells Angels with a yearly subsidy of 21,300 guilders (see e.g. Het Parool, 5 October 1974; Burgwal, 2012: 35; Marsden & Sher, 2006: 452). The documentation I retrieved from the city archive however leaves questions about the exact costs of the project. The 172,500 guilders 'only' concerned a budget estimate for the year 1974, whereas a quotation sent to the municipality by a construction company (26 June 1974) reveals that the costs of building the clubhouse were estimated around 255,000 guilders.<sup>55</sup> This included, among other things, putting the building in place and installing sanitary, a kitchen, central heating, and the pavement surrounding the clubhouse.<sup>56</sup> To make things even more complicated, a budget overview of 'Stichting Projekt Beheer' reveals that the costs for the local government were fl. 65,656.49 in 1974, fl. 109,935.00 in 1975, and fl. 80,190.41 in 1976. In these three years, the Hells Angels themselves financed a total of fl. 11,415.66 guilders.<sup>57</sup> Although I cannot provide insight in the exact yearly subsidy spent on the Hells Angels, it is clear that the Hells Angels received an exceptional treatment from the local government. The amount of money spent on this project by far exceeded the subsidies allocated to other youth centres or clubhouses.

It is also for this reason why the decision to build a brand new clubhouse did not sit well with other youth workers. Newspaper *De Telegraaf* published an article (titled: 'Youth

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56 5320.B/120 KLAD03665000015.

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counsellors disillusioned after indulging Hell's Angels') in which it voiced the opinion of some voluntary youth workers. While the youth workers wished to stay anonymous in the article because they feared revenge of the Hells Angels, they explained to feel frustrated as they usually had to go to great lengths to receive a small amount of money to begin with:

'When we want to go to the beach with a small group, we have to arrange transport ourselves and have to pay for it ourselves [...] it is always difficult when we want to show a movie of 100 guilders or want to invite a speaker for 50 guilders. Recently we managed, after we had to beg for it, to buy a pool game [...] hundreds of volunteers in the capital city are committed to entertain and support youngsters on a daily basis. For all these silent workers this subsidy [to the Hells Angels, TvR] is a direct insult. We feel massively robbed' (Mensing, 5 October 1974: 19).

A youth worker of community centre Sjaloom furthermore uttered his distress with the fact that the Hells Angels were facilitated by the local government whereas Sjaloom had to close its doors *because* of the actions of the group. That is, Sjaloom, a community centre that welcomed hundreds of youngsters to e.g. attend movie and theatre evenings, model clay or partake in flower courses, experienced no problems until the Hells Angels began to visit the centre. According to the youth worker, the group did not pay for their drinks and regularly tore down the interior. The activities of Sjaloom came to an end particularly after 'stiletto's and even weapons appeared' and 'employees started to get injured in heated one-on-one fights' (Mensing, 5 October 1974: 19). The municipal subsidy to this community centre was ultimately revoked because the centre decided to hire security personnel to stand in front of the entrance door. The youth worker explained that the municipality argued that Sjaloom, in turn, could not be considered as 'open youth work' any longer and therefore did not meet the criteria for a subsidy. 'We now have the feeling that our money has been transferred to the Hells Angels', the social worker concluded. Jan Bakker, a police officer who was in close contact with the Hells Angels in the 1970s in his own words underlined the exceptional and controversial treatment of the Hells Angels:

'I easily dare to say that the local government has been extorted by mistreatment, violent behaviour and sexual offences. Abnormalities that led the local government to facilitate more than 200,000 to build a clubhouse. They probably made a calculation of the destructions and came to the conclusion that it would be cheaper to build this establishment. Economically justified, but morally not. What does the municipality do, when other youth-groups revert to such behaviour?' (Gerritse, 6 May 1978: 5).

4.4.7 *The Hells Angels as a trusted discussion partner*

What is clear to notice from this chapter so far is that the local government of Amsterdam laid an amount of rationality and thoughtfulness with the board of the Hells Angels. Despite the idea that the Hells Angels were recognized as an aggressive group, they nevertheless formed a discussion partner for the municipality in order to come up with solutions for the problems that arouse. You could say that the Hells Angels were considered and appreciated as moral agents; as a group of persons entrusted for making law-abiding decisions. This already becomes clear from the simple fact that the Hells Angels often joined meetings and were entrusted with a clubhouse to manage by themselves. Indeed, the head of the Department for Youth and Social Development considered the Hells Angels as 'a group which is well capable of managing the clubhouse by themselves' (NRC Handelsblad, 16 June 1973: 2). The same form of trust can equally be recognized a few years later, after a number of Hells Angels were arrested for mistreating a woman.

In May 1978, the 'strike force' (in Dutch: 'mobiele eenheid') of the police accompanied by multiple detectives arrested a total of twenty-four members at Angel Place. Among them were seventeen international members of the Hells Angels Denmark. The members, aged between 18 and 25 years old, were suspected of mistreating and raping 19-year-old women inside Angel Place. During the police raid, the police also found and confiscated firearms and narcotics (Hagen, 1998: 67). Police officer Jan Bakker was not entirely surprised by the incident: 'the police are well aware of the idea that these rapes have taken place on previous occasions as well. This is not the first incident'. However, until then, the police officer explained, it has been difficult to actually arrest a member for these crimes simply because victims refused to file a case against the Hells Angels (Gerritse, 6 May 1978: 5). The latest incident in May 1978 was well covered by the media. Newspaper *De Waarheid* for instance published a front-page article describing that 'a wave of indignation has struck Amsterdam' to also raised questions as to what was to be done against this 'derailed group of youngsters' (De Waarheid, 3 May 1978: 1). The same question was raised by the local government. Minutes of a meeting (held on 18 May 1978) between the Hells Angels, the mayor, the alderman for Youth and Social Development and some other civil servants give an interesting insight in how the local government coped with this incident.<sup>58</sup>

According to a member, to begin with, the incident was not as serious as it was portrayed in the media. By coming to Angel Place in the first place, the woman was moreover thought to have 'looked for it herself' (with which they did not deny the incident). Another member also explained that the members simply lost control over the three-day event and that the incident would not have taken place had they not lost this control. The same member yet

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58 5320.B/137 KLAD06778000018-19.

did stress that ‘what happened of course cannot happen again’.<sup>59</sup> The mayor in turn emphasised that he did not want to discuss the crime itself (at least not during this meeting), but instead how such incidents could be prevented in the future. As summarized in the minutes, the mayor argued as follows:

‘It happened in Angel Place for which the community donated money. The question now is, is this money well spent when these kinds of things happen over there? How can you, as the board, prevent these things from happening again in the future?’<sup>60</sup>

The aldermen in similar words added that there was no intention to take away their clubhouse, but that the local government bears a responsibility for the fact that subsidy has been granted to the group. Besides possible measures to prevent such incidents in the future, he suggested that the club should openly distance themselves from the incident and from the symbols they were wearing:

‘The city council initially agreed with making available this pavilion for you. You are however equalled with fascists; you wear the symbols and above all, you are guilty of acts that make this link with fascism rather easy. You should start again with a clean slate. You could put aside symbols such as the swastika and all, choose a different name. As a board you should really distance yourself from this’.

It was agreed upon during the meeting that the Hells Angels would openly distance themselves from the incident and would also come up with a proposal on how to prevent such incidents in the future. Hence, despite the seriousness of the incident, the local government held confidence and trusted the members to be able prevent such incidents in the future. In a letter addressed to the city council (sent a few days after the meeting), the Hells Angels MC indeed distanced itself from the incident and also described that it would initiate a ‘security crew’ (in Dutch: ‘ordedienst’) to ‘prevent these types of infringements in the future’. In the same letter, they moreover emphasized that they are happy with their clubhouse and that they want to prevent losing it as a result of these kinds of incidents.<sup>61</sup>

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#### 4.5 RECOGNIZED AS AN MC

As a junior researcher, Hazekamp was involved in founding Streetcornerwork in Amsterdam, which equally got him acquainted with the Hells Angels. In a time period of four years (1973-1977), Hazekamp held several interviews and participated in the day-to-day lives of the members. Since the author followed the Hells Angels for multiple years, he also witnessed some of the changes the group went through. The author observed the first period of the K.P.O. to be mainly centred around fighting and hanging-around, whereas the later Hells Angels started to focus more on finding their own group culture and lifestyle. Hazekamp concluded that the youngsters used the Hells Angels as a means to free themselves from how the ordinary citizen was generally supposed to organize its life. Just as the hippies did in their own particular way, the Hells Angels refused to live the standard or conventional social life of a simple labourer. They moreover did not care much about the future and rather lived in the 'here and now':

'They look for a marginality in which they could stay young and postpone adulthood [...] they create a life-style which is focused on the present, an own social existence, in which a new relation is sought between amusement, living, work, and marriage. A common feature is that they want to have grip on their relation to society. In this way they do not differ much from the 'young radicals' and 'hippies', they just give a different meaning to it' (Hazekamp, 1990: 446).

In doing so, they particularly pursued a life-style that opposed the 'boring' civil life of their parents. One member described his aversion to this life as follows: 'in the evening you return home, watch television and your mother-in-law might come to drink coffee, these kind of things, and Saturday night you welcome some friends and that is it. You can read the misery from their faces' (Hazekamp, 1990: 444). The author also observed that the idea of having a regular and permanent job was increasingly rejected. As more members started doing temporary jobs (instead of a regular nine-to-five job), work, leisure-time, and private life became more and more intertwined. Members usually saw each other every day, and the group slowly turned into what Hazekamp called a 'commune' (Hazekamp, 1990: 445).

While going through these changes, it is important to realize that when the youngsters first named itself after the Hells Angels in the United States, the Dutch group was not an official chapter of the 'Hells Angels Motorcycle Club' just yet.<sup>62</sup> Albeit inspired by the 'images' from the United States, the Dutch youngsters initially adopted the Hells Angels trademark without any official consent of the American members. However, as I described

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62 This is also why until this point (apart from the introduction) I referred to the 'Dutch members of the Hells Angels' and not to the 'Dutch members of the Hells Angels MC'.

in the previous chapter, a (new) group first had to introduce itself to the other existing chapters before being allowed to use the name of the Hells Angels MC. Eventually, the same was the case for the youngsters from Amsterdam. The group officially received the prospect-status in 1976, which involved that the members had to gain trust from the other chapters and members abroad. Two members even had to pay a visit to a Hells Angels chapter in the United States, where they had to do all kinds of tasks such as picking up beer and standing on guard. In turn, members of the Hells Angels from the United States also paid a visit to the clubhouse in Amsterdam. It was only during an international party held at the Wenckebachweg on the 28<sup>th</sup> of October 1978 when the Hells Angels were officially recognized as a chapter of the Hells Angels MC (chapter 'Hells Angels Holland') by the Oakland chapter. In the night of the party, the president of Hells Angels Hamburg personally handed over the official Hells Angels insignias, or patches, which were immediately stitched on the sleeveless leather vests (unpublished documentation respondent 59; see also Marsden & Sher, 2006: 452-453).

#### 4.6 FACILITATING THE HELLS ANGELS MC

This chapter offered a description of what I called the breeding ground for the first Hells Angels MC in the Netherlands. The 1950s and 1960s in the Netherlands are known (similar to other countries) to have set the stage for the emergence of youth culture. While searching for their own identity, the youth claimed room to rebel (not necessarily through violence) against the norms and values of conventional society. The city of Amsterdam became known for 'nozem-like' youngsters that increasingly started to mark the streets by e.g. hanging-out and riding mopeds. Inspired by the 'images' of the United States, one such a group started to flock together under the banner of the Hells Angels. Although the youngsters from this group were not the only ones causing public disorder, the Hells Angels most certainly formed one of the, if not the most problematic group. They were feared and arrested for serious violent-, weapon, and theft-related offences and subsequently disrupted or 'terrorized' youth work in the city centre. Due to this behaviour the Hells Angels clearly formed an acute 'management problem' for the local government, the police and the Public Prosecution Service.

In the remainder of this chapter, I sought to untangle the rationales underlying the decision of the local government of Amsterdam to – as a way of dealing with this 'management problem' – provide the Hells Angels with a clubhouse; a decision that was in contrast with how U.S. law enforcement agencies started to fight the Hells Angels MC in the same time period. Both Blokland et al. (2014) and Geurtjens et al. (2018) reasoned that this clubhouse can be understood as a product of the welfare state and as a means to literary make room for their youth culture. To recall from chapter two, penal welfarism

indeed departed from the idea that offenders must above all be helped and rehabilitated. Since criminal behaviour was rationalized by the offender's personal background and dispositions, there was little faith in simply punishing the offender (see paragraph 2.3.1.). In similar words, Jock Young (2007: 60) described the post-war period as a 'modern' and 'inclusive' society geared towards swallowing, assimilating and rehabilitating the offender: 'deviants are there to be absorbed. Criminals are rehabilitated, madmen and drug addicts cured, immigrants assimilated, teenagers 'adjusted', dysfunctional families counselled into normality'. In modern times (in contrast to post-modern times), Young continued, one 'was not afraid of the difficult individual' as the offender was not deemed inherently criminal. In the 1960s of Great Britain, for instance, juvenile offending was seen by the government either as 'normal behaviour' or as a result of family and/or social background factors, boredom, or as an indicator of an abnormal personality (Young, 2007: 61). The role of the modern state then was to again cure and integrate the offender through e.g. social work, therapy, or counselling. The local government of Amsterdam clearly acted in line with these rationales.

It is telling, to begin with, that the local government and the Public Prosecution Service emphasized that repression alone would not solve the problem. Believed to be more important was to take into account the social background of the youngsters as a source for aggressive behaviour. The first Hells Angels members were youngsters from the working class, which class was generally recognized for their lack of social skills and socially disadvantaged position. Hence, the aggressive behaviour of the Hells Angels was not taken as something unique for this specific group or as something congenital, but rather as an outcome of the social position of the working class youth in general. To recall from paragraph 4.4.2., it was noted that 'a group such as the Hell's Angels is not a coincidentally and isolated phenomenon; groups like this exist here and there in Amsterdam and in other big cities.' In this context, civil servants, youth workers, as well as the Public Prosecution Service in Amsterdam also reasoned that existing youth work facilities were not sufficiently tailored to the interests of youth groups *such as* the Hells Angels. One realized that it was precisely the youngsters that lived in the more unfavourable circumstances that fell through the cracks of youth work. For this reason, the local government explained that the aggressive behaviour of the members solely expressed a desire to have their own place to settle; the same argument that waived aside protests from neighbouring companies against the arrival of the clubhouse.

Also on the national political level attention in turn shifted to improving the social circumstances for the working class youth. Characteristic for this development was the establishment of Streetcornerwork, which organization aimed to integrate, or in the words of Jock Young, 'include' the lower-class youngster in society. The latter developments similarly reflected in the idea to establish a new clubhouse for the Hells Angels. The new clubhouse served as a way to circumvent a repressive approach against the criminal justice

system and to be responsive to the wishes and needs of this specific group. A new clubhouse was thought of as a place where the members can give expression to their own particular life style. All in all, the local government of Amsterdam departed from the idea that 'good facilities' can and will help to take away the aggressive behaviour of the Hells Angels. In order to *really* support and guide the individual members and to develop a preventive approach, one also stressed (apart from the clubhouse alone) the cooperation between various governmental agencies. Especially the work and social guidance of Streetcornerwork symbolized how the local government aimed to facilitate a supportive context in where the members could develop themselves and learn how to independently operate a clubhouse. The notion that the local government indeed had the Hells Angels' best interests at heart also became clear by the fact that one tried to divert away any negative or sensationalistic media attention. During the 1970s, the local government furthermore treated the members as equal and thoughtful discussion partners capable of choosing between right and wrong, even when the Hells Angels nonetheless revealed criminal behaviour *after* they had settled in the clubhouse. Hence, by bypassing the local development plan and by accepting the possible risks tied to the clubhouse, the local government did its best to create or facilitate a setting supportive, responsive and beneficial to the lives of the members.

At the same time, however, the former explanation reveals only one side of the coin. This chapter showed that the reason for facilitating the Hells Angels with a clubhouse was not only fuelled by a 'welfare-like' and 'inclusive' intention to help the members. Although the aim was indeed to guide and help the members, the additional benefit of this specific location was that it helped to displace the problematic group out of the city centre, which was also thought to enable the immediate continuation and re-opening of other youth work facilities in the city centre. Furthermore, with the fierce police confrontations against the provo's during the 1960s fresh in their minds, a new clubhouse was generally hoped to prevent any further public disorder. Moreover, apart from the belief that the members were thought to visit the city centre less frequently and will subsequently cause less (noise) nuisance, the Municipal Bureau for Youth also argued that their (expected) absence also diminishes the likeliness of other youngsters the inspired, or 'infected', to follow the violent example set by the Hells Angels. Therefore, in an interesting and contradicting way, the inclusive efforts of the local government came along with an exclusive effort to close off the Hells Angels from the general public. In other words, while the clubhouse (and the social guidance) was believed to prevent and stop the aggressive behaviour of the members, the separate location of the clubhouse was hoped to anyhow keep the members away from the general public.

With the foregoing in mind, the careful reader might come to the conclusion that the title of this paragraph and chapter is a bit misleading. After all, the local government of Amsterdam did not comprehend the problem of the Dutch Hells Angels as a unique problem of 'the' Hells Angels MC. To be more specific, it did not reckon the group as part

## *RAISING MORAL BARRIERS*

of a broader and international network of Hells Angels MC chapters. After all, it was also only by the end of 1978 when the Dutch Hells Angels group was formally recognized by the broader Hells Angels MC-network as an official chapter. Although it is true that the prospect-phase already commenced two years earlier and the members largely remained the same, the local government (taking their point-of-view) first and foremost sought to facilitate a socially troubled group of working class youngsters that 'simply' named itself after the American-based Hells Angels MC. For the same reason, I claim that it is also wrong to suggest that the American Hells Angels MC *settled* in the Netherlands as it was not part of some predetermined plan to establish a chapter in the Netherlands. The route was actually the other way around; already settled in a clubhouse, the Hells Angels had to visit the Hells Angels MC in the United States (and other countries) to prove that they were a worthy addition to the international Hells Angels MC-network. I nevertheless chose this title because the decision to facilitate this group of 'nozem-like' youngsters – in retrospect – did facilitate the group to become accepted as the first official chapter of the Hells Angels MC in the Netherlands.

## 5 TOWARDS A NATIONAL PRIORITY ON OUTLAW MOTORCYCLE GANGS

### 5.1 INTRODUCTION

To introduce this thesis, I signalled a shift from the ‘opening of clubhouses’ in the 1970s to the ‘closing of clubhouses’ in the present. While the previous chapter discussed the first approach, this chapter describes the route *towards* the latter approach. While leaving behind us the 1970s, this chapter thus ends on the eve of the national approach against outlaw motorcycle gangs launched at the start of 2012. In contrast to the previous chapter, which discussed the approach against the Hells Angels in the course of only a few years, this chapter will focus more on larger trends and discusses some pivotal moments and incidents over a longer period of time. These moments in time are important because they built the experiences and collective memories the police, the Public Prosecution Service, and the national government (and thus also some of my respondents) took along at the start of 2012. In doing so, this chapter will, besides providing a historical description, also provide for an explanation of some of the rationales that underlie the present approach against outlaw motorcycle gangs.

While the Dutch Hells Angels in the 1970s were not immediately recognized as part of the international HAMC-network, the changing nature of their criminal activities slowly but steadily fuelled the view of the government that the Dutch Hells Angels MC had turned into a criminal organization. This chapter describes the incidents that led the local government of Amsterdam, together with the police and Public Prosecution Service, to take a different approach towards the Hells Angels MC accordingly. Along this route, ‘the’ clubhouse also got a different connotation. Whereas it was first welcomed as a place where people can retreat and ‘be themselves’, the Dutch government at one point in time problematized the clubhouse precisely *because* it offered the members a place where they were able to retreat. In relation to this, we also learn that the Hells Angels MC were not (only) problematized for their involvement in severe forms of crime, but also for the ‘public image’ that the members live above the law and (are able) to do whatever they want. These developments ultimately led the Public Prosecution Service to conclude in the 2000s that the Hells Angels MC should be excluded from their place in society. While the Dutch government has long been predominately concerned with the Hells Angels MC, I will end this chapter by describing the circumstances that led the Dutch government to label and prioritize other ‘outlaw motorcycle gangs’ as well.

## 5.2 LOSING GRIP

In 1978, a consultant of the Municipal Bureau for Youth had drawn up the balance of the approach against the Hells Angels until that point. The findings were sent to the alderman for Youth and Social Development (July 1978) in a letter, which in turn provides us with interesting insights on the consequences of what was coined as the Hells Angels 'experiment'. Although the clubhouse did have its positive effects, it is clear that the local government above all lost its grip on the members.

According to the consultant, to begin with, a positive effect of the clubhouse was that the disturbance in other youth centres and pubs in the city centre diminished: 'facilitating Angel Place has contributed to the mitigating and easing of the misery for the bystanders and outsiders'.<sup>1</sup> In addition, the notion that the media rarely published about the violent behaviour of the Hells Angels anymore was also regarded a positive consequence. Furthermore, some members of the Hells Angels who did not have a house were now able to stay in the clubhouse, which resulted in the clubhouse being guarded day and night. The fact that the Hells Angels more or less had its own security and thus settled fights between themselves was also deemed a positive side effect. Even the renovating and 'getting the place cosy' was regarded a plus, as this helped to increase the members' 'inventiveness'.<sup>2</sup>

However, over time also some problems occurred. That is, due to the isolated location of the clubhouse only members of the Hells Angels used the venue, which resulted in very little social control by outsiders. As other youngsters (who were not member of the club) also did not come to the clubhouse, the Hells Angels developed what the consultant described as a rather strict and 'one-sided group code', equally leaving little room for social workers. Therefore, the consultant concluded that the clubhouse itself acted as 'an amplifier of the group and its codes'.<sup>3</sup> The following fragment is telling:

'Inside the clubhouse parties are organized during which it is highly likely that things happen that are unacceptable. Angelplace provides a breeding ground for a pathological environment. Group members who could have a positive influence on the group leave, while negative persons take over their place. The threshold to go inside was and is very high'.<sup>4</sup>

Furthermore, the consultant also noted that, after the first few years, the two social workers of Streetcornerwork had taken more distance from the group as it was their belief that the

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Hells Angels should be able to run the clubhouse on their own. According to the consultant there was, however, no sign of self-regulation. Neither was there any sign of a cultural, political, or social program within Angel Place, which in turn fuelled feelings of boredom among the members.<sup>5</sup> It is also for this reason why the consultant overall concluded that the Hells Angels project could no longer be understood under the banner of ‘social-cultural work’.<sup>6</sup> In fact, it was noted that the Hells Angels were rather organizing itself as a ‘clan’ for which the neighbourhood was ‘fearful’. Finally, as the core of the Hells Angels was not deemed receptive for any form of social-cultural work, the consultant argued that the assumed effects of the work of Streetcornerwork had only been ‘marginal’.<sup>7</sup>

To counter ‘the large problems the Hell’s Angels cause for society at large’, the consultant suggested, among other things, to establish a more ‘interdisciplinary approach’ between the justice department and other municipal agencies.<sup>8</sup> For instance, it was argued that the municipal housing department (in Dutch: ‘Dienst Herhuisvesting’) should help to provide a house for the members who permanently stayed at the clubhouse. Furthermore, ‘when Angels suffer from a psychotic mind’, mental healthcare organizations were deemed responsible to offer help and guidance. Finally, the police and Public Prosecution Service were thought to fulfil a task related to both repression and prevention:

‘When there are Angels who e.g. endanger the traffic, cause public disorder, or violate domestic privacy etc., then the municipal police and justice department should not only set things straight by means of repressive punishments. They should also look for preventive solutions for instance by means of adjusting the penalty to the seriousness of the crime or by creating other conditions to the punished and its environment’.<sup>9</sup>

The suggestions made by the consultant are interesting because they reveal again – in line with the previous chapter – that the intention was to help and increase the well-being of the members. However, above all the consultant did advise *against* the continuation of the clubhouse in its present form without choosing a new approach first. Therefore, one alternative approach also coined by the consultant was to close the clubhouse and direct the members to some of the other existing centres in the city centre.<sup>10</sup>

In his response letter, the alderman made clear that he did not like the idea of closing the clubhouse. Ending the project would, so he argued, result in the Hells Angels going

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back to the city centre, subsequently causing the nuisance for which the local government facilitated the clubhouse to begin with: 'this will mean that the Hell's Angels, of which we cannot expect that they let themselves get disestablished, as a group will again manifest itself strongly in the city. Then the situation arises which induced to start the experiment Hell's Angels'.<sup>11</sup> The alderman for Youth and Social Development therefore preferred to nevertheless look for ways to carry on with the 'projekt'.

### 5.3 TOLERATING THE HELLS ANGELS MC

By the end of the 1970s, the Hells Angels MC was barely subject to any form of social (youth) work. The members developed into a group that closed itself off from the rest of society unresponsive to the help and guidance of the local government. According to the consultant mentioned earlier, Angel Place moreover developed into a breeding ground for 'unacceptable behaviour'. The mistreatment of a woman inside the clubhouse serves as a good example of this conclusion (paragraph 4.4.7). Yet, during a search of the clubhouse two years later, police detectives moreover confiscated eight revolvers, a machine gun, thousand bullets, and three jerry cans containing a total of 25 kilos of hashish (Burgwal, 2012: 58; *Het Vrije Volk*, 2 October 1980: 11). Again, two years later, in 1982, some members were also convicted for serious mistreatments, aggressive sexual abuse, rape and theft (*Limburgs Dagblad*, 23 May 1984). Hence, with the preceding chapter in mind, it is fair to conclude that the clubhouse indeed did not hinder the members from being involved in various criminal activities. By the end of the 1970s and from the start of the 1980s, the Hells Angels MC also spread its wings to other parts of the Netherlands. Chapter Haarlem was formally established in 1979 whereas 1986 marked the year in which the club both established chapter Den Bosch and the so-called 'Nomads' chapter in Oirsbeek. The Hells Angels not only established new chapters by forming new groups, but also assimilated existing motorcycle clubs. That is, in the 1980s members of the Hells Angels MC (from Haarlem and Amsterdam) visited the association Rockers Northcoast MC in Harlingen to ultimately integrate the club as an official chapter of the Hells Angels MC (Blokland et al., 2014: 8; Hagen, 1998: 66).

To recall from chapter one and three, international law enforcement agencies continued to recognize and problematize the expansion of the Hells Angels (and other OMGs) in the 1980s. In 1982, as written in paragraph 3.4.3, the F.B.I. noted that 'evidence is mounting to indicate that some of the freewheeling riders of the 1960s and 1970s have grown up in terms of criminal sophistication'. The same concerns were raised in Europe as Interpol organized an international convention on OMGs in France in May 1984 (which was also

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11 5320.B/137 KLAD03678000024.

attended by officials from the Netherlands). In a report published in the same year, Interpol noted that the Hells Angels MC already had chapters in eleven countries and was generally recognized as an international crime threat (Barker, 2015: 134-135). Germany was the first European country to follow up on this threatening image. Stefan Schubert described how German authorities launched a large criminal investigation (the journalist described the investigation as the largest investigation since the Second World War and counted a total of 500 police officers involved) after the killing of a nightlife manager in 1980. The Hamburg chapter and its logos (e.g. wearing colours) were banned in 1983 and multiple individual members were convicted (Schubert, 2015: 58; Geurtjens et al., 2018: 97; see also paragraph 1.3.1).

For the local police in Amsterdam, however, there was no urgency (yet) to follow the example as set by the German Public Prosecution Service. In this context, Blokland et al. (2014: 8) and Geurtjens et al. (2018: 110) argued that the state authorities of the 1980s could be characterized by a 'laissez-faire attitude'. The authors explained that the attitude of the Dutch police and Public Prosecution Service was still largely reactive or 'incident-based' and that 'the government increasingly takes a restricted approach and seems to wash its hands from the problem'. In newspaper *Limburgs Dagblad* (23 May, 1984: 2), chief inspector of Amsterdam Bernard Welten indeed argued that the criminal acts committed by the Dutch Hells Angels were relatively severe, but that these acts should also be seen as mere 'incidents'. Compared to the total number of criminal acts Welten concluded: 'that is peanuts [...] they are violent, but it is limited to incidents. Civilians are not complaining about the motorcycle club and for us there is also no reason to constantly put surveillance on them'. At the same time, Welten did realize that civilians and witnesses were not very fond of complaining about the group because one was afraid for any form of retaliation from the side of the Hells Angels MC.<sup>12</sup> Although the chief inspector was aware of multiple cases whereby some members extorted pub owners in the city of Haarlem, and thus agreed that probably even more happened out-of-sight of the police, he did not recognize the same severity of problems experienced in neighbouring countries. Since the club had its own clubhouse, the general public also 'barely' experienced any nuisance from the Hells Angels. The additional benefit of the clubhouse was also, Welten added, that 'we now know where to search in case of any suspicions'. Overall, outlawing the Hells Angels chapter in Amsterdam, just as the German authorities did in 1983, was not under discussion:

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12 While analysing the documentation collected via the city archive of Amsterdam, I noticed that one civil servant decided to sign a document with a pseudonym instead of with his or her own name. The pseudonym was accompanied with the following text: 'because of the topic I do not sign with my own name any longer!' Signed in 1980, I believe this document shows that some civil servants in Amsterdam also preferred to not become known with the Hells Angels MC-members (5320.B/144 KLAD03630000004).

‘First of all our penal code does not offer such a possibility, but neither would it be beneficial. It is better to keep the criminality of the group on a societal tolerable level. Abroad they are made into outlaws. We want to tolerate the phenomenon, unless they go beyond the pale. Then it will become a hot-issue’ (Limburgs Dagblad, 23 May 1984: 2).

Curious to find out how respondent 2 would respond to this, I showed this article to the police officer I interviewed about this time period. After reading the article, the respondent had to laugh: ‘this is exactly the state of mind at that time, both within the police and the local government!’.

The standpoint not to ‘outlaw’ but ‘tolerate’ the Hells Angels in Amsterdam can also be recognized in the way the local government of Amsterdam coped with Angel Place. In 1986, the local government ‘sold’ the building to the Hells Angels MC for the symbolic sum of 1 guilder, and while the subsidy granted to the Hells Angels under the banner of ‘voluntary youth work’ formally ended on 1 January 1988, the members were nonetheless allowed, or tolerated, to continue using the premises (Gemeente Amsterdam, 27 September 2005). Relevant to add is that the Hells Angels over the years also assimilated a much larger piece of ground. Whereas the Hells Angels received a piece of ground of 590 square metre at the start, they slowly incorporated a lot over 4.000 square metres on which they also built new buildings (Burgwal, 2012: 58). For respondent 2, the simple fact that the Hells Angels were able to do so again symbolized the reluctant stance, or indeed, the *laissez-faire* attitude of the local government of Amsterdam:

‘They first had 400m<sup>2</sup> and look at what they had in the end, simply stole it, this was approved, this was being legalized [...] in the end they had a terrain which was out of proportions, every time someone else left the area, they took some more terrain, and this was just being formalized by the municipality.’

#### 5.4 ZOOMING IN ON THE HELLS ANGELS MC

While the Hells Angels MC were, according to Welten, not a ‘hot issue’ for the Dutch police in the midst of the 1980s, this clearly changed in the 1990s as the Dutch government also became more concerned about the threat (and approach) of organized crime in general (see paragraph 2.5). As a consequence of this attention, the Hells Angels MC became more

and more recognized as a phenomenon involved in serious forms of (organized) crime.<sup>13</sup> In fact, in the Amsterdamse Randstad-Inventarisatie of 1991, the Hells Angels MC was already recognized as a group built around a ‘hard core of organized crime’ (in Dutch: ‘harde kern van georganiseerde criminaliteit’) (TK 1995-1996, 24 072, nr. 20: 54).<sup>14</sup> The police signalled that the Hells Angels MC, or at least its members, were involved in international drug- and weapon-trade as well as in bribing cafés and providing protective services (racketeering) in the famous Red Light District Area of Amsterdam. By the end of 1993, these assumptions led the Central Investigation Office (in Dutch: ‘Dienst Centrale Recherche’) to investigate and approach the Amsterdam chapter of the Hells Angels MC, which, in turn, also led to the successful prosecution of some of its members (TK 1995-1996, 24 072, nr. 20: 60-61).<sup>15</sup>

The involvement of Hells Angels members in organized crime gained more public awareness after ‘research group Fijnaut’ (paragraph 2.5.2) reported its findings in 1995 and 1996. The researchers concluded that the former police investigations have shown that ‘one is now doing on a small scale what has already been going on a large scale in North America for a longer period’ (TK 1995-1996, 24 072, nr. 17: 46-48). To summarize their findings, the authors concluded that some full-colour members of the Hells Angels indeed played a role in drug networks around the world. Investigations revealed that the respective members were involved in selling amphetamine to other parties in England as well as in importing and distributing cocaine via other Hells Angels members in Canada, Germany and Brazil. Besides selling and buying synthetic drugs, some members also turned out to be ‘fully involved’ in the illegal trade of Moroccan hashish. In doing so, three members (none of them were actually Dutch) in particular were known to be involved in organizing transportation, changing currencies, arranging buildings, and siphoning off money to Switzerland (TK 1995-1996, 24 072, nr. 20: 61-62). It was also clear that drugs were sold from at least one of the cafes in Amsterdam owned by one of the members. The fact that some members had stakes in the real estate and motorcycle sector furthermore raised suspicion that members were also involved in money laundering. The researchers furthermore concluded that the Hells Angels in Amsterdam developed into ‘specialists of

13 In 1991, for instance, the police conducted a criminal investigation into the members of the Haarlem chapter, which resulted in the confiscation of firearms and narcotics. The same members in Haarlem were also reported to work as security personnel during ‘house-party’s’ (Hagen, 1998: 66).

14 Shortly after the Dutch criminal Klaas Bruinsma was shot to death in Amsterdam (June, 1991), the chief police officers of Amsterdam, Rotterdam, and The Hague raised the idea to initiate a new and better strategy to fight organized crime. Part of this initiative, also known as the ‘Randstad-initiatief’, was to map and describe the nature and scale of ‘organized crime’ in the three aforementioned cities. This task also led to a description of the Amsterdam situation, which was called the Amsterdamse Randstad-Inventarisatie (TK 1995-1996, 24 072, nr. 20: 41).

15 Hagen nevertheless concluded that, until 1993, the Dutch government had only little insight in the actual organization and criminal activities of the Hells Angels MC (Hagen, 1998: 8).

private violence' offering their protective services to brothels (TK 1995-1996, 24 072, nr. 20: 123). The fact that the Hells Angels offered (or imposed) this service was no secret since they literally labelled the windows of the brothels under protection with a sticker stating 'Protected by the Red Light Security Crew'.<sup>16</sup> Members of other chapters in the Netherlands in the same way revealed to be involved in – be it on a 'small scale' – trading firearms and narcotics, and the theft of cars and motorcycles (TK 1995-1996, 24 072, nr. 17: 47).<sup>17</sup> More generally, 'research group Fijnaut' also noted that the club was feared by the general public, which consequently made it difficult for the police to gather incriminating testimonies against the members. It was finally concluded that the clubhouse of the Hells Angels MC at the Wenckebachweg was not or rarely visited by state authorities 'without a superior number of police officers' (in Dutch: 'zonder duidelijke overmacht'). Since outsiders were kept outside the borders of the terrain by cameras and fences, Angel Place in other words had turned into a 'safe haven' (in Dutch: 'vrijplaats') for deviant and criminal behaviour (TK 1995-1996, 24 072, nr. 20: 12).<sup>18</sup>

The growing attention for the Hells Angels MC came together in 1998, when the Central Division for Detective Intelligence (in Dutch: 'Divisie Centrale Recherche Informatie') of the police published a book called 'motor cycle gangs' (Hagen, 1998). In this book, the author attempted to gain knowledge on what 'motorcyclegangs are, how they are organized and to what extent they are involved in criminality?' (Hagen, 1998: 3). Although the title of the book suggests otherwise, it mainly discusses (in line with the focus of Dutch law enforcement agencies so far) the organization and activities of the Hells Angels MC. Other clubs were – with regard to the organization, structure, behaviour and criminal behaviour – rendered 'synonym' to the Hells Angels MC (Hagen, 1998: 9). This book is relevant

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16 The Hells Angels MC set up this security crew not long after sex club Casa Rosso was set on fire in 1983 by an employee. Before this disaster (thirteen people died), personnel of Casa Rosso kept the streets in the Red Light District Area 'clean and safe'. After the place was set on fire, eight members of the Hells Angels MC were quick to take over these protective activities by forming the Red light Security Crew (Hagen, 1998: 68-69).

17 During a police raid of Angel Place in 2005, documents were found that revealed that the Hells Angels were well aware (in 1996) of the fact that members owned firearms. One of the confiscated documents included the minutes of a meeting held on 12 February 1996, which included the following notes: 'weapons must be handed over to the Sergeant at Arms, who puts the weapons in a metal locker or something like that. The Sergeant at Arms has to remain sober'; 'no weapons are used on the Holland Run'; 'when someone uses a weapon during a fight, the respective person is punished by the club to which he belongs. A club is responsible for its members' (Gerechtshof Amsterdam, 10 April 2008)

18 The researchers at the same time concluded that the 'limited amount of specific observations' made it difficult to estimate the actual size of the trade in narcotics by the members. To what extent the criminal activities were committed on the orders and to the benefit of the board of the club also remained unclear (Hagen, 1998: 13). Van Riessen, former chief of police in Amsterdam, concluded in 1996 that the criminal investigations indeed revealed the involvement of members in international drug trade, but that this involvement was fairly limited. All in all, there was not enough evidence, according to Van Riessen, to speak of a criminal organization in terms of Article 140 of the Criminal Code (participation in a criminal organization) (Commissie voor Algemeen Bestuurlijke en Juridische Zaken, 12 March 1996: 10).

because it recognized and described the Dutch Hells Angels MC as part of the broader and international HAMC-network. The author cited various reports from law enforcement agencies abroad, providing the Dutch police with a more comprehensive view on 'the' Hells Angels MC accordingly. Although Hagen admitted that not 'everything written about the criminal behaviour of the HAMC abroad' necessarily applies to the Dutch members, the author nonetheless described the Dutch HAMC as a 'well-lead' and 'intelligent' group of which its members are involved in various criminal activities. To answer the earlier mentioned question, Hagen used the OMG-definition as formulated by the Public Prosecution Service of Canada in 1986:

'A group of motorcycle enthusiasts who share a commitment with each other, stick to rules of their organization which are violently enforced and are involved in activities with which they repeatedly bring themselves and the club in conflict with the conventional society' (Hagen, 1998: 13).

Finally, following up on the norm-deviating image of OMGs described in chapter three, clubs like the Hells Angels MC were also deemed to 'defy commonly acknowledged norms and resist whatever one generally considers normal in the field of ethics and moral' (Hagen, 1998: 13).

The latter book can clearly be understood as a result of the 'zooming in on the Hells Angels MC' by the Dutch government, or how Hagen worded it, of the growing awareness that 'the illegal activities of these motorcycle clubs and/or its members should worry crime fighters' (Hagen, 1998: 14). According to Geurtjens et al. (2018: 101), the fact that (members of) the Hells Angels MC was now explicitly and publicly associated with organized crime yet 'did not lead to a tougher approach per se'. Using again the description of Blokland et al. (2014), the authors still characterized the nineties by a *laissez-faire* attitude of the Dutch government. In the next paragraph, I will 'test' this premise by describing how the state authorities in Amsterdam coped with the presence and activities of the Hells Angels MC near the end of the decade.

## 5.5 MANAGING PUBLIC ORDER

From the very start of its existence, the Hells Angels MC regularly organized (as they still do) parties and events – just like any other association or club. As this paragraph will show, these events serve as an interesting indicator for how the local government and the police aim to cope (and coped) with the presence of the respective club. In this paragraph, I will describe how the police in Amsterdam remained 'on speaking terms' with the Hells Angels

when the club wanted to throw a large party in 1998. I do this by describing a plan of action set-up by the police prior to the event.

5.5.1 *The 20th anniversary of the Hells Angels MC*

In the last week of October 1998, seven months after the Dutch police published the book on 'motor cycle gangs', the Dutch chapter of the Hells Angels welcomed its 20 years' anniversary. To celebrate this milestone, the Dutch members organized a party in the clubhouse of chapter Harlingen on Friday 30 October and a large closing-party at Angel Place on 31 October. For the party at Angel Place the members planned to set up large party tents, while several music bands were booked to play live music. To bring the party to a festive end, one moreover planned to set off fireworks. HAMC-members from chapters abroad (e.g. from Canada, Denmark and England) arrived in Amsterdam a few days before the closing party and were expected to reside in the city centre (especially in the Red Light District Area). Members booked rooms in various (luxurious) hotels while others stayed at the homes of Dutch members. The police estimated a total of 1.000 visitors to attend the festivities (internal documentation).

After the police was informed by the Hells Angels about the upcoming event, the police, the Public Prosecution Service, and the local government of Amsterdam (the so-called 'local triangle') maintained in close contact to decide on how to cope with the closing party. The idea that the police of Amsterdam at that time was indeed well aware of the general involvement of Hells Angels in (organized) crime becomes clear from the following fragment:

'From all over the world around 1,000 guests will come. Among them are very violent Danish, Canadians, and English. The Hells Angels are among other things linked with trade in weapons. Well, everyone has a particular view on the Hells Angels. In any way, they are no sweeties' [in Dutch: 'lieverdjes'] (internal documentation).

In fact, it was even clear beforehand that a couple of international members (who were also expected to visit Amsterdam) were wanted on international warrants for cases related to murder and the import of cocaine. The Dutch police was informed about this matter by a police force abroad because the latter organization predicted these wanted members to hide at a chapter abroad. Hence, it is also clear that the police in Amsterdam generally acknowledged that the planned event involved some risks:

‘The presence of such a large group of Hells Angels in the city brings along certain risks, also because some international chapters (Denmark, Canada) are known to be extremely violent. Also, the organizers of the party themselves cannot exclude the possibility that weapons will be in circulation among these groups’ (internal documentation).

Despite being aware of the arrival of some ‘extremely violent’ international members as well as the more generally acknowledged criminal involvement of the (Dutch) members, the event was not prohibited beforehand. Instead, the aim of the ‘local triangle’ was to make sure that public order was safeguarded precisely by permitting and managing the course of events. Indeed, after a Hells Angel wondered (during a telephone conversation) whether the police were ‘starting to get worried’ about the event, a police officer explained that every event of this size gets the attention of the police, and that this attention was solely aimed at ensuring a ‘good and pleasing course of events’. Respondent 2, a police officer who was also directly involved in managing the party argued that this stance fitted within what he called ‘the spirit of that time’:

‘You have to see this in the spirit of that time you know, today it is completely different. I always stated, guys, this is a terrible large criminal group, and maybe even the most intelligent criminal group of that moment. But they [the police and local government, TvR] were not interested in it at all. The spirit of time was totally different, at that time they just wanted to keep it as manageable as possible, and nothing more. At that time, the Hells Angels were just a playful little problem [in Dutch: ‘ludiek probleempje’].’

Because of ‘earlier experiences’ and ‘the rather strict organization within the ranks of the Hells Angels’, the police generally did not expect to encounter much problems during the party itself. The Hells Angels themselves in turn reassured that they had no intentions to let things get out of hand as they explained not to benefit from any nuisance or damage either. This is not to say, though, that no precautions were taken. In fact, the police did take into account that the ‘side-effects’ of the festivities might result in public disorder (internal documentation).

To counter complaints beforehand, the police for instance advised the Hells Angels to inform the neighbourhood about the planned festivities. Following up on this advice, the Hells Angels distributed flyers in which they in advance excused for possible noise disturbance. To ‘gain goodwill’, the Hells Angels also planned to deliver cake at an elderly home nearby. It was moreover agreed upon that small disturbances on the premises of Angel Place were to be settled by the ‘security-crew’ of the club. Indeed, in order to safeguard order a ‘security-crew’ of approximately 150 prospect was formed (the police described

these prospects as ‘Hell’s Angels in training’), and a representative of the club assured that this ‘crew’ was given strict orders and were not allowed to drink alcohol during the festivities. The police officer added that these prospects indeed had very little to say: ‘these prospects are standing outside for 10 to 12 hours, they are just managing traffic, and nothing more. Inside you have the sgt-of-arms, when there is a fight, they settle it themselves, just like in every club’ (respondent 2). The plan of action revealed that the police – in close cooperation with this ‘security crew’ – would only enter the clubhouse in case of more serious crimes or tribulations. Interesting to note is that the police described that an arrest would be ‘given up’ (or possibly postponed to a later moment) when the arrest itself ‘would involve too big of a risk’. In line with this it was also decided that the police would not ‘hunt’ for the internationally wanted members during the festivities as it was feared that this could possibly result in public disorder: ‘because of expected public disorder, making arrests is the last thing we want’. In other words, in order to remain public order, one favoured to *not* take immediate action. To make sure that they had a good view on the various access routes surrounding Angel Place, the police also took pictures from above using an airplane or helicopter (internal documentation).

More ‘severe public disorder’ was especially expected near the various pubs in the Red Light District Area owned by Hells Angels members. It is telling that the police noted that it was only safe to counter these (possible) tribulations with a ‘special riot unit’ (in Dutch: ‘mobiele eenheid’). In line with this, the police also took into account the idea that the members were so dangerous that assistance of a special tactical arrest team was required in case any arrests had to be made. The police therefore also suggested scheduling an extra ‘arrest team’ and police dogs on the day of the party. On the day of the event itself, the police made sure that police office ‘IJ-tunnel’ housed as little arrested as possible, providing enough room for Hells Angels members. Finally, both prior and after the party the police patrolled the streets of the city centre to identify any possible tribulations as early as possible (internal documentation).

The police informed the local government about the planned activities of the Hells Angels in a letter. This letter reveals again that the police were not in favour of prohibiting the event beforehand, and that the measures taken by the police (as summed up above) were also not directed at ‘cancelling the entire party in case of any disorder’ (internal documentation). Instead, the police attempted to set up terms and conditions under which the Hells Angels *were* allowed to organize the party. The police officer I interviewed argued in line with this:

‘For me it was just, and also for the district team; just keep it down [...] the Hells Angels organized their own things, their own security, cars were all neatly parked. This was all agreed on beforehand, this what we will and won’t do, and we all made these agreements clear [...] during those times the line of thought

was just, they are simple there, let us just make sure it is manageable [...] there is a lot of parking problems, loud noises, the red village is right behind it, where a lot of old people live and can you keep this reasonable, thus much decibel otherwise the party stops, well, we had good agreements about that' (respondent 2).

Although the 'local triangle' argued that permits were in fact needed for the Hells Angels to organize this event, it was decided to tolerate the party under the conditions set by the police (in Dutch: 'gedogen onder voorwaarden') and that any possible public disorder would be dealt with in a police report afterwards. The local government in turn did demand that the quality and safety of the party tents would be checked by an employee of the building inspection department and the fire department. The permit to set off fireworks was provided – under several conditions – by the police. Overall, the decision to tolerate the party was grounded on the following consideration:

'It concerns a party for which no permit has been provided. The local authority decided to tolerate the party. This decision is grounded on the consideration that, would this party be prohibited, large-scale public disorder could erupt in the city centre. The standpoint is: it is a party by and for civilians on their own terrain. Therefore, the Hells Angels themselves are responsible for the course of events during the party. They have their own security' (internal documentation).

Hence, to actually prevent 'large-scale public disorder', it was deemed better to 'tolerate' the Hells Angels and permit the event. While aware of the risks tied to parties organized by the Hells Angels, the police in other words remained on speaking terms and aimed to manage the risks as good as possible. The members were moreover seen as civilians who threw a party on their own terrain, which in turn made them (in the eyes of the police) responsible for order during the festivities themselves.

### 5.5.2 *Guiding a funeral procession*

The party got an unexpected follow-up when one member passed away on the day of the event. That is, two members of the Hells Angels were involved in a car accident in Amsterdam after they had left the highway while driving too fast. One of these two members, Toni Franchimon, did not survive the accident and was buried four days later in Diemen (the party itself was not cancelled). The funeral was attended by members of Hells Angels from various countries such as Sweden, Denmark, France, Germany, Canada

and the United States. In total, the funeral procession included around 150 motorcycles, 50 cars, and drove through the city centre before making a final stop at the cemetery (internal documentation).

The police again decided to play a managing role during this 'event' after it was asked by the Hells Angels to 'guide the procession in the right direction' (in Dutch: 'in goede banen leiden'). The police facilitated a 'free route' and a smooth running of the funeral procession by blocking various roads and crossroads, as well as by driving in front and at the rear of the procession itself. Indeed, in the plan of action it was described to lead the convoy with three police officers (on motorcycles) followed by four motorcycles of the Hells Angels. After that, the hearse would be followed (in order) by two pick-up truck with flowers, 150 Hells Angels on motorcycles, two police motorcycles, 50 cars of the Hells Angels, a police motorcycle and a police car. The same plan reveals that no public disorder was expected by the police as the party a few days earlier also did not cause major troubles:

'The organization asked the police to help in guiding the whole process. Today, agreements are made concerning the route. One promised to follow-up on the directions of the police. Last week the international parties in the clubhouse Angel Place passed off without problems and the contacts with the police were good. One is not in the mood to cause trouble [...] there are no problems concerning public disorder to be expected' (internal documentation).

Some minor 'traffic problems' were expected but the police aimed to limit these problems by 'keeping momentum' during the procession. It was finally agreed upon with the members that they would 'promote' wearing helmets, but that the police would not fine anyone for not wearing one during the procession. After the funeral, the members 'promised' to again wear a helmet and the police would enforce the traffic violations accordingly (internal documentation).

Based on paragraph 5.4 and 5.5, I conclude that is too simple to equally (alike the eighties) characterize the nineties by a 'laissez-faire attitude'. When we look up the definition of 'laissez-faire', we find something related to the 'unwillingness' or 'reluctance' to get involved in something or influence other people's activities ([www.macmillandictionary.com](http://www.macmillandictionary.com)). When law enforcement agencies adopt such as an 'attitude', one would thus expect these agencies to allow for the crime problem to run its own course without taking measures to control or direct it. However, I described that the Dutch police (especially in Amsterdam) in the 1990s actually started to take more interest in the club by collecting more international intelligence, by writing informative reports, as well as by launching criminal investigations into the individual members. In the face of the anniversary party in 1998, the 'local triangle' moreover took an *active* role by taking various precaution measures (e.g. by making a plan

of action and by scheduling extra police officers) to make sure that public order was disturbed as little as possible. The ‘local triangle’ of Amsterdam aimed to manage the risks tied to the event precisely by collaborating, making agreements, escorting, and sometimes by making compromises. Hence, in my view, the fact that this plan of action allowed the Hells Angels MC to organize its activities does not mean that the law enforcement agencies were therefore also reluctant or not willing to get involved in the problem. In fact, one was very much involved to prevent any tribulations precisely by setting the terms and conditions of the event. It *is* clear, though, that the local authorities in Amsterdam at that time still accepted the existence and *presence* of the Hells Angels MC in society. After all, members *were* allowed to use the clubhouse for their own club-related activities. The fact that the president of the Hells Angels MC was invited to the farewell party of the alderman for Economic Affairs (of the city of Amsterdam) in 1998 is symbolic for this acceptance (Marsden & Sher, 2006). However, it did not take long before the local authorities of Amsterdam also started to problematize the mere presence of the club as a whole.

## 5.6 THE TURNING OF THE TIDE

From the turn of the millennium, the stance vis-à-vis the Hells Angels MC changed rather abruptly. Fuelled by a series of (violent) incidents following up on each other quickly, the ‘local triangle’ of Amsterdam launched a different approach and started to take a less collaborative stance towards the Hells Angels MC. In the words of Nelen (2010: 98), local authorities stopped supporting the idea of ‘regulated tolerance’ or the idea that authorities ‘want to stay in touch with (groups of) people who may cause public nuisance’. In the following paragraphs, I will describe the incidents that directly set in motion this ‘turning of the tide’. In doing so, I will start where I left the last paragraph; the funeral of yet another Hells Angels member.

### 5.6.1 *The eyesore of a funeral*

On 10 October 2000, a forty-year-old prospect member of the Hells Angels MC was shot to death in Amsterdam. It is common knowledge, though, that Sam Klepper was not just a simple and unknown prospect member. Together with Kees Houtman and George van Kleef, Klepper was involved in raiding money transports and banks in the 1980s. In the nineties, the duo Klepper and John Mieremet were moreover known under the nicknames ‘Spic & Span’, allegedly named after the effective way the duo eliminated their foes. In cooperation with criminal Klaas Bruinsma, Klepper and Mieremet were also involved in large-scale drug dealing. All in all, common belief is that criminal activities such as extortion, drug-trade, money laundering and the involvement in multiple killings turned Sam Klepper

into a key player in the criminal underworld of Amsterdam. Along the way, he also became familiar with the Hells Angels MC, which thus ultimately granted him the status of a prospect (Nieuwbeerta & Leistra, 2003: 135-141). The murder of Sam Klepper caused much tumult in the Netherlands and naturally came along with much attention from the media. One could say that this stream of attention commenced when newspaper *De Telegraaf* published 36 obituaries in the wake of the shooting. One obituary included the Italian text ‘Nessuno attacca noi senza essere punito’ (‘nobody attacks us without being punished’) which was explained by Klepper’s alleged contacts with the Italian mafia (De Vries, 2013: 437-438). Yet, it was the funeral that followed seven days after the murder that received at least as much media attention.

As Sam Klepper posthumously received the full-member status of the Hells Angels, the club was keen not to let the memorial service go unnoticed. The body of Sam Klepper was placed on a bier in Angel Place, enabling other members of the Hells Angels to pay their last respects. On the day of the funeral (17 October 2000), hundreds of Hells Angels (both national and international members) and members of befriended motorcycle clubs came to accompany the funeral procession to the cemetery. The funeral procession was – similar to the funeral in 1998 – guided by motorcyclists of the police, who again also assisted in blocking crossroads. Before arriving at the cemetery, the funeral procession first made a large detour through the city centre. As a result, one long trail of tens of cars, limousines, and hundreds of loud motorcycles literally took over the streets of the city centre. Even part of the highway near Amsterdam was temporarily blocked for other traffic users. While the procession attracted much attention of spectators along the route, multiple riders did not wear a helmet. Furthermore, when the procession passed through the neighbourhood where Klepper was raised even the carillon of the well-known Westertoren played a tune. Particularly symbolic was that the Hells Angels also lighted fireworks right in front of head station of the police, which act was perceived as a direct provocation to the police. Indeed, Klaas Wilting, former spokesperson of the police in Amsterdam, admitted that the Hells Angels ‘actually nagged us a little bit’ with that act (EenVandaag, 23 November 2016).

As said, the funeral procession received much attention from the media. In many of these reports, however, it was the facilitative role of the police that was highlighted. Multiple newspapers sketched the image of the ‘criminal underworld’ openly taking over the streets of Amsterdam while simultaneously helped and escorted by the police. The following extract serves as a telling example:

‘The three-kilometre-long funeral convoy received massive attention along the parade. Especially the Hells Angels seemed to enjoy all the attention. While making loud noises they crisscrossed through town, mostly without a helmet on their head. The police do nothing, not even when the Hells Angels light

ear-splitting fireworks at the headquarters of the police in the city centre’ (Dagblad van het Noorden, 18 October 2000).

To give some other examples, *Het Parool* described that it seemed as if the public paid its last honour to a ‘folk hero’ or ‘statesman’ and that the police, in a ‘bizarre alliance’ with the Hells Angels, deliberately closed down the streets to facilitate the ‘honour ride’ and to make it possible for the Hells Angels – while riding their motorcycles in a ‘relaxed position and without helmet’ – to light fireworks (Rombouts & Vugts, 18 October 2000: 5). *Brabants Dagblad* (18 October 2000) reported that some spectators even reacted angry to the police escort as it seemed that this escort served as ‘some sort of guard of honour’. Finally, a few months after ‘the grotesque sight’ of the funeral procession, *NRC Handelsblad* (10 February, 2001: 7) even questioned whether the police were still the boss in town: ‘who actually is the boss? Apparently not the police’.

The image of the police escorting a large funeral procession of a key player in the criminal underworld also sparked a political discussion in The Hague. During a meeting of the Second Chamber, Minister for Justice Mr Korthals was asked to give his view on ‘what happened in Amsterdam’ (TK 2000-2001, 20-1521). Members of parliament strongly condemned the picture of the media and the general public adoring a criminal, as well as the decision of the police to facilitate the funeral. Member of Parliament Mrs Kalsbeek (PVDA) for instance problematized the ‘romanticizing of organized crime’ when ‘criminals are buried as godfathers’ and ascribed a role to authorities to provide a counterbalance to this picture (TK 2000-2001, 19-1419). Mr Van de Camp (CDA) moreover reasoned that the funeral procession could easily have been directed outside the city centre and insisted, as quoted in *Het Parool* (9 November 2000: 5), that ‘such a show’ has to be prevented in the future. In response, the Minister admitted to also have ‘great difficulty with the exaggerated attention for criminals, when they live as well as when they die’. Although he noted that the incident was a local issue and therefore did not want to judge on the decision of the police to guide the procession, the Minister nonetheless called the course of events ‘awful’ (in Dutch: ‘afschuwelijk’), ‘distasteful’ (in Dutch: ‘smakeloos’), and admitted that ‘the funeral of the person in question is an eyesore’ (in Dutch: ‘doorn in het oog’) (TK 2000-2001, 20-1521).

In an attempt to explain the decision to guide this particular funeral, the spokesperson of the police in Amsterdam argued that the police simply had two options. Since the Hells Angels were thought to be determined to ride through the city centre, the police could have done either nothing or guide the procession in a descent manner. The belief was that the first option most certainly would have resulted in a chaotic situation in town, and prohibiting the procession was not considered an option because the Hells Angels would nevertheless proceed with its plans. Therefore, the ‘local triangle’ decided to guide the procession:

‘What we just did in that period, and this was no different for any other large scale processions, we just guided and made sure other traffic was stopped so other people in town would be bothered by it as little as possible. And we also wanted to make sure they [the Hells Angels, TvR] would leave the city towards the cemetery at Sint Barbara as quickly as possible’ (EenVandaag, 23 November 2016).

Because the goal was to guide the procession through the city centre as quick as possible, the police also allowed the Hells Angels to light fireworks in front of the police station. Any interruption on the side of the police, so it was argued, would have caused an undesirable delay of the whole procession. Respondent 2 was equally involved in the planning of this funeral procession and confirmed the latter considerations. He argued that this funeral procession was no different from previous instances where the police guided a procession of the Hells Angels MC, and was again aimed at keeping the happening ‘manageable’:

‘At that time it was just, they guys were big, and on the moment they want something they would just do it, and then my option always is, either you prohibit the procession altogether on the basis of public disorder or you can guide it to make it manageable.’

The police escort made sure that the Hells Angels would not block the roads themselves or would stop for an hour ‘to yell, light fireworks, or whatever’ (respondent 2). It was thus intended to ensure a fluid movement of the procession and to make sure other civilians would be hindered as little as possible. The reason to guide this specific funeral clearly resembled the rationale behind guiding the funeral in 1998. Again, the police guided the funeral precisely because they wanted to prevent public disorder. Only this time society at large did criticize the police for adopting this approach. For the latter police officer, the media response had a big stake in fuelling this uproar: ‘I was involved in various funeral processions and why was it so criticized this time? Well, because of the very simple reason that the media devoted so much attention to it this time, otherwise nothing would have happened’ (respondent 2).

The funeral of Toni Franchimon indeed did not receive as much attention as the funeral of Sam Klepper did. What I find more interesting here, though, is that despite the rationally weighed decision to manage the procession, the funeral is (still) remembered for the Hells Angels deliberately exposing themselves as an ‘intimidating’ and ‘untouchable’ entity (Burgwal, 2012: 61). For instance, six years after the incident, a police officer was quoted in *NRC Handelsblad* (Meeus, 9 November 2006: 3) stating that ‘they behaved as if they were untouchable. That caused allot commotion in the city’. The ‘untouchable’ image

displayed during this funeral procession was also described in a police report published in 2010. Whereas the police guided the procession to keep control over the event, the funeral was at the same time remembered as a *deliberate* act of the members to manage their image and status:

‘The group behaviour during these events [funeral processions, TvR] are particularly impressive and intimidating: allot of tight faces and shout-outs (“AFFA!!”), allot of colours and tattoos, allot of motorcycles and allot of noise. A police escort to steer the event in the right direction is no exception. The most striking example is the funeral procession of the killed career-criminal and aspirant Hells Angels Sam Klepper in September 2000, during which firework was lighted in front of the head station of the Amsterdam police and traffic in the inner city was jammed’ (KLPD, 2010: 44, 70).

Even the Dutch court followed this interpretation. In a civil case (which I will discuss at length in paragraph 5.9), the judge remembered that the ‘Hells Angels have taken part with large-scale and intimidating public display in the funeral of Sam Klepper who has been convicted for serious illegal acts’ (Rechtbank Leeuwarden, 6 March 2007, paragraph 5.4) During my interviews, various police officers also made a direct reference to the funeral and spoke of a ‘mistake’ of the police:

‘We have made a mistake in Amsterdam with the funeral of Sam Klepper, you might have heard this example more than once, there it seemed as if the government had organized its funeral, you know, he was about the biggest criminal in the Netherlands and all crossings were blocked, yes that is something you should not want’ (respondent 35).

All in all, despite the rational effort of the police to prevent any further public disorder, the approach was and is taken as a ‘mistake’ as the image of the police escorting a ‘criminal’ continues to linger in the minds of the general public and the government. However, the start of the 2000s is not only known for the funeral of Sam Klepper. Other incidents equally contributed to what I called the ‘turn of the tide’. In the following subparagraph I will shortly describe three incidents that, together with the ‘commotion’ following Klepper’s funeral, turned out to be of particular importance for the local authorities of Amsterdam to take on a fiercer approach towards the Hells Angels MC.

5.6.2 *Killings, violence and weapons*

One of these incidents took place in the night of 20 February 2000 in a sex club called 'Esther' in the city of Haarlem. Without going into all the details of the shooting, four men were shot dead by the bouncer of the club and his friend. The victims were a full-colour member and hangaround of the Hells Angels, and two of their friends. While intoxicated after a night-long drinking, the hangaround became aggressive when the woman (who was the girlfriend of the bouncer) behind the bar did not want to accompany him to a private room. After threatening the women with a firearm, the bouncer came in and shot the hangaround in his head. One of the other visitors of the club, a friend of the bouncer, picked up the weapon of the hangaround and starting shooting as well. The two ultimately killed all four men and were both convicted to 15 years in prison (Nieuwbeerta & Leistra, 2003).

A second well-known incident took place on 19 December 2000. Not long before *Barend & Van Dorp* (a popular Dutch talk show hosted by Frits Barend and Henk van Dorp) was about to start its live broadcast, several Hells Angels members entered the studio. The members demanded that the two television hosts would offer their apologies for calling the Hells Angels a criminal organization during previous broadcasts. The members were also fed up with Barend and Van Dorp slandering and ridiculing their fallen member Sam Klepper in the days and weeks after his funeral. To enforce their demands, the hosts were punched and kicked by the members. President of the Hells Angels MC, Willem van Boxtel, later argued that they were indeed fed up with being portrayed as criminals. For him, the Hells Angels was just a motorcycle club of 'free man on the edge of society' (Trouw, 21 December 2000: 6). During the live broadcast of *Barend & Van Dorp*, only minutes after the incident, the duo complied with the Angels' demands as Henk van Dorp, clearly devastated by the incident, opened the broadcast with the following words:

'We just had a visit by the Hells Angels, they want to emphasize that the Hells Angels exclusively is a motorcycle club. They are fed up that we, also in this program, make all sorts of accusations about them, and they said about that; rectify that...hereby' (Zembla, 14 October 2004).<sup>19</sup>

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19 This was not the first time the Dutch Hells Angels used violence against journalists. In 1991, journalist Jan Lenferink was punched in the face by a member during his visit to Angel Place. Two years later, Bert Voskuil, a journalist for *Nieuwe Revu* was punched by members after writing a piece on the (criminal) activities of the Hells Angels. As a finale example, in 2000 Jack Spijkerman was forced to apologize for a joke he made about the killings in seksclub Esther during a television programme called *Kopspijkers* (Bovenkerk, 2005: 156-157).

In February 2001, then, the police raided the clubhouse at the Wenckebachweg on the basis of the Firearms and Ammunition Act, which came after the Dutch government generally prioritized to track down firearms (TK 1999-2000, 26 494, nr. 5). This policy prescribed, among other things, to immediately start a criminal investigation when ‘serious information’ indicates the presence of firearms, which was clearly the case in relation to Angel Place. Covered by a police helicopter hovering above the area, 65 police officers and a peloton of a special mobile unit raided the home of the Hells Angels MC. The proceeds of this raid left little to the imagination: a machine-gun, three hand-guns with ammunition, a gun silencer, 95 of various other bullets, five cans of teargas, a can pepper spray, illegal fireworks, three MDMA-pills, and a total of 1,82 kilograms of hashish (Rechtbank Amsterdam, 11 April 2007)

### 5.6.3 *Fighting a public image*

I want to emphasize that the previous incidents by no means offer a complete list of incidents. In combination with the funeral of Sam Klepper, these events did however stir up the discussion (both on the local and national level) with state authorities on how to cope with the presence of the Hells Angels MC. Indeed, in May 2001, the police of Amsterdam sent a two-page internal note directed to the ‘local triangle’ in which it proposed to come up with a ‘plan-of-approach Hells Angels’. As described in this note, the aforementioned incidents fuelled ‘the question if and in what way the government should stand up against the Hells Angels’ (internal documentation).

This initial step to think of a plan of approach is insightful because it reveals why the police reckoned the Hells Angel to be a problem, and related to this, how the Dutch government was ought to cope with the presence of this particular group. In the internal note, the Hells Angels were, to begin with, generally described as a ‘tightly organized worldwide organization’ that operated in a ‘cell structure’ while fencing itself off from the outside society. Since individual members were convicted for the involvement in narcotics (both in the Netherlands and abroad), the presumption was that ‘the Hells Angels play a world-wide and leading role in the international trade in narcotics and firearms’. The chapter in Amsterdam was moreover understood as the most important and influential chapter (or ‘motherchapter’) in Europe. Furthermore, the members were also recognized for their ‘extensive contacts and networks in the legal upperworld’, having ‘interests’ in the hotel and catering industry, tattoo shops, and motorcycle sector. Finally, the clubhouse was described and problematized as a ‘safe haven’ (in Dutch: ‘vrijplaats’) as it literally offered the members a place to take distance from the rules and norms of conventional society (in Dutch: ‘vrijplaats’) (internal documentation). In this way, this plan also answered

to the findings of the Van Traa-Committee, which concluded in 1995 that Angel Place had turned into a safe haven for deviant and criminal behaviour.

What is interesting from this note is that the police also problematized the existing image of the Hells Angels within society. That is, although the involvement of Hells Angels members in criminal activities clearly played a role, the police was particularly concerned with the 'public image' (in Dutch: 'maatschappelijke beeld') of the Hells Angels MC. This image was described as follows:

'The public image of the Hells Angels is one of a criminal motorcyclegang that rides roughshod over the norms that exist in this society and get the things done they want, both in the criminal milieu as in the upper world' (internal documentation).

The title of an article about the Hells Angels MC published in 2002 in police magazine *Recherche Magazine*, 'untouchable motorcycle devils', is telling in this context (De Waal, 2002). It portrayed the Hells Angels as 'devils' riding through society without fearing (or the need to fear) the (legal) consequences of their deviant and criminal behaviour. The police escort of Sam Klepper's funeral clearly had an important stake in building this untouchable image. Although the police solely aimed to safeguard public order, the image of the Hells Angels MC being facilitated by the police to literally take over the streets of Amsterdam lasted. Furthermore, the fact that Hells Angels entered the studio of *Barend & Van Dorp* to violently express their discontent in the same way revealed how the members believed to be entitled to do everything in their own (violent) way. A spokesperson of the Public Prosecution Service stated that it is 'unacceptable' that 'a group of people enters somewhere, and then takes law into their own hands by mistreating and threatening people. When the Hells Angels feel wronged, they should have filed a case for libel, just like anyone else' (Schenk, 2001). To put it in my own words, the police was not only troubled by the involvement of the members and the group in (serious) criminal activities, but also by the idea that there is a group in the Netherlands that had set its own rules and with this, openly and generally takes distance from the rules and norms of society.

Hence, the 'ultimate goal' as described in the 'plan-of-approach Hells Angels' was 'to put a stop to the present public image that the Hells Angels live above and beside the law, ultimately to put an end to this threat'. To do so, the police emphasized the importance of gathering all information and intelligence available with the police, the Public Prosecution Service, and the local administration. It is interesting to see that the police equally stressed the importance of an approach built on a combination of *Opsporen* (i.e. doing criminal investigations) and *Tegenhouden*, the strategy described at length in chapter two. The local approach against the Hells Angels MC as launched at the start of the 2000s was thus clearly influenced by Dutch crime policies, which increasingly stressed the importance of

a multi-agency and preventive approach towards crime in general (paragraph 2.6). In fact, the proposed approach against the Hells Angels was described as a ‘pilot’ for this strategy: ‘this approach will also serve as a pilot to develop a model in order to approach specific individuals/groups that are involved in organized crime more adequately by means of an integrated approach’ (internal documentation).

## 5.7 THE TURN OF THE TIDE

Where I described the incidents that led to the ‘turning of the tide’ in the previous paragraphs, I will now describe in what way the local authorities in Amsterdam as well as the national government gave meaning to the goal to fight the ‘public image’ of the Hells Angels MC. In other words, after having described the *turning* of the tide, I will now describe the *turn* of the turn itself. While doing so, I will start with the attempt of the Public Prosecution Service to fight and prosecute the members of the Hells Angels MC as a criminal organization.

### 5.7.1 *Acroniem*

In June 2003, a large criminal investigation under the name of ‘Acroniem’ was initiated by the police and Public Prosecution Service. In this criminal case, all 22 full-colour members of the ‘Holland’ chapter were suspected of participating in an organization with the purpose of committing crimes such as carrying weapons and ammunition, extortion, violent offences, and drug-related offences (Article 140 Criminal Code) (Rechtbank Amsterdam, 20 December 2012). In short, this criminal case was basically set to prove that the Hells Angels MC was in fact a criminal organization (KLPD, 2010: 7). As a part of this investigation, the club was subjected to multiple coordinated police actions. In the night of 17 October 2005, for instance, the police invaded the clubhouse in Amsterdam with heavily armed police forces and detectives. During the same night, also the houses of the club members were searched which ultimately led to the arrest of 47 people, the closing of several hemp grow rooms, and the confiscation of weapons, grenades, and a flamethrower (Burgwal, 2012: 62-63).

It is clear that the series of incidents described in the previous paragraphs indeed played an important role in launching this investigation. When I asked a public prosecutor to reflect on the reasons for starting this criminal investigation, the respondent recalled:

‘Of course there was a clear reason for this, the funeral of Sam Klepper, the enormous display of power, by which it seemed as if the Hells Angels especially in Amsterdam could do whatever they want. Barend and Van Dorp who got

some punches. Then one got the feeling like, boys this has gotten way out of hand, we have to suppress this [in Dutch: 'de kop indrukken']. And that has been the reason to set up Acroniem [...] That really was the Hells Angels, a big plaque, who seem to be able to do whatever they want, and this is something we don't want in this country, that was the reason' (respondent 15).

Note how this respondent, besides criminal activities alone, again pointed to 'the enormous display of power' during Klepper's funeral and the idea that Hells Angels generally seem to be able to 'do whatever they want'. In an issue of *Leeuwarder Courant*, Bart Nieuwenhuizen, at that time acting chief public prosecutor, similarly explained that the Justice Department is 'fighting the general public image that Hells Angels are untouchably criminally active' (*Leeuwarder Courant*, 18 October 2005: 1).

Since the reason for the Public Prosecution Service to start focusing on the Hells Angels MC in 2001 was powered by a general discontent with the existence of a group that had taken distance from the rules and norms of society, the Acroniem case can also be understood as an attempt to correct the past. Members of the Hells Angels have been able to do whatever they want for too long, and the government now decided to put a definite end to this. Of course, this is not to say that no members were prosecuted before the 2000s. The difference with the attention of the public prosecutor *after* the 2000s, however, is that the Acroniem case was the first attempt to prove that the members in Amsterdam as a *group* formed a criminal organization. Indeed, until then, criminal investigations mainly focused on the criminal activities of the individual member without paying too much attention to the possible (criminal) connection of this individual to the wider network of the Hells Angels MC. In the earlier cited *Recherche Magazine*, the author explained this one-sidedness by a combination of ignorance, unfamiliarity with the phenomenon, a lacking information position, and the fact the Hells Angels MC had always denied any cooperation with the police (De Waal, 2002: 27).<sup>20</sup> The 'turn of the tide' yet cannot be solely

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20 The new stance of law enforcement agencies vis-à-vis the Hells Angels as a group also had its consequences for the individual member. When Uneputy (president of the Hells Angels in Amsterdam from 2004 until 2012) wanted to work for a security company, the police denied his application for a working permit. In short, everyone who wants to work for a private security company or private detective company in the Netherlands must apply for a so-called 'security card' with the Dutch National Police. The police can decide to refuse such a request when the applicant is not capable (in Dutch: 'bekwaamheid') and trustworthy (in Dutch: 'betrouwbaarheid') enough to work in this sector. On 29 August 2005, the chief of police of the police region 'Fryslân' decided to refuse this security card to Uneputy as it turned out that he had been involved in an intimidation case in 2004 and mistreated someone in 2005 when he worked as security staff in a discotheque. On a more general note, Uneputy was not trustworthy, the police chief argued, because he was leading an organization that acts upon an active policy to shield off any interference from the police. The council of state acknowledged the decision of the police and agreed that the trustworthiness of Uneputy was not 'beyond all doubt'. The Council argued, in short, that the police was right to attach importance to

characterized by criminal proceedings. Also the local government of Amsterdam began to take a different stance towards the Hells Angels MC as the club lost its role as a 'negotiation partner' with the municipality right from the moment the members became suspects in the Acroniem case.

### 5.7.2 *Angel Place: stopping negotiations*

As I described earlier in this chapter, the local government 'sold' Angel Place to the Hells Angels for 1 guilder in 1986 while the members along the way laid hold on a larger piece of ground. A civil servant explained to me that the local government more or less facilitated the latter development by doing nothing:

'Near the end of the nineties and the start of the 2000s, the image was more like, yes a bit tough but, but on the other hand, it was also an area, a little bit at the outskirts of the city and the civil servants were not so fond of going there [...] of course we noticed that they went from 500m<sup>2</sup> to 3000m<sup>2</sup> but within the local government nobody said, go back into your cage, this also did not happen. So, on the one hand it was a bit like you know, tough fellas, but one the other hand one also did not really had the guts to take fierce action against them, so it seems there was also a little bit of fear' (respondent 14).

Nevertheless, it *was* clear that the Hells Angels MC eventually had to leave their spot at the Wenckebachweg as the municipality made plans in 1996 to re-develop the area and to build houses on the location of Angel Place. In response to this new development plan, the Hells Angels MC quickly commenced a judicial procedure to receive the legal ownership over the clubhouse (in Dutch: 'recht van opstal'), which was granted by the court of Amsterdam on 24 July 1997. This verdict had important consequences for the local government:

'Instead of rights in personam, which you can get right of rather easily, these guys at once had rights in rem. They had a legal ownership of the building, so we could not get of rid of them that easily anymore, so when we are planning to do something with the area we need to legally expropriate them' (respondent 14).

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the idea that the Hells Angels MC actively denies any cooperation with the police, which was thought not to be in line with the cooperative stance desired from security personnel (Raad van State, 8 August 2007).

In other words, when the municipality wanted to carry out its plan to re-develop the area, it first needed to either make an agreement with the Hells Angels or to expropriate (in Dutch: 'onteigenen') the clubhouse. However, when a local government decides to expropriate a building, the latter respondent explained, it usually also helps to find a new place for the owner(s) to settle. It was for this reason why the local government at first also regularly negotiated with the Hells Angels to explore the possibilities of re-locating the clubhouse in an area nearby. These negotiations even lead to some initial 'design sketches' in November 2003 (Rechtbank Amsterdam, 25 June 2008, paragraph 2). The civil servant even remembered the negotiations to be almost finished, meaning that there was almost an agreement or 'deal' between both parties (respondent 14).

The negotiations however came to an abrupt end in November 2004 when the local government informed the Hells Angels MC in a letter that it would no longer facilitate a new location of the clubhouse. It was even noted that efforts were made to make sure the Hells Angels would not fit within the new local environmental plan at all, pre-empting the possibility of the Hells Angels appealing for a different location nearby. The civil servant explained that the decision to stop the negotiations with the Hells Angels MC came in direct response to the start of the Acroniem case:

'There was a clear turning point. At one moment, the National Police Investigation Department went to see mayor Cohen and they said, mayor, you should not relocate them. You should really take on a tougher stance [...] we have a lot of information from criminal investigations and they really are criminals [in Dutch: 'boeven']. Then we said, we not only suspend [the negotiations, TvR], we end it altogether' (respondent 14).

In his answer to a series of questions raised by the local political party Mokum Mobiel '99, the mayor furthermore explained this decision by the idea that 'it cannot be possible that one government is prosecuting, while the other government at the same time collaborates with this same party' (Gemeente Amsterdam, 27 September 2005)

This yet did not mean that the city council could just simply 'kick' the Hells Angels out of their clubhouse. From this moment forward, however, the Hells Angels could not rely on any further assistance from the government to find a new place to settle. Or how my respondent summarized it: 'we are just expropriating them and they just have to leave [...] they figure it out themselves, but as a municipality we are not facilitating them any longer' (respondent 14). Without describing the long-lasting judicial dispute that followed, it is worth noting that the Hells Angels MC and the local government ultimately came to

an agreement in 2011. The Hells Angels had to leave the area on the 30th of January 2012, to receive from the local government 400,000 Euros in return (TK 2011-2012, 1285).<sup>21</sup>

### 5.7.3 *Safe havens and reclaiming authority*

What is clear from the previous paragraphs is that the concern of the 'local triangle' with the Hells Angels MC moved beyond their involvement in crime 'alone'. Again, although it is true that members of the Hells Angels MC were involved in (organized) crime activities, the discontent with the Hells Angels MC particularly involved the idea that a group of people in the Netherlands acts as if they are able to do whatever they want without any rule enforcing response from the state. In fact, the club was sometimes even facilitated in this position by receiving a special treatment from the police. Think in this context about the two cases where the police blocked the streets for the funeral of a Hells Angels member while simultaneously allowing the members *not* to wear helmets during their ride to the graveyard.

Another short but illustrative example of this relates to the Hells Angels in the city of Haarlem. This case came to light after newspaper *Haarlem Dagblad* published an article in which it revealed that park attendants refrained from checking (and fining) the cars parked in front of the clubhouse of this chapter. Because of this, members of the Hells Angels were able to park their cars without ever paying the obligatory parking fees. According to the newspaper, parking attendants were afraid of doing their job in this specific street after members of the club in 1998 threatened employees of a towage company (assumably to tow away a car of one the members), ultimately resulting in a 'situation of tolerance' (in Dutch: 'gedoogsituatie') that lasted for years (Schenk, 2004).

The latter case, in turn, perfectly fits in a wider national political uproar that emerged in February 2004 after it turned out that the Dutch Tax Authority also remained reluctant (e.g. due to intimidation and the threat of violence) to collect taxes with the Hells Angels MC, trailer parks, and other well-known criminals (see also Huisman and Jansen, 2012). In two debates of the Second Chamber (held on 10 and 11 March 2004), Members of Parliament expressed their discontent with these practices in general and the 'apparent untouchable position of the Hells Angels' in particular. For instance, Member of Parliament Mr Dittrich (D66) inclined that the 'Hells Angels have to obey the law' and added that a

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21 The legal procedure between the Hells Angels MC and the local government of Amsterdam over the clubhouse has been a long and somewhat complicated procedure. I find it less relevant to provide a detailed description of this procedure here. I merely use this case to explain why, when and in what way the municipality took up a different stance towards the Hells Angels MC. For those interested in a detailed view into the legal procedure, I suggest reading the following civil cases: Rechtbank Amsterdam, 25 June 2008; Gerechtshof Amsterdam, 23 March 2010; and Hoge Raad, 7 September 2011.

government that is afraid to collect taxes surrenders to ‘the law of the jungle’ (in Dutch: ‘het recht van de sterkste’) (TK 2003-2004, 56-3662). Mr Verhagen (CDA) moreover noted that the government has to set an example and that civilians ‘do not accept it’ when other rules apply to the Hells Angels while ‘people who are not guilty of norm-deviating behaviour or do not put on a SS-helmet or bring a bicycle chain have to pay the full price’ (TK 2003-2004, 56-3670). Others spoke of a ‘big scandal’ that groups of people, such as the Hells Angels, live ‘as if they live above the law’ and that ‘everyone in our country has to be tarred with the same brush’ (TK 2003-2004, 57-3781). More directly in response to the ‘parking tickets-case’ in Haarlem, Mrs Gerkens (SP) furthermore argued that:

‘It is unexplainable that the Hells Angels in Haarlem are not being checked on parking tickets, while other citizens from Haarlem regularly, either justly or unjustly, are annoyed by overenthusiastic traffic-wardens. It is unexplainable when somebody does not have to pay tax anymore after hitting his fist on the table’ (TK 2003-2004, 57-3779).

Demanding for an explanation, Mr Van Haersma Buma (CDA) sent a set of questions to the Ministers of Justice (Mr Donner) and Home Affairs and Kingdom Relations (Mr Remkes). In response, Mr Remkes confirmed that an ‘area-of-tolerance’ had developed in the street where the clubhouse was located and agreed that such form of ‘self-regulation’ is unacceptable:

‘I think it is unacceptable when local governments negotiate with particular groups of people about whether or not to pay for parking fees or about other duties these civilians have. When civilians do not follow-up on their duties, these omissions must be enforced by the authorities. Tolerating not paying any parking fees is an unacceptable and condemnable form of tolerance’ (TK 2003-2004, 1704: 3611).

What is to be learnt from this debate is that the problem with the Hells Angels (as it emerged in the 2000s) again not only related to the fact that members were involved in severe and organized criminal activities. The problem also related to the leeway ‘offered’ by law enforcement agencies to the Hells Angels to ‘live above the law’ and to the notion that Hells Angels were treated differently (possibly as a result of intimidation by the Hells Angels themselves) in comparison to other civilians. The problem of this ‘apparent untouchable position’ of the Hells Angels is that it, according to the previous quoted Members of Parliament, corrodes the ‘integrity’ and ‘authority’ of the state, which

subsequently weakens the ‘trust’ and ‘sense of justice’ of civilians in the Dutch rule of law (TK 2003-2004, 56-3665).<sup>22</sup>

In response to these considerations, the State Secretary for Finance made it clear that ‘tolerating safe havens is a thing of the past’ and that ‘this cabinet in general wants to put an end to tolerance. After all, slackness, a lack of decisiveness or avoiding difficult decisions is also not any longer tolerated by society’. In relation to the so-called ‘contra legem’ activities of the Dutch Tax Authority, the State Secretary moreover argued that these practices ‘infringe the sense of justice of those who do follow up on its obligations’ (TK 2003-2004, 29 643, nr. 2: 3). To counter this development, then, the Minister for Interior and Kingdom Relations and the State Secretary for Finance set out a national policy for a multi-agency approach against safe havens in 2004. While specifically referring to the problem of ‘trailer parks’<sup>23</sup> and ‘certain motorcycle clubs’, safe havens were operationalized as follows:

‘Groups or locations where effective governmental action is being hindered, which subsequently leads to a socially undesirable situation in which structural fraud is a common and vibrant issue. This is sometimes due to (alleged) threats, and sometimes to social-cultural barriers. Attention of the governments is to

22 In line with this, it is worth pointing to the first Dutch version of the State of Democracy Assessment published in 2006 by the Ministry for the Interior and Kingdom Relations. Goal of this report was to contribute to the debate on the ‘state of our democracy’ and the possible need for measures to guarantee this democracy. As the report fulfilled an ‘alarming function’, it was published to signal and prioritize issues that endanger the Dutch rule of law (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, 2006: 6-7). The Hells Angels MC formed one of these issues, which was due to the involvement in violent offences, intimidation, the possession of weapons, but also because ‘turmoil emerged about the fact that Hells Angels are allowed to ride without a helmet and intoxicated without being punished’ (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, 2006: 19). Hence, again, the problem of the HAMC was not only its involvement in crime, but also what the authors called the existence of an ‘enforcement deficit’ (in Dutch: ‘handhavingstekort’) in relation to the group. In line with the Members of Parliament mentioned above, the report noted that this ‘legal inequality’ was problematic because it endangers the trust of civilians in the ‘functioning of the rule of law’ (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, 2006: 28).

23 The Netherlands has a long history with trailer parks. The Dutch Caravan Act of 1968 aimed for a better emancipation of travellers by building various ‘regional camps’ or trailer parks where travellers were bound to settle. To improve the well-being of the travellers, these camps were accommodated with electricity, sewers, schools, and recreation and social work facilities (Cottaar, 1996). While the travellers formally still had a right to travel, this Act in practice resulted in the inability to live in a mobile home outside one of these designated regional camps. While the aim of these regional camps was to reduce the social gap between travellers and the rest of society, it actually paved the way for a further (spatial) separation between those living in trailer parks and those who did not. Not least because the trailer parks were often located outside city areas, the travellers became more internally focused and largely remained out-of-sight of the government. In turn, law enforcement agencies remained somewhat reluctant to respond to a wide range of problems; from minors not attending school to criminal activities and social security fraud. In their empirical case study, Van Boschove and Burgers (2009: 75) concluded that this ultimately resulted in a (tolerated) situation where travellers, while being separated from life outside the territorial boundaries of the camps, could live according to their one set of rules.

great extent limited to safeguarding public order, while structural fraud is taken for granted' (TK 2003-2004, 29 643, nr. 2).

In short, a policy was set to approach situations of 'severe enforcement deficit' (in Dutch: 'handhavingstekort') and to put an end to 'unacceptable situations-of-tolerance'. An interrelated but more symbolic goal of this approach was to 'show society that the government is acting upon a visible approach towards the problem of safe havens'. By strictly enforcing on the rules at these safe havens, the government in other words wanted to show that everyone must abide by the law and that no one is 'untouchable' (TK 2003-2004, 29 643, nr. 1: 1). By means of an integrated approach, the police, local governments, the Dutch Tax Authority, inspection authorities, and the Public Prosecution Service were set to take away a series of 'bottlenecks'. These bottlenecks included, among other things, the problem of state authorities being reluctant to enter particular places or locations (e.g. clubhouses or trailer parks), the lack of exchange of information and intelligence between authorities, and the inadequate permit and enforcement policies of local governments (TK 2003-2004, 29 643, nr. 1: 3).<sup>24</sup>

All in all, the 'clubhouse' at this point in time had clearly gained a different and opposite meaning compared to the 'clubhouse' during the 1970s. The local government of Amsterdam initially provided the Hells Angels with a clubhouse to divert the problems away from the city centre and to offer the members a place to give vent to their own personal hobbies and interests. Be it with the guidance of social workers, the Hells Angels were basically facilitated with a place to be themselves. In contrast, after the turn of the millennium the clubhouse – fuelled by numerous incidents and criminal investigations – gained a negative connotation precisely *because* it was a place where members were free to do whatever they want largely out-of-sight of the government.<sup>25</sup>

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24 A well-known example for the implementation of this approach is the focus on a trailer park by the name of Vinkenslag. The local government of Maastricht cooperated with the police, the Dutch Tax Authority, and other inspection authorities to put a stop to any law violations at this trailer park (e.g. hemp cultivation, social security fraud and tax evasion). This resulted in multiple large-scale raids of Vinkenslag reinforced by hundreds of police officers (Volkskrant, 22 June 2004).

25 The word 'safe haven' itself also did not always had a negative connotation. In fact, in the past, a safe haven was a place that offered people *protection* from harm. This contrast has been described at length by Dutch criminologist Herman Bianchi in his Dutch book titled *Gerechtigheid als vrijplaats* (1985) and later in *Justice as Sanctuary* (1994). Bianchi observed that 'in present-day English the term sanctuary [as a different word for safe haven, TvR] has received a secondary connotation of a place where everything is allowed, where people can freely commit all kinds of evil without punishment or control' (Bianchi, 1994: 141). However, so Bianchi explained, in times where 'blood feud' was still a legally accepted way of dealing and responding to wrongs done, a 'sanctuary' (e.g. a church) acted as place where the perpetrator was 'untouchable' and could not be revenged by family members of the victim (Bianchi, 1994: 134-135; Bianchi, 1985: 171-174)

In 1984, as I described in paragraph 5.3, there was no intention yet to turn the Hells Angels ‘into outlaws’. In the words of Welten, the ‘phenomenon’ was tolerated ‘unless they go beyond the pale’. From the turn of the millennium, several incidents caused a ‘turning of the tide’ during which the police and the local government in Amsterdam took a less collaborative stance towards the group as a whole. Along the way, the ‘clubhouse’ was problematized as a safe haven precisely because it facilitated the members ‘to be themselves’ largely out of sight of the government. It is clear, however, that the Hells Angels MC as a whole *was* ‘beyond the pale’ by November 2006 as the Public Prosecution Service set its sights on banning, or outlawing, the Hells Angels MC in the Netherlands. Hence, while the Acroniem investigation ‘only’ aimed to criminally prosecute the members for participating in a criminal organization, the public prosecutor now requested the civil court to ban the nine legal entities of all Hells Angels chapters in the Netherlands.<sup>26</sup> In other words, whereas the national government in 2004 stressed not to tolerate the idea that some groups and/or individuals structurally deviate from the rules, two years later, the Public Prosecution Service did not tolerate any longer the *existence* of the Hells Angels MC to begin with. The decision to do so was applauded by some of the Members of Parliament. One of them argued that ‘it is very good that the Public Prosecution Service proposed a ban to the judge’, while another even spoke of a turning point: ‘for years one has neglected this. I am happy the justice department is showing its teeth now’ (ANP, 8 November 2006). In the following paragraph, I will discuss this new ‘turning point’ by describing the criminal activities and considerations that fuelled the decision of the Public Prosecution Service to ban the Hells Angels MC.

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26 The overview of the cases with the corresponding verdicts of the civil courts (lower court, court of appeal, and supreme court) is as follows:

- **Stichting Hells Angels Holland** (Amsterdam): Rechtbank Amsterdam, 11 April 2007.
- **Stichting Hells Angels Amsterdam** (Amsterdam): Rechtbank Amsterdam, 11 April 2007; Gerechtshof Amsterdam, 10 April 2008.
- **Stichting Hells Angels MC** (Rotterdam): Rechtbank Rotterdam, 24 November 2006.
- **Stichting Hells Angels Haarlem** (Haarlem): Rechtbank Haarlem, 24 November 2006.
- **Stichting Hells Angels Northcoast Harlingen** (Harlingen): Rechtbank Leeuwarden, 6 March 2007; Gerechtshof Leeuwarden, 12 December 2007; Hoge Raad, 26 June 2009.
- **Stichting Hells Angels Nomads** (Heerlen): Rechtbank Maastricht, 29 May 2007; Gerechtshof ‘s-Hertogenbosch, 25 April 2008.
- **Stichting Hells Angels Zwolle** (Zwolle): Gerechtshof Arnhem, 31 August 2007.
- **Rockers Northcoast M.C.** (Harlingen): see ‘Stichting Hells Angels Northcoast Harlingen’.
- **Vereniging Westport Motorcycleclub** (Ijmuiden): Rechtbank Haarlem, 24 November 2006.

## 5.8 OUTLAWING THE HELLS ANGELS MC

The Dutch Civil Code provides the Public Prosecution Service with the legal possibility to request a civil court to ban a legal entity of ‘which its activities are in violation with public order’ (Article 20 subsection 1, book 2 of the Dutch Civil Code).<sup>27</sup> The public prosecutor can file such a request, in short, when the ‘principles of our legal system are about to be affected on a scale that is disruptive for society at large’ (Kesteloo, 2011: 81). The request to ban the chapters of the Hells Angels MC is pivotal because until then only a small number of organizations have been ‘successfully’ banned in the Netherlands.<sup>28</sup> The bar to come to a civil ban is set high because a ban violates the fundamental right to Freedom of Assembly and Association (Article 8 of the Dutch Constitution Law and Article 11 of European Convention of Human Rights).<sup>29</sup> The Article under discussion thus illustrates the tension between liberty and security (Hudson, 2003: 32). That is, for any government to guarantee the security and liberty of its citizens, it sometimes needs to infringe on the rights and liberties of the same citizens. As can be read in the explanatory memorandum of the Minister of Justice in 1984, this is possible when the legal entity in question violates commonly accepted democratic foundations and moreover has a disruptive effect on society at large. This can be the case when the legal entity, through its activities, e.g. illegally violates the freedom or human dignity of others, discriminates, or systematically commits fraud (TK 1984-1985, 17 476, nrs. 5-7: 3).

### 5.8.1 *No place for the Hells Angels MC*

In essence, a civil ban aims to take away the right of an entity to have a legal place in society. Although the activities of the individual members of course directly fuelled this civil request,

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27 The Article reads as follows: ‘a legal entity of which its activities are in violation with public order will be prohibited and dissolved by the court on request of the Public Prosecution Service’ (Article 20 subsection 1, book 2 of the Dutch Civil Code).

28 Kesteloo (2011: 83) counted five organizations that were banned in the Netherlands before the year 2007: The Social-Democratic Federation (‘Sociaal-Democratische Bond’) in 1894; the National European Socialist Movement (‘Nationaal Europese Sociale Beweging’) in 1955; and the political party Centrumparty ’86 (‘Centrumpartij ’86’) in 1998. The latter party was banned after the judge determined that the party evoked and encouraged to discriminate and use violence against non-natives. This was done e.g. by spreading discriminating pamphlets and folders (Rechtbank Amsterdam, 18 November 1998). Besides these three organizations also two ‘playing clubs’ were banned: Club International de Bienfaisance in 1907 and Club High Life in 1909. The first of these two was a secret club in the city of Amsterdam where people played roulette, which game was illegal at that time.

29 As Article 11 ECHR prescribes, a restriction on this fundamental right is only approved when this is ‘necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others’.

the concern of the Public Prosecution Service thus particularly related to the existence of the phenomenon as a whole. Taking the various civil cases together, the public prosecutor argued precisely that. For instance, in the case against ‘Hells Angels Holland’, which chapter was considered as the chapter in charge of the other chapters in the Netherlands, the public prosecutor reasoned that ‘the Hells Angels do not belong in our society and that there is or should be no room for them and the criminal activities they commit in our legal system’ (Rechtbank Amsterdam, 11 April 2007). In the civil case against the ‘Hells Angels Northcoast Harlingen’ and the ‘Rockers Northcoast M.C.’, the public prosecutor moreover argued that the Hells Angels ‘commit on a large scale and in an organized way serious criminal offences which touch upon the foundations of our judicial system and cause large damage to our society’ (Rechtbank Leeuwarden, 6 March 2007, paragraph 5.12). Finally, in the case against the ‘Hells Angels Amsterdam’, it was noted that the Acroniem case revealed that ‘large-scale criminal activities’ can be linked both to the individual members and the association (in Dutch: ‘stichting’) as a whole. Therefore, ‘the Public Prosecution Service takes the standpoint that the association Amsterdam for this reason does not belong in our society and that there is or should not be a (judicial) place for this organization’ (Rechtbank Amsterdam, 11 April 2007).

As noted before, the request to ban the Hells Angels MC is pivotal. The Public Prosecution Service noted that there should be no room for the Hells Angels ‘and the criminal activities they commit in our legal system’. One could say, however, that criminal activities in general do not belong in ‘our legal system’ as *criminal* activities are inherently illegal. Also, the people involved in illegal activities already face – as an individual or as a group – the consequences imposed by the criminal court. Why, then, was it deemed necessary to not only prosecute the individual members, but also ban the legal entity of which these individuals were member? To put it differently, what were the activities that made the various legal entities of the Hells Angels MC endanger ‘the foundations of our judicial system and cause large damage to our society’? In the next subparagraph, I will answer this question by providing a brief summary of the activities that were brought to the table by the Public Prosecution Service in the various civil cases.<sup>30</sup>

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30 The requests to ban the ‘Stichting Hells Angels Zwolle’, ‘Vereniging Westport Motorcycleclub’, ‘Stichting Hells Angels MC’ and ‘Stichting Hells Angels Haarlem’ were jointly forwarded to the court of Amsterdam. Furthermore, the civil cases against ‘Stichting Hells Angels Northcoast Harlingen’ was merged with the case against the ‘Rockers Northcoast M.C.’, and the case against ‘Stichting Hells Angels Holland’ was merged with ‘Stichting Hells Angels Amsterdam’.

5.8.2 *The 'criminal character' of the Hells Angels MC*

To begin with, the Hells Angels MC were described by the Public Prosecution Service as a worldwide alliance of interconnected chapters. While noting that, at that time, 84 of the 150 members of the Dutch Hells Angels MC had a criminal record (with a total of 575 convictions), the belief was that:

'Criminal activities are in general part of the culture of the Hells Angels. The majority of the members also have an extensive criminal record. Criminal behaviour is necessary to pay for the commission to become a member of the Hells Angels and is moreover rewarded and treated as normal within the organization' (Rechtbank Amsterdam, 11 April 2007).

More specifically in relation to the chapter in Amsterdam, it was noted that 'the criminal activities of the legal entity and its members are part of a culture and became a link in the working process of the association Amsterdam'. The public prosecutor counted that 18 of the 23 members had a criminal record (largely built during their membership) and argued that the members (and the legal entity as such) also did not distance themselves from the criminal activities committed by the members. The incidents that caused the 'turning of the tide', using violence to intimidate others, were moreover reckoned to be part of the culture of the Amsterdam chapter. Furthermore, during police searches (in 2003, 2004, and 2005) of the homes of the president, vice-president, sgt-of-arms, and other members, the police again confiscated firearms, ammunition, knuckle-dusters, and teargas. During a police raid of Angel Place in 2005 the police also found documents about the use of firearms within the club, which made the Public Prosecution Service conclude that the board of the club generally approves the use and presence of firearms. Because narcotics were found in the clubhouse in 2001 and investigations revealed that cocaine and joints were sold during a party in Angel Place in 2003, the Public Prosecution Service also stated that the club deals in narcotics. Finally, the public prosecutor also referred to a document titled 'HAMC Amsterdam Bylaws Members' stating 'Geen N in de club', a rule that was directly derived from the World Rule 'No Niggers in the club'. This 'rule', in turn, led the Public Prosecution Service to conclude that the club was also guilty of discrimination (Rechtbank Amsterdam, 11 April 2007).

As part of the Acroniem investigation, clubhouses of other chapters were searched as well. During a search of the clubhouse of 'Hells Angels Northcoast Harlingen' in 2003 the police confiscated a knuckle-duster, knives, and three half-loaded firearms. One of these weapons, a 9 mm Glock, turned out to be stolen from a military base in Assen in April 2002. Besides this, the police also discovered a hemp plantation in a room located next to the clubhouse, which was serviced by illegally taped electricity. An incident related to this

particular chapter worth noting here involves a disagreement between the president of the chapter and a tattoo-artist in 2003. The tattoo-artist rented a building of the president to be used as his own workshop. However, after a disagreement with the president, the tattoo-artist wanted to end the rental contract. In response, the president threatened, according to the artist, to 'hit his head with an axe or that his hands will be shattered in case he decides to again work as a tattoo-artist within a radius of 350 kilometres'. Confiscated minutes of a chapter meeting revealed that the president indeed claimed that 'Tattoo Spider' was not allowed to work in the Netherlands any longer (Rechtbank Leeuwarden, 6 March 2007, paragraph 4.22).

A final series of incidents that cannot go unnoticed here relate to the request to ban the 'Hells Angels Nomads' situated in the city of Oirsbeek in the south of the Netherlands. On the 13th of February 2004, the death bodies of three Nomads members (among them the president of the chapter) were found in a river near the city of Echt. It turned out that the three members were shot to death, which according to the police related to a rip deal of hundreds of kilos of cocaine (KLPD, 2010: 72). What followed was a criminal investigation (named 'Cobalt') into fifteen members of the Hells Angels as it was suspected that the three members were killed by their own 'brothers'. In fact, the court confirmed that the members were killed during a chapter meeting (in the presence of all suspects except for one) in the meeting room of their clubhouse on 11 February 2004. This was, among many other circumstances, derived from the fact that the interior of the meeting room was fully stripped and refurbished in the days after the shooting. The lower court convicted twelve of the fifteen suspects for killing the president, but did not go as far to also convict the members for killing the other two victims. The same suspects were also found guilty for various other criminal acts, such as the possession of firearms, knuckleheads, tear-gas, 117 hemp plants, 4 kilos of amphetamine, 250 grams of ecstasy, and 300 grams of hashish (Rechtbank Amsterdam, 17 March 2005). In the civil case against the Nomads chapter, the Public Prosecution Service blamed the board of this chapter as well as the individual members for collectively remaining silent (during police hearings) about the aforementioned criminal activities. This, in combination with the fact that all members of the Nomads chapter had built up a criminal record during their membership, led the public prosecutor to conclude that criminal activities are inherently part of the culture of the Hells Angels MC and that 'the criminal activities have grown into a link [in Dutch: 'schakel'] in the working method of the association' (Rechtbank Maastricht, 29 May 2007, paragraph 3.1)

5.8.3 *The verdict of the civil court*

In its verdict, the court of Leeuwarden concluded that the Public Prosecution Service was right to conclude that the ‘social identity’ of the Hells Angels MC bears, both in the Netherlands and abroad, a ‘criminal reputation’ and ‘criminal character’. The Hells Angels have, the court argued, a reputation to be involved in criminal activities such as the trade in narcotics and firearms, and violent crimes. With respect to the latter, the court particularly pointed to the *Barend & Van Dorp* incident and the fact that members mistreated and robbed (the motorcycles of) the members of motorcycle club Renamed M.C., to ultimately force the club to disband itself. Reference was also made to the ‘large-scale and intimidating behaviour’ of the Hells Angels during the funeral procession of Sam Klepper. Due to the strict selection procedures of the club, the high number of violent offences (twenty percent of the 575 convictions) of its members also ‘cannot be a coincidence’ (Rechtbank Leeuwarden, 6 March 2007, paragraph 5.4). However, the judges in all civil cases concluded that a ‘criminal character’ alone is not enough to ban an organization and that the Public Prosecution Service did not, despite the serious incidents, provide enough grounds to ban the legal entities of the Dutch Hells Angels MC.

To start with, the court argued that a ‘social identity’ cannot lead to the conclusion that every single legal entity or chapter can be held responsible for the actions of a different chapter. Beyond identity, the court thus also attached much importance to the legal responsibility of every single chapter. An important statement worth quoting at length reads as follows:

‘unity in appearance, joint agreements on policy and a joint culture alone does not lead – according to the court – to the conclusion that all Hells Angels motorcycle clubs in the Netherlands should be considered one cohesive organization, that every individual club is jointly responsible for the actions of one or more members of other clubs’ (Rechtbank Leeuwarden, 6 March 2007, paragraph 5.5).

In other words, the request to prohibit a legal entity based on the Civil Code must be judged based on the activities of that particular entity. In line with this, the court of appeal reasoned that the *Barend & Van Dorp* incident cannot be used against the Nomads chapter (Gerechtshof’s-Hertogenbosch, 25 April 2008). The supreme court added to this that no evidence was provided by the public prosecutor to conclude that chapter Holland is indeed leading over the other chapters of the Hells Angels MC (Hoge Raad, 6 June 2009, paragraph 3.6). Interestingly, the court also attached little value to the argument that a World Rule proscribed not to allow people of colour. Without rejecting the existence of the rule itself, the court ruled that the public prosecutor failed to show that this specific chapter actually

followed up on this rule in practice (not least because the president in Amsterdam at that time had a somewhat darker skin) (Rechtbank Amsterdam, 11 April 2007).

More important though, was that the various courts collectively argued that an organization cannot be banned only because its members violate the law; even when these criminal activities in itself have a disruptive effect on society. The criminal activities should also constitute a link within the routine or modus operandi (in Dutch: 'werkzaamheid') of the legal entity. Hence, to successfully ban the Hells Angels, the criminal behaviour had to be qualified as part of a structural pattern of the legal entity. It is also for this reason why the argument that all members of the Nomads chapter had a criminal record had little meaning to the court. After all, the criminal activities of the members did not reveal a structural pattern and thus could not be categorically ascribed to the legal entity (Rechtbank Maastricht, 29 May 2007). This is not to say that the lower court did blame the Nomads chapter for facilitating the killing of three members in the Cobalt-case. However, albeit a very serious and severe act, the act alone was again not enough to speak of a 'structural pattern of routinely violating the public order' (Rechtbank Maastricht, 29 May 2007, paragraph 4.3). The same goes for the confiscated weapons and narcotics. In the eyes of the court, the Public Prosecution Service failed to show that the possession of weapons and narcotics was more than just an incident, and was in fact a link in the modus operandi of the association Amsterdam (Rechtbank Amsterdam, 11 April 2007). The court followed the same line of reasoning with regard to the *Barend & Van Dorp* incident. It did blame the board members for not preventing the incident from taking place (as they were involved in the incident themselves), but at the same time argued that the public prosecutor again failed to show that this was more than just an incident (Gerechtshof Amsterdam, 10 April 2008, paragraph 4.6.3).

One other argument was raised in the case against the Hells Angels Northcoast Harlingen. The court argued that banning a legal entity must be considered an ultimatum remedium and noticed that the Public Prosecution Service had not made any earlier attempts to prosecute the chapter. That is, for the weapons found in the clubhouse only individual members were prosecuted and not the group as a whole. Also, in 2004 the local government of Harlingen provided the chapter in Harlingen with a permit to organize the so-called Danceparty Illegal Vibes Outdoor 2004. Despite being aware of the fact that members sold joints during this event, the local government continued to permit a series of parties in the months that followed. As was the case with the weapons found inside the clubhouse, the members were also not prosecuted for these activities. All in all, the court found it unjust to suddenly call for a civil ban of this chapter without taking other less far-reaching measures first. After all, so the court concluded, restrictions on the right to

Freedom of Assembly and Association should not go ‘further as necessary in a democratic society’ (Rechtbank Leeuwarden, 6 March 2007, paragraph 5.9-5.12).<sup>31</sup>

In 2009, almost three years after the Public Prosecution Service first requested the civil court to ban the various chapters, the supreme court endorsed the line of reasoning used by the lower court and court of appeal and, while doing so, attached more value to respecting the Right to Freedom of Assembly and Association. To summarize, the Public Prosecution Service indeed failed to show that the legal entities are ‘structurally’ and ‘systematically’ used to commit criminal activities (Hoge Raad, 26 June 2009, paragraph 3.5). The supreme court moreover argued that the criminal records of individual members only have meaning when the criminal activities can be related to the routine or *modus operandi* of the legal entity as a whole, whereas a legal entity, or chapter, cannot be held responsible for the activities of member of other chapters (Hoge Raad, 26 June 2009, paragraph 3.6 and 3.9).

#### 5.9 DISAPPOINTMENT AND RESTRAINT

Whereas the Public Prosecution Service was not successful in excluding the Hells Angels MC from Dutch society, both the Acroniem and Cobalt case also did not work out as planned. To start with the latter, while the court of appeal acknowledged the existence of a strong and strict organizational structure, it went on to argue that it would be wrong to conclude that those who become member of the Hells Angels therefore also accept the killing of others. The fact that all suspects used their right to remain silent could also not be used against them as every suspect has the right to remain silent during a criminal proceeding. Because the court of appeal could not pinpoint the actual shooters (the three victims were shot with three different firearms) the judge acquitted all suspects for the killing of the three members. The court argued: ‘no judicial state can permit itself the punishment of innocents. This is a ground rule that is valid even when this means that people who are guilty of severe crimes walk off freely’ (Gerechtshof Amsterdam, 15 June 2007). In the Acroniem case, then, the court of Amsterdam ruled in December 2007 that the Public Prosecution Service was ‘inadmissible’ (in Dutch: ‘niet-ontvankelijk’), which hindered any further discussion of the case. In short, it turned out that during the criminal investigation entrusted conversations (transcripts) between the suspects and their counsellors were included in the judicial files. As these conversations are subject to legal privilege and thus hold the right of non-disclosure, the court ruled that these infringements

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31 Also not all activities described by the Public Prosecution Service were in violation with public order. The court of appeal argued that a bad reputation, the pledge of secrecy and the defence fund were possibly ‘undesirable’, but not in violation with public order (Gerechtshof ’s-Hertogenbosch, 25 April 2008, paragraph 4.6.6).

were serious enough to call for the inadmissibility of the Public Prosecution Service (Rechtbank Amsterdam, 20 December 2007). The accumulation of these failed (civil) cases clearly formed a setback for the law enforcement agencies in its attempt to fight the Hells Angels MC.

Indeed, in the introduction of the report 'Hells Angels and other 1%-MCs in the Netherlands published' by the Dutch police, the outcome of the Acroniem case was remembered as a 'big disappointment' (KLPD, 2010: 8). Former mayor of Amsterdam, Eberhard van der Laan, even qualified this case as 'one of the largest tragedies of criminal jurisdiction in the past ten years' (Gemeente Amsterdam, 21 March 2013). In consequence of this 'disappointing' outcome, various respondents recalled that the topic 'Hells Angels' became somewhat 'contaminated' (respondent 9, 10, 14, 22), which in turn resulted in restraint or even 'fear' to immediately carry on with the approach against the Hells Angels MC. A police officer remembered:

'Fear, fear of the justice department, fear because everything that had to do with the word motorcycle club was doomed to fail. We of course had the acquittal in the Cobalt case, so you know, first Acroniem with the confidential conversations, which failed completely, and then of course Cobalt with the acquittal, in the sense that everything relating to motorcycle clubs we particularly should not do, nobody wanted that monkey on his shoulder, it took a long time before something motorcycle club-related was again approached' (respondent 16).

In line with this, a public prosecutor pointed to what he called the 'frustration' of the Acroniem case:

'Of course, we had the frustration of Acroniem, that frustration was not only because that case failed, but it also had major consequences for our work because there has been a large catching up when it concerns dealing with confidential information. But you did see some kind of reaction in the sense that these motorcycle clubs disappeared from the view' (respondent 15).

A crime analyst of the police (respondent 18) also gave another reason why it took some time before 'the motorcycle clubs' were prioritized again. Near the end of the year 2010, the intelligence unit the respondent worked for increasingly signalled incidents in the public sphere (i.e. fights in and near cafés and pubs) relating to members of motorcycle clubs other than the Hells Angels MC. However, because intelligence units of the police work with predetermined priority lists or intelligence agendas, the respondent explained that she found difficulty in prioritizing these new problems. That is, since it costs a lot of

time and effort to build up an intelligence and information position on one specific theme, it is uncommon to shift priorities from one day to the other: ‘some themes require years of investment in a network, before you make some progress [...] so these agendas are rather rigid’. Because of these ‘rigid’ agendas, the crime analyst initially found difficulty in reaching a ‘sense of urgency’ to address the problem of these other motorcycle clubs. In addition to this, the respondent also noticed – in line with the previous respondents – that the Public Prosecution Service was not yet ready to take on this particular topic again:

‘The Public Prosecution Service became wary [in Dutch: ‘kopschuw’] you know, they became very nervous [...] the Public Prosecution Service is a very important partner for us, the most important in this dossier, and when the Public Prosecution Service has the feeling of walking on eggshells and becomes very nervous, then it is very difficult to mobilize people, because you need them [...] they just did not dare to take on the subject anymore, they were so afraid to fail [in Dutch: ‘zepert te halen’]’ (respondent 18).

Note that this is not to say that the Public Prosecution Service refrained from prosecuting individual members. As respondent 22 explained, individual members that committed crimes (possibly in cooperation with other members or non-members) were normally faced with a response of the criminal justice system. The club as a whole, however, remained largely out of the firing line. Or how another respondent described it, ‘organized crime was not fought along the lines of the motorcycle clubs’ (respondent 11).

#### 5.10 TOWARDS A NATIONAL PRIORITY ON OUTLAW MOTORCYCLE GANGS

Whereas some of my respondents explained to experience restraint vis-à-vis the Hells Angels MC in the aftermath of the failed criminal and civil cases, it at the same time did not take too long before a ‘sense of urgency’ was again present. After all, I already explained in the first chapter of this thesis that Minister of Security and Justice Mr Opstelten prioritized a national approach to ‘raise barriers’ to ‘outlaw bikers’ in January 2012. In this letter, though, the Minister not only focused on the Hells Angels MC but also on other ‘particular motorcycle clubs’ (TK 2011-2012, 29 911, nr. 59). Hence, one could say that from this point in time, the Hells Angels MC was reckoned to be part of a broader problem. This is not to say that law enforcement agencies in the Netherlands started to approach ‘the outlaw biker’ in *reaction* to this letter. In fact, this letter must be seen as the outcome of a series of incidents, concerns, meetings, and plans of law enforcement agencies in 2010 and 2011. In the last paragraph of this chapter, I will describe the circumstances that led

to the drafting of this letter and explain why the attention also shifted to other outlaw motorcycle gangs.

#### 5.10.1 *Tensions in the 'biker scene'*

In 1996, the Hells Angels MC established together with other motorcycle clubs the so-called 'Council of eight' (in Dutch: 'De Raad van Acht') (KLPD, 2010: 18). This council was established to prevent conflicts between motorcycle clubs (alike the Great Nordic Biker War in the Scandinavian countries) and acted as the group that decided which motorcycle clubs in the Netherlands were allowed to officially call itself a full-colour MC, referring to the patches and symbols the members and clubs wear on their vests.<sup>32</sup> In addition, some police officers believe that this council also acted as a 'board of directors to divide the market, and then probably the illegal market, narcotics and weapons among each other' (respondent 5).

This council was called the Council of eight for the simple reason that originally eight full-colour MCs were represented in the council. These clubs were the Hells Angels MC, Satudah MC, Black Sheep MC, Rogues MC, Confederates MC, Demons MC, Veterans MC and the Animals MC. These clubs were also known by the Dutch police as the 1%-motorcycle clubs (hereafter: 1%-MCs) (KLPD, 2010: 14, 18). To recall from chapter three, the 1%-MCs were the clubs that adopted and stitched to their vests the '1%'-logo as a mark of distinction and to qualify themselves as the 'truly' outlaw motorcycle clubs (see paragraph 3.3.5). The member clubs of the council not only met during scheduled meetings, but also during motorcycle events, and occasionally attended each other's events and parties.

Confiscated documents revealed that this council indeed played a pivotal role in the Dutch 'biker scene' and was chaired by Hells Angels MC (KLPD, 2010: 18).<sup>33</sup> To use the words of respondent 11:

'The Council of eight was dominated, in our eyes, by the Hells Angels. All the other clubs were actually just subordinate to the Hells Angels [...] to my understanding nothing would happen in the world of the 1%-motorcycle clubs without the Hells Angels knowing or authorizing it'.<sup>34</sup>

32 Only the full-colour motorcycle clubs were allowed to wear the full combination of top- and bottom-rocker, the club-logo, and the MC-emblem.

33 The Veterans MC denied that the Hells Angels MC chaired this council (De Nationale Ombudsman, 2017: 14)

34 'Research group Fijnaut' already described in 1996 that the Hells Angels MC played a 'leading role' over other motorcycle clubs in the Netherlands (TK 1995-1996, 24 072, nr. 20: 42).

Moreover, the Hells Angels MC was also the club that assigned itself the exclusive right to be the only international full-colour MC in the Netherlands, meaning that other Dutch 1%-MCs were not allowed to have chapters outside the Dutch borders. During the Acroniem investigation, confiscated documentation revealed how the council and the Hells Angels in particular, played out its power over other motorcycle clubs. From minutes of meetings it became clear that other MCs had to request the Hells Angels MC for permission to change the outlook of their colours, whereas motorcycle clubs that were not recognized by the Dutch Council as an 'MC' needed permission from the Hells Angels MC to wear colours to begin with (KLPD, 2010: 82). One illustrative example involves a case in 2003 whereby someone posted a question on the quest book on the website of the Hells Angels. This person asked whether it was possible – together with 23 men – to set up a motorcycle club called 'Hell Ryders'. The response of the president of the Hells Angels MC, Willem van Boxtel, is telling:

'The answer is no, starting a motorcycle club is bound to many rules and is not that easy, and starting a motorcycle club with a name is even harder. We most certainly not tolerate a motorcycle club with the words hells or angels' (KLPD, 2010: 82).<sup>35</sup>

Besides these eight 1%-MCs, there were also numerous other so-called 'supporter clubs' or 'front-patch clubs'. These clubs were (and are) supporting one of the 1%-MCs but are not allowed to wear the full combination of patches. Since these supporter clubs were thus not full-colour MCs, they also were (and are) also lower in rank. According to the police, these supporter clubs were guided by and accountable to the full-colour MC it supported. Members of these clubs moreover had to help and assist during events of the respective 1%-MC (e.g. guard the parked motorcycles, carry flowers during a funeral, or help during parties) (KLPD, 2010: 22).

However, according to many of my respondents it was Satudarah MC that eventually started to feel troubled to live under the regime of the Hells Angels MC any longer. This became clear, for instance, after Satudarah MC openly visited chapters of the Bandidos MC in Germany, a well-known rival of the Hells Angels MC. The belief was that the Satudarah MC wanted to become an international club, which was not right up in the alley of the Hells Angels. Although the relation between the Satudarah MC and Hells Angels MC already started to show cracks in 2010, it was one year later when these tensions came even more to the fore. One employee of the National Crime Unit (in Dutch: 'Nationale

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35 For another description on how motorcycle clubs had to ask the Hells Angels MC for permission to start wearing colours, see Tops and Tromp (2017: 130-140).

Recherche’) remembered that the friction between the two clubs particularly worsened in the summer of 2011:

‘We noticed a sort of tension or friction between the Satudarah and the Hells Angels because the Satudarah made quit a growth. And you also saw that Satudarah did not followed up on certain rules or disregarded them altogether. For example, they went to pay a visit to the Bandidos MC, well that was really regarded a no-go’ (respondent 24).

Although not all respondents were sure on whether Satudarah MC was actually ‘kicked out’ the council or decided to leave by themselves, it *was* the attempt of Satudarah MC to also settle abroad that sparked a fear for severe public disorder with the Dutch police.<sup>36</sup> That is, shortly after Satudarah MC left the Council in 2011, the police noted a steep increase of Satudarah MC chapters (both in the Netherlands and abroad) which was equally followed by an increase of chapters of the Hells Angels.<sup>37</sup> This was because ‘the Hells Angels obviously felt like when they [Satudarah MC, TvR] get out [the council, TvR], they will go international and then we need to reinforce ourselves. So they went from 9 to 17 chapters’ (respondent 16).

The urge of the Hells Angels MC to grow equally involved the loosening of the rules to become an official Hells Angels chapter to begin with. The latter police officer continued by explaining that the Hells Angels at one point allowed other clubs and members to instantly become (and thus without first fulfilling the ‘prospect-phase’) a full-colour member. To become a member, it was also no longer necessary to own a Harley-Davidson or to make any ‘overseas’ (visiting other chapters abroad) (respondent 16). A noteworthy example of such a rather abrupt ‘patch-over’ was the transition of the Confederates MC to the Hells Angels MC. In May 2011, seven chapters and approximately 70 members of the Confederates MC became full-colour member of the Hells Angels MC. In additions, also a number of members of the Demons MC moved to the Hells Angels MC (Landelijke Eenheid, 2014: 143). These quick ‘patch-overs’ gave rise to the belief that the Hells Angels MC was preparing for a battle with the Satudarah MC (respondent 15).<sup>38</sup>

All in all, while the ‘biker-scene’ was ‘relatively quiet’ and ‘stable’ during the ‘autocracy of the Hells Angels’, a respondent explained, ‘a completely new world’ emerged after Satudarah had left the council (respondent 25). It is clear that the friendly contacts between

<sup>36</sup> According to members of the Satudarah MC they were indeed kicked out the council (Burgwal, 2012: 127).

<sup>37</sup> Some time later the Demons MC, Black Sheep MC, and Veterans MC also left the council, which resulted in the council being dissolved by the end of 2013 (Landelijke Eenheid, 2014: 25; Nationale Ombudsman, 2017).

<sup>38</sup> Internal documentation revealed that the Hells Angels MC grew from 7 to 17 chapters, while Satudarah MC quickly evolved from 9 to 24 chapters.

the Bandidos MC and the Satudarah MC, the rather abrupt increase of both the Satudarah MC and the Hells Angels MC, and the idea that Satudarah MC were increasingly manifest in the public domain were understood as possible ingredients for a Dutch 'biker war'. The risk for a confrontation was deemed 'realistic' since intelligence revealed that members were 'busy with weapons' and members on both sides used 'war-like language' (respondent 10). Again, without claiming that the police and Public Prosecution Service had no attention for individual members of other motorcycle clubs before, it was these circumstances that sparked a sense-of-urgency to zoom in on the clubs that formed the original Council of eight. One respondent even reasoned that the police would not have started focusing on these clubs if there was not such a big uproar in the 'biker scene':

'I think it was their fault really to let other clubs go international, they actually attracted the focus on themselves. I think when Satudarah would have stayed Satudarah and the Angels the Angels, then they could have continued minding their own business, then no focus would have arised' (respondent 16).

Whether or not this is true of course cannot be proved. This is also beyond the matter. What *is* clear is that the developments described in this paragraph caused, as Respondent 24 described it 'a sort of tension that influenced everything that had to do with motorcycle clubs'. While fearing attacks on both sides, the police took up a 'proactive attitude' towards the Satudarah MC and the Hells Angels MC in 2011. Or how respondent 11 explained it: 'we have a [...] starting point that these motorcycle clubs might be turning on each other [...] so you have to make sure that when something is being organized this might equally be an occasion for an escalation, so you have to be right on top of this'.

#### *5.10.2 Taking no risks*

This 'proactive attitude' expressed itself through the stringent focus of the police for motorcycle-related events. Indeed, the risk of a violent encounter between both clubs in combination with the belief that motorcycle events generally act as 'a red rag to a bull' caused various motorcycle-related events in 2011 to be cancelled. Although, as respondent 11 continued, 'you are never 100% sure beforehand', it was deemed the task of the government 'to keep safe and protect society, and then you cannot take any risks'. A police officer in similar words reasoned that there was no room to do nothing because 'as the police you have to act when you know something is about to happen' (respondent 24). In addition, two other police officers explained that a clash between the Satudarah MC and the Hells Angels MC was something the police wanted to prevent 'by all means possible'

(respondent 9 and 10). In line with this risk aversive rationale, a mayor I interviewed remembered to feel compelled to cancel a motorcycle-event in this time period:

‘We cancelled [name event, TvR], which I found very regrettable and I actually did not want to do this because I do not like it when people with evil ideas win [...] but the intelligence service and the district chief of the police came to my house and showed me the reports at the kitchen table, and then I could not but refuse [the event, TvR]. But it was a family event you know, with bouncing castles for children, and then I think, it is held hostage by lads who do not wish to behave in society. And this bothers me as a mayor, because the people with an evil will won, because the mayor had to intervene’ (respondent 43).

To give some specific examples, also the ‘Harley day’ planned on the 29th of May 2011 in the city of Arnhem was cancelled only a few days before the event. This large event, which was planning to celebrate its twentieth edition, usually attracts around 30,000 visitors eager to enjoy the looks of thousands of Harley-Davidson motorcycles and the various other activities. However, a few days before the event, the mayor of Arnhem was informed by the police about ‘serious’ indications that ‘rivalling motorclubs’ would attend the event, which would clearly involve a risk for public order. The mayor subsequently decided to cancel the event to protect the safety of the visitors. As quoted in *De Gelderlander*, the mayor explained: ‘with 35,000 people in town, families with children, we cannot take the risk on any disturbances’ (Schuil, 28 May 2011: 1). Following the same rationale, the mayor of Gouda decided to cancel the Harley day that was planned on 3 July 2011: ‘I regret that the Harley day cannot take place according to plan, but the chances for public disorder are certainly present. That is a risk I, also for my visitors, cannot take’ (Van den Oever, 17 June 2011: 1). Finally, one respondent 15 also pointed to an incident where tens of Satudarah members were arrested in Amsterdam. This happened on a Saturday night (30 July 2011) when members of Satudarah MC were dining in a restaurant. Because the mayor of Amsterdam feared a confrontation between members of the Satudarah MC and the Hells Angels MC, an emergency warrant (in Dutch: ‘noodbevel’) was issued. This warrant stated that members of the Satudarah MC who did not live in Amsterdam had to leave the city while escorted by the police. This ultimately led to a confrontation between the members and the strike force (in Dutch: ‘mobiele eenheid’) of the police. Covered by a police helicopter, 56 members were arrested for disturbing public order. Worth noting is that the police found twelve knives and two weapons in and near the restaurant, while two members wore a bulletproof vest (Het Parool, 30 July 2011).

5.10.3 *A national priority*

It is important to realize that the cancellation of a series of motorcycle-related events in 2011 came not from a national directed policy to cancel these events, but was rather the result of several mayors 'not taking risks' in the face of 'risky' police intelligence. In the same way as every mayor sometimes has to make a decision on whether or not to permit an event in general, the mayors quoted above decided that the risks of these motorcycle-related events were simply too high. The risk for (severe) public disorder, however, did spark a broader discussion among law enforcement agencies to formulate a more structured and national approach towards the Dutch 1%-MCs.<sup>39</sup> That is, the risks for public disorder raised critical questions about the position of these clubs within society as a whole and about the stance of law enforcement agencies towards the clubs:

'Actually, first was, we have these public disorder problems, we are now at the beginning of the season, those motorcycle clubs all become very active now and through-out the country there are events and ride-outs, so we can expect problems from this. But also there was this realization like, well, if this is such a problem now, why do we offer as a government, and the police in particular, facilities to such organizations? And this awareness of, yes we actually should not be wanting this at all and why are we not enforcing [the rules, TvR], you know, because we knew that during various ride-outs quite an amount of violations are made and there was actually no rule enforcement. [...] it was more or less deemed normal that these clubs acted in this way and there was actually no one who said; let us address this problem' (respondent 22).

To put it simple, similar to the Hells Angels MC in 2001, the feeling emerged that 'it was just not right with these lads' and that 'we as a government have to do something with

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39 It is tempting to see the shift towards a national approach to 1%-MCs as a clear and linear process. While it is without a doubt clear that the withdrawal of the Satudarah MC out of the Council of eight had an important influence on instigating the national attention on 1%-MCs, it must be emphasized that this process in reality might be less linear as sketched. While the course of events described in the previous paragraphs is mainly based on conversations with some of the people directly involved in instigating and setting up the national approach, some other respondents explained that they were already zooming in on other 1%-MCs before the fear for a biker war was really acknowledged. One RIEC analyst for instance recognized the described tension in the 'biker scene' but at the same time noticed that this specific RIEC already started to zoom in on the criminal activities of 1%-MCs before the summer of 2011. This was in response to directions from the local police to zoom in on some 1%-MC as it became clear that club members were involved in the production of hemp, synthetic drugs, as well as in extorting café and nightclub owners. So, although this respondent acknowledged that the risk for a biker war and the related public disorder problems were the 'driving force' for instigating a nationwide focus, it is at the same time true that the local police also picked up on signals that members of various clubs were involved in criminal activities (respondent 7).

this' (respondent 69, 11 and 14). This time however, the concern thus related not only to the Hells Angels MC, but to other 1%-MCs as well.

In 2011, the police and Public Prosecution Service indeed 'welcomed' the problem of '1%-motorcycle clubs' as one of its new priorities (OM & Politie, 2012: 6; OM & Politie, 2013: 6). To give meaning to this priority, various working groups formed by representatives of the Dutch National Police, the Public Prosecution Service, the Dutch Tax Authority, and the RIECs and LIECs were established in 2010 and 2011. In these working groups, a first framework for the nationwide approach against 1%-MCs was set up. Furthermore, the so-called National Strategic Council (in Dutch: 'Nationaal Strategisch Overleg'), first chaired by former mayor of Enschede Mr Den Oudsten, played an important role in instigating, steering, informing, and facilitating this approach (RIEC-LIEC, 2012: 6). To inform and make mayors aware of the problems and risks of 1%-MCs, also several meetings were held with mayors from all over the country. The regular attendance of the Minister of Security and Justice during these meetings shows that this topic had gained interest on the national political agenda as well. Finally, to gather the fragmented pieces of information and intelligence on 1%-MCs and its members, the police established multiple regional '1%-MC-infocels' and one national '1%-MC-infocel'. A police officer directly involved in instigating this framework explained: 'we tried to breathe new life into the intelligence line that we already set up during the Acroniem case, to urge other police forces to set up an infocel within each organization, and to task more people with the approach' (respondent 5). These infocels not only collected information about the criminal activities of the members (e.g. through collecting intelligence from criminal investigations) but also had an advisory role during administrative and criminal investigations.

#### 5.10.4 From '1%-motorcycle club' to 'outlaw motorcycle gang'

To decide which clubs were a '1%-MC' and thus fell under the scope of the government, the Council of eight formed a rather strict starting point (Nationale Ombudsman, 2017: 21). For the police these 1%-MCs formed a different 'subculture' within the world of motorcycle clubs and were contrasted with the 'normal motorcycle club' (KLPD, 2010: 23). The belief was that a club could only be a 1%-MC after the approval of the Hells Angels MC, which also implicates that the 1%-MCs were under the 'supervision' of the latter: 'you cannot be affiliated without being part of it' (respondent 13). Since the different clubs of the council also visited each other's parties or events they were moreover reckoned to be 'supporters' of either the Hells Angels MC or the Satudarah MC. Precisely because of the strong ties and the fear for an escalation between the Hells Angels MC and Satudarah MC, also the other six 1%-MCs became of interest:

‘Because there, there has always been a relation [between the clubs of the Dutch Council, TvR]. They are often supporter groups of either the Hells Angels or the Satudarah. Yes, they always had sympathy to one of these clubs and can thus play a role in case the problem escalates. What you also saw was that members of these other clubs [other 1%-MC, TvR] were used by one of the larger clubs [Satudarah MC and Hells Angels MC, TvR] to do some dirty jobs’ (respondent 22).

For the remainder of this thesis, however, I will not use the term ‘1%-MC’ but ‘outlaw motorcycle gang’ (unless direct reference is made to this term by a respondent or in any document). This is simply due to the decision of the Dutch government in 2013 to let go of the term 1%-MC and to start using the term ‘outlaw motorcycle gangs’ instead. This, in turn, was decided in response to complaints of the Dutch Royal Motorcyclist Association (in Dutch: ‘Koninklijke Nederlandse Motorrijders Vereniging’) as they, along with other motorcycle clubs, felt stigmatized by the term 1%-motorcycle club (Landelijke Eenheid, 2014: 15). Hence, to make a clearer distinction between the ‘normal’ motorcycle clubs and the ‘problematic’ clubs, the Minister of Security of Justice decided to henceforth use the terms ‘outlaw motorcycle gangs’, ‘OMGs’ and ‘outlaw biker’ (LIEC, 2014: 13).<sup>40</sup> The decision to choose for this specific term was motivated by the notion that the latter term is also commonly used by governments abroad (TK 2013-2014, 28 684, nr. 409: 12). One of my respondents explained:

‘The normal clubs fought the term 1%-MC, they sent a letter to the Ministry [of Security and Justice, TvR] in which they argued ‘you always speak of 1%-motorcycle club, but we are normal motorcycle clubs and we do not want to be called that way’. And then it turned out that we were the only one using this term, the rest talks about OMG, among others Europol, and Australia who talked about OMCG [...] yes, we were the only ones who called it this way, so then we chose to use OMG, just like the rest of world does’ (respondent 16).

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40 In 2016, the Dutch Royal Motorcyclist Association and RAI-association (an association that serves the interests of manufactures and importers of various types of motor-driven vehicles) again uttered their concerns about the stringent Dutch approach to OMGs. Both organizations were bothered by noticing that some police officers used the term ‘motorcycle club’ in the media to describe clubs such as the Hells Angels MC. According to both organizations, this unjustly and negatively influenced the general public image of the motorcyclist as motorcycle clubs already found more difficulty in making dinner reservations in restaurants. It was also feared that the negative image of the motorcycle club in general could damage the motorcycle industry as a whole (BNR, 18 April 2016).

This change was not followed by a different underlying definition per se. Although the Council of eight was abolished in 2013, the Dutch National Police continued to include all full-colour MCs under its scope. As more clubs gained this status in the period after 2012 and new clubs alike were established in the Netherlands, the following fifteen OMGs were listed as ‘outlaw motorcycle gang’ by the Dutch National Police on 15 March 2014: 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, Satudarah MC, Spiders MC, Trailer Trash Travellers MC, Veterans MC, and Waardeloos MC (Landelijke Eenheid, 2014: 19).<sup>41</sup>

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41 Based on the openly available report by the Landelijke Eenheid (2014), Demons MC was established in 1982, Spiders MC in 1987, No Surrender MC in 2013, Red Devils MC in 2001 (as a supporter club of Hells Angels MC), Satudarah MC in 1990, Trailer Trash MC in 2004, and Bandidos MC was founded in 1966 in The United States.



## 6 THE PROBLEM OF OUTLAW MOTORCYCLE GANGS

### 6.1 INTRODUCTION

Whereas the final paragraphs of the previous chapter ‘only’ described what circumstances instigated the ‘feeling’ that ‘we as a government have to do something with this’, this chapter will explicate what these ‘feelings’ actually involved. In other words, I will zoom in on the problems, incidents, crimes, and assumptions underlying the Dutch label ‘outlaw motorcycle gang’. This is important because, as I similarly explained in the first chapter, the way in which a (crime) problem is portrayed and understood has important consequences for how this problem is approached. Hence, I came to learn that in order to understand the present-day approach against outlaw motorcycle gangs, it is key to first reveal why and how OMGs are problematized to begin with; even when this problem initially constitutes an ‘obvious’ threat (see Edwards and Gill, 2002).

This is particularly interesting for the present case. As I have shown, the Dutch government paid – apart from criminal investigations into individuals – only little attention to motorcycle clubs besides the Hells Angels MC before 2010. As a result, knowledge about other OMGs was still somewhat lacking, or at least scattered over the regional police forces. The knowledge report of the police about ‘Hells Angels and other 1%-MCs in the Netherlands’ published in 2010 was indeed mostly based on the findings of the Hells Angels-cases discussed above (KLPD, 2010: 8). In addition, the 1%-MC-infocels were established precisely to *gain* knowledge about the phenomenon. The apparent simplicity by which the Dutch government nevertheless started to use the term ‘outlaw motorcycle gangs’ in 2013 possibly holds vital insights. While the term ‘1%-MC’ was a direct reference to the fact that these motorcycle clubs marked themselves by stitching a ‘1%’-logo on their vests, the term ‘outlaw motorcycle gang’ constitutes a much less neutral term as it puts emphasis on the criminal character of the clubs (‘outlaw’ and ‘gang’). In line with this, Hallsworth and Young (2008: 184-185) noted that the word ‘gang’ instantly ‘signifies’ a group as the ‘monstrous other’, a ‘suitable enemy’ or as ‘outsiders threatening the good society’. A combination of the words ‘outlaw’ and ‘gang’ not only forms a tautology, it also already holds the conclusion that the *group* is indeed involved in crime.

Whilst building on the problem and ‘public image’ of the Hells Angels MC established in the course of the 2000s, I will show that the problem of ‘outlaw motorcycle gangs’ (as perceived by the various governmental agencies involved) goes beyond the involvement (of members) in (organized) crime and public disorder alone. I signal a broader discontent of the Dutch government with the phenomenon as such. This discontent is fuelled not only by severe criminal activities such as murder or drug-related offences but e.g. also with

the notion that members collectively lord over the road during ‘ride-outs’. Due to the ‘untouchable character’ of the clubs, OMGs are believed to not only violate the (criminal) law; they are rather deemed to intentionally undermine the constitutional state and the authority of law enforcement agencies. Or in the words of Hallsworth and Young (2008), outlaw motorcycle gangs are believed to threaten the ‘good society’.

## 6.2 A MULTI-DIMENSIONAL PROBLEM

To provide the groundwork for this chapter, I generally signal that the reason for the Dutch government to take on the problem of OMGs in 2012 was multi-dimensional. To introduce this manifold character, the following extract from internal documentation is telling:

‘The problem of 1%-MCs in the Netherlands is not a one-dimensional problem, by which the approach can be focused on one specific crime. As the practice from the report “1%-MC’s in the Netherlands” reveals, the MC’s are closed, and very inaccessible to outsiders. The image that is being portrayed to society is that of the freebooter who has the heart on the right place. Reality, however, is that members of 1%-MCs are involved in (and convicted for) drug-trade, illegal weapon possession, public violence, and in some cases homicides’ (internal documentation).

The multi-dimensional character of the problem with OMGs also becomes visible through the definition of OMGs as provided by the LIEC:

‘OMGs are clubs with a hierarchical structured organization of which the members (and other aligned persons) use their club as a channel and concealment for criminal and undermining activities with the purpose of financial or other material benefit, whereby (a) the members do not accept externally imposed boundaries (‘outlaw’), (b) motorcycling, brotherhood and group symbols are characteristic for the group culture or the desired image, (c) (the threat of) violence and disturbing public order is part of the club culture and is deployed to achieve their (internal and external) goals’ (LIEC, 2015b: 5).

The various components of this definition were also (partly) reflected by the policy goals set in 2011. That is, as a short-term goal the government aimed to ‘prevent severe disturbance of the public order and the infraction of the public sense of security’, whereas the long-term goal was to combat ‘the increasing influence of members of 1%-MCs in

organized crime' and 'to take away the image of the apparent untouchability' (internal documentation). In what follows, I will break apart the multi-dimensional character of 'the problem of outlaw motorcycle gangs' and further scrutinize the various components introduced above. In doing so, I will start with the main reason why OMGs emerged on the agenda of Dutch law enforcement agencies to begin with.

### 6.3 THE RISK OF PUBLIC DISORDER

The main reason for the police and other law enforcement agencies to start focusing on the Hells Angels MC and Satudarah MC at the start of the 2010s always remained one of the key drivers underlying the national approach towards OMGs. Certainly, the aforementioned fear for a biker war did not weaken as the year 2011 passed by. Both clubs continued to grow in terms of chapters and members, which in turn strengthened the fear for (severe) public disorder. The relative 'tranquillity' in the biker-scene before 2010 changed into a somewhat more turbid scene, so to say. A respondent who worked for the National Crime Unit (in Dutch: 'Nationale Recherche') at the time of the uproar between the Hells Angels and Satudarah remembered:

'Everyone felt some sort of tension, because you were unable to understand it, when I look back at what we did back then was, we did not want that situation, you know, because parallels were drawn with the biker war in Scandinavia, things that happened in Australia, well we did not want all that. Because we were in the presupposition that, yes Satudarah is reaching out to Bandidos, maybe they will be patched-over [by the Bandidos MC, TvR] and then it is total war. So actually you were gearing up, but also the realization that we actually did not know too much about this world' (respondent 24).

In line with this, one of the early 'quartermasters' of the national policy towards OMGs considered a *national* approach to be necessary precisely to be able to counter further escalations more effectively:

'We thought like, in case they want a war among each other, because they do not want Satudarah to grow and to have international contacts, then this feud can be fought anywhere. This can happen in [name city, TvR], but this might as well happen in Groningen or Arnhem. Therefore, I wondered whether we as [name police region, TvR] were the appropriate party to take measures to prevent this or arrest people. So I favoured a national approach' (respondent 5).

As said, the fear for a violent clash between rivalling clubs indeed remained a cause for concern in the years that followed. It moreover got a new dimension as new clubs settled in the Netherlands, which resulted in more fragmented and unclear power relations between Dutch OMGs. One of these new clubs was No Surrender MC, a club that was established in 2013 by a former member of Satudarah MC. This member was – together with other members of chapter ‘Zundert’ – kicked out of Satudarah MC after which they collectively decided to establish a new club. After its foundation, No Surrender MC grew rather fast as other members of both Satudarah MC and the Hells Angels MC moved to No Surrender MC as well. These quick transfers in the ‘biker scene’ again raised questions among law enforcement agencies. One respondent, for instance, described this development as a ‘very weird happening’ because ‘before, you were member of a club for life and you only left the club horizontally or in bad standing, so to speak’ (respondent 11). The steep increase of No Surrender MC members was explained by the idea that these new members were not required to first pass through a time-consuming hangaround and prospect phase (Landelijke Eenheid, 2014: 111). Yet, it was especially the arrival of the Bandidos MC in the Netherlands that led to even more serious concerns for violent confrontations in the public domain.

In March 2014, the Bandidos MC crossed the Dutch border and for the first time settled in the Netherlands (the first chapter in the city of Sittard and the second chapter in Heerhugowaard). The Bandidos MC was and is known as a sworn rival club of the Hells Angels MC, and a confrontation in the public sphere between these two clubs was therefore deemed ‘realistic’ (LIEC, 2014: 13). In fact, in the night of 16 March 2014, one day after the president of the first Dutch Bandidos MC chapter was officially installed, an explosive exploded near the house of the president in the small city of Nieuwstadt, which unsurprisingly caused ‘severe disturbance of the public order’. This happened again in the night of 22 March, causing damage to neighbouring houses and vehicles (Raad van State, 5 April 2017). The establishment of the Bandidos MC in Heerhugowaard was equally welcomed by public disorder. Again an explosive was detonated near the house of a supposed Bandidos member and the clubhouse was set on fire, in turn causing ‘great turmoil among the citizenry and local administration’ (OM & Politie, 2015: 25). The belief that a ‘clash’ between the Hells Angels MC and Bandidos MC was imminent was reinforced when a group of approximately hundred Hells Angels visited the yearly Sint Joep Markt in Sittard on 19 March 2014. According to the police, the Hells Angels wanted to ‘make a clear statement to the Bandidos’, whereas the German police on the same day was just able to prevent another group of Bandidos MC members from travelling to the Netherlands ‘to support’ the Dutch Bandidos members. The tensed relation between both clubs came to a forceful climax when a group of Bandidos members paid a visit to a café called ‘Dug out’ in the city of Sittard on 7 May 2015. This café was owned by a member of the Red Devils MC, which is a well-known supporter club of the Hells Angels MC. Upon their arrival, the members quickly started a fight with the three Red Devils members present in

the café. In response, the owner fired its weapon in the direction of the members causing the Bandidos members to flee (leaving the three Red Devils MC members wounded on the ground). Wire tapped telephone conversations revealed that the Bandidos members later felt regret for not bringing weapons themselves, leaving little to the imagination of what could have happened when they would have done so (OM & Politie, 2016: 21-24).

The dispersed distribution of OMGs, the increasing number of OMG members, and the expansion of chapters abroad continued to be a serious cause for concern in 2016 (LIEC, 2017: 6).<sup>1</sup> One last example that fits this concern and cannot go unnoticed here, relates to yet another OMG that recently entered the Dutch 'biker scene'. That is, in 2014 the Mongols MC was first signalled in the Netherlands. This club was established in 1969 in the United States and is, according to Barker (2015: 118), a club that was formed as 'a criminal organization for profit through criminal activities'. The arrival of this club in the Netherlands 'helped' to make the (power) relations between OMGs even more difficult to comprehend for the police. Also, a violent confrontation between this club and members of the Hells Angels in April 2016 reveals again that the fear for severe public disorder was not unjustified. In a hotel in the city of Rotterdam around thirty members of both clubs got into a fight. During the violent confrontation also shots were fired, which forced the guests of the hotel to flee through the backdoor of the hotel (LIEC, 2017: 6; NOS, 7 April 2016).

Although no one was hit by the bullets and none of the other hotel guests were hurt, this confrontation, clearly symbolizes the serious risks of warring OMGs feared for by law enforcement agencies in 2011. All in all, these and other examples of public disorder led a public prosecutor to argue that 'the chance to find yourself – as an innocent civilian – in this is not unthinkable' (LIEC, 2018b). Besides the fear for a violent confrontation between OMGs and the risk for public disorder, another important dimension of why 'we as a government have to do something with this' relates to the involvement of members in (organized) crime.

#### 6.4 OUTLAW MOTORCYCLE GANGS AND (ORGANIZED) CRIME

Certainly, besides the urge to prevent public disorder, the reason to call for a national approach towards OMGs in 2011 also stemmed from the belief that OMGs are involved in (organized) crime. This belief was of course powered by the fact that criminal

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<sup>1</sup> In its first yearly report published in 2014, the LIEC (2014: 17) counted 1298 OMG members in the Netherlands. In the report published in 2016, the LIEC counted a total of 1671 members, which increase was largely ascribed to Satudarah MC, Hells Angels MC, No Surrender MC and Trailer Trash Maro Djipen (LIEC, 2016: 2). The LIEC (2018a: 3) registered 1940 members at the start of 2017 to add another 40 members to this list one year later.

investigations in the 2000s unravelled that members of the Hells Angels MC were involved in various forms of crime. In this period of time, however, the attention of the criminal justice department was rather skewed in the sense that little attention was devoted to the link between (organized) crime and other OMGs, which to some extent led to a blind spot vis-à-vis other OMGs (respondent 9 and 10). As noted in the introduction of this chapter, the police report 'Hells Angels en andere 1%-MC's in Nederland' (2010) indeed pays little attention to clubs besides the Hells Angels MC, and the information and intelligence that was used to write this report was, as the authors wrote, 'mostly based' on criminal cases into Hells Angels members (KLPD, 2010: 8).

Roughly from the year 2010 onwards, however, also other OMGs increasingly got in sight of the police and Public Prosecution Service. One possible and obvious reason for this would be, as respondent 13 noted, that these other clubs 'appeared on the surface' simply because confrontations between these clubs were feared. As the police was forced to zoom in on the 'biker scene', other OMGs in the Netherlands simply became more visible. In similar words, respondent 24 explained that 'the starting point was let's say public order, however we also questioned like could these motorcycle clubs be used as some sort of infrastructure for crime? We could not really interpret this'. Yet, this belief was not solely the result of 'questions being raised'. After all, it was not like no criminal investigations were conducted into members of other OMGs before 2012.<sup>2</sup> The starting point of these investigations however did not come (before 2012) from a national directive to focus particularly on OMGs (respondent 22). One police officer indeed explained that he and his colleagues always continued to have interest for the (criminal) activities of members of the Hells Angels MC after the 'failed' criminal and civil cases (respondent 8). The idea that members of *other* OMGs were equally involved in organized crime became clear through a large-scale criminal investigation into the production of hemp and ecstasy as a fair amount of the suspects turned out to be members of one particular OMG (respondent 1, 9 and 10; see also Boerman, Grapendaal, Nieuwenhuis & Stoffers, 2012: 51). In addition, one respondent, at the time of the interview working for a RIEC, recognized the described tension in the 'biker scene' but at the same time explained that this specific RIEC already started to zoom in on the criminal activities of OMG members before the tumultuous summer of 2011. This was in response to suggestions from the local police to zoom in on some OMGs as it became clear that members were involved in the production of hemp and synthetic drugs, as well as in racketeering activities in cafés and night-life clubs. All in all, the following quote of this respondent clearly reveals the topic of (organized) crime as a topic for concern *besides* the risk for public disorder:

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2 In the period 2009-2011, at least 40 criminal investigations into members of OMGs were started. These investigations related to the production and trade of narcotics, money laundering, trade in firearms, extortion, and violent offences (of which one was an attempted murder) (TK 2011-2012, 29 911, nr. 59: 6).

'I think this was indeed the driving force behind it, the fact that we had so much public order problems where mayors had to deal with, this most certainly made that everyone paid attention to it. But we from the RIEC never intended to solve the public disorder. With us it was really about the organized crime behind these clubs. So the interrelatedness with this you know' (respondent 7).

In the following paragraphs, I will discuss what this respondent described as the 'interrelatedness' of 'these clubs' with (organized) crime. To give a first taste of how this relation was understood, in 2012 the 1%-MCs were described as the 'by criminal activities contaminated clubs' (internal documentation), while the LIEC (2015b: 3) a few years later argued that criminal activities 'are inherently linked with OMGs' and that 'the OMG-structure is a safe haven for crime and norm-deviating behaviour, by members separately as well as in groups' (LIEC, 2017: 5).

#### 6.4.1 *From the individual member to the club*

To begin with, the idea was (and is) that numerous members of OMGs, as individuals, violate(d) the (criminal) law. Indeed, in the letter of the Minister for Security and Justice, 'outlawbikers' were described as a problem because they are 'relatively often' involved in a 'broad spectrum' of criminal and norm-deviating behaviour (TK 2011-2012, 29 911, nr. 59). I find it important to recall the latter statement because this shows that OMGs were not only problematized because of the (possible) role of the club as a whole in criminal activities. As a starting point, the *members* themselves were held responsible for a wide-range of criminal activities such as violence, the trade in and production of narcotics, illegal weapons trade, assassinations, and money laundering. Interesting to note is that it was not only the involvement in these more serious criminal activities that was problematized. The 'broad spectrum' of criminal activities, as mentioned by the Minister, also included the involvement of individual members in petty crimes. This is perhaps best illustrated in the Annual Progress Report 2016 of the OMG approach published by the LIEC in 2017. In the paragraph 'criminal offences committed by individual members' a list was compiled with the most common criminal acts of OMG members in 2016 (paragraph 3.1). The table not only listed the aforementioned illegal acts, but also 'norm-deviating behaviour' such as driving without a valid license, driving under the influence, shop-lifting, and insulting (LIEC, 2017: 8). The Minister in similar words described that members reveal 'norm-deviating behaviour' that 'varies from traffic violations, not owning the required permits to tax and social benefit fraud' (TK 2011-2012, 29 911, nr. 59: 2).

However, the concern with OMGs moved beyond the ‘simple’ idea that *individual* members violate the (criminal) law. In the openly available police report about OMGs published in 2014, it was also described that the various chapters of OMGs form a ‘criminogenic environment’ and opportunity structure for (organized) crime (Landelijk Eenheid, 2014: 162). The alleged role of the *club* in committing crimes also comes forward in the definition of OMGs quoted at the start of this chapter: ‘OMGs are clubs with a hierarchical structured organization of which the members (and other aligned persons) use their club as a channel and concealment for criminal and undermining activities with the purpose of financial or other material benefit’ (LIEC, 2015b: 5). The Minister followed this line by stating in 2014 that ‘organized crime and undermining or norm-deviating behaviour is committed under the cloak of OMGs’ (TK 2013-2014, 28 684, nr. 407: 1). Generally, my respondents were also univocal in arguing that the clubs were not only formed by groups of individuals that only coincidentally happen to commit crimes. One also believed that OMGs act as a ‘cover’ or ‘cloak’ (in Dutch: ‘dekmantel’) for (organized) crime, and at the same time have a facilitative role in serious (organized) crimes (e.g. respondent 1 and 11). Or how two other respondents described it: ‘we think that the group has some sort of facilitating effect for committing criminal acts’ and ‘the feeling that these motorcycle clubs are some sort of helping-structure for organized crime, that it is more than tough, brotherhood, drinking beer and talking about exhausts’ (respondent 69 and 13). One police officer who worked for a 1%-MC-infocel even argued: ‘yes, they are actually criminal partnerships [in Dutch: ‘criminele samenwerkingsverbanden’] wearing the same jackets’ (respondent 16). The following fragment, derived from one of the internal documents provided by the LIEC, follows up on these premises:

‘There is a strong interrelationship of existing criminal networks and the 1%-motorcycle clubs. A number of leading figures in serious organized crime quickly became full-colour member of a 1%-motorcycle club. The relationship with organized crime is twofold. On the one hand, criminal activities are conducted individually from 1%-motorcycle clubs. On the other hand, the image exists that 1%-motorcycle clubs play a facilitative role to other criminal networks’ (internal documentation).

Because of the fact that some OMGs have chapters all over the world, it was moreover assumed that the clubs form international criminal networks (internal documentation), which in turn led some to believe that the growth in chapters in the Netherlands and abroad might be a way of some OMGs to increase their dominance in organized crime (respondent 11).

Yet again, the assumed relationship between OMGs and crime also went beyond the premise that OMGs are ‘criminal partnerships’ or ‘criminal networks’. The unique

organization and violent image of the club itself also plays a vital role. This gives them, a police officer reasoned, a ‘plus’ compared to other criminal partnerships:

‘Do you know what the difference is with an OMG, how simple it might sound this has all to do with them wearing a vest, when an Angel is having an argument with someone in the city centre, he will call his friends who will immediately come to town with a group [...] that is why it is not simple a criminal partnership in a group, they really have a plus due to the nature of their organization’ (respondent 9).

A public prosecutor moreover related crime with the unique structure and club rules of an OMG:

‘It is normal in that world, it is quite normal to commit crimes to get money and it is also quite normal to defend this interest with violence and for this one really makes use of the structure of the club [...] you make use of the structure of the club, you make use of the obligations that stem from the club, you make use of the network of the club, this is a very useful tool to commit serious crimes or organized crime’ (respondent 15).

Finally, respondent 11 argued that ‘the solidity of such a club is a perfect tool to by figure of speech organize an armed power surrounding organized crime. You always have a violence division behind you’. Criminals are in other words believed to join an OMG precisely to use and ‘enjoy’ the (violent) reputation and organization of the club (OM & Politie, 2016: 19). Various criminal cases indeed revealed that some OMG(-members) relied on the violent reputation of the club as a means to execute (criminal) activities and to ‘secure their position in the criminal world’ (internal documentation). It is worth to describe in somewhat more detail how some OMG members used what is known as the ‘power of the patch’ in the Netherlands.

#### 6.4.2 *The power of the patch*

Basically, the power of the patch means that the violent reputation linked to the club empowers members – by wearing and showing the club colours – to commit crimes and/or use intimidation and violence more easily (Fleischhaker, 2011; Lauchs et al., 2015: 3; Barker, 2011: 208; Blokland & David, 2016). In this context, various pubs in multiple cities in the Netherlands have witnessed intimidating behaviour by OMG members to its visitors and pub owners. In some of these cases, OMG members threatened to take over pubs from the

owner, especially those in financial troubles, to subsequently use the premise as their clubhouse. Members have also threatened (e.g. to cause disorder inside the venue) owners of a pub in case he or she decides not to collaborate with the OMG (see e.g. Rechtbank Oost-Brabant, 15 April 2015; Blokland & David, 2016: 55; Van Leiden, Appelman, Van Ham & Ferwerda, 2014). To give another example, when a bouncer denied a group of men access to a pub in the city of Breda (13 August 2011), the bouncer was threatened with death and was told that ‘nobody denies access to the Satudarah MC’ and that ‘they will enter at all costs’ (Rechtbank Breda, 10 July 2012, paragraph 4.3). In yet another case, a boats salesman was threatened (and mistreated) to pay 30,000 Euros during the suspect also showed a vest of Satudarah MC to reinforce his demands (Rechtbank Den Haag, 10 January 2013).<sup>3</sup> There are even indications that criminals asked OMGs to collect (through acts of violence and intimidation) debts from third parties (OM & Politie, 2016: 19).

There are also examples where OMGs used the power of the patch to intimidate other motorcycle clubs. On 11 January 2013, twenty-five members of the Trailer Trash Travellers MC (hereafter: TTT MC), a club also listed as an OMG, paid a visit to motorcycle club Pegasus in the city of Leiden. During this visit, the members of the TTT MC intimidated the members of Pegasus and threatened to take over (also known as ‘patch-over’) the club and the clubhouse as the club was allegedly in ‘the backyard’ of TTT MC. While literary surrounded by members of TTT MC, the president and secretary of motorcycle club Pegasus were offered two choices: either become member of TTT MC or have their clubhouse burned to the ground. A few days later, the clubhouse was locked with a different lock, meaning that TTT MC had indeed appropriated the clubhouse. The president of Pegasus was later told that it was decided together with eight other motorcycle clubs (among them the Hells Angels MC) that the province of Zuid-Holland was allocated to the TTT MC. For the police, such ‘patch-overs’ are understood as a way to control and gain ‘the market for the trade in drugs, human trafficking, or other illegal activities’ (LIEC, 2015b: 7; Rechtbank Den Haag, 20 February 2013).

Finally, members of OMGs have also shown to use their ‘patch’ to intimidate and threaten mayors (LIEC, 2017: 19). One case, which was widely covered by the media, relates to the mayor of the city of Kerkrade. In television program *EenVandaag*, the mayor explained that his daughter, who owns a restaurant located directly besides the city hall, was used as an ‘intimidation element’. That is, a group of Hells Angels members, who in turn used as their clubhouse a premise a few doors away from the restaurant, visited the restaurant and caused minor destructions to the interior. Although the nature of the incident remained unclear, it is clear that the mayor was later also threatened. One day before the clubhouse of the Hells Angels MC was to be closed by the mayor, he was even summoned by the chief public prosecutor to immediately leave his house and to submerge

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3 Both criminal cases were found via the article written by Blokland and David (2016).

for a couple of days. The mayor was allowed to return home only after the police took various security measures around the house (e.g. 24/7 security and the placement of cameras around the house) (EenVandaag, 8 July 2015). Jos Hessels mayor of the municipality Echt-Susteren also admitted, among others, to be threatened by an OMG. Although the mayor did not want to go into detail about the nature of the threat, he did qualify the threat as ‘very serious’ (EenVandaag 2 November 2016; see also LIEC, 2018b).

#### 6.4.3 *The masking effect of the ‘outlaw motorcycle gang’-label*

In the previous paragraphs, I used the word ‘outlaw motorcycle gang’ as if there is one homogenous OMG which is involved in all of these criminal activities. I do so because in (internal) policy documentation reference is also made to ‘the’ OMG. However, I found that talking about ‘the’ OMG as if it is one and the same entity is problematic because it masks important differences between various OMGs. To begin my argument, I noticed that various clubs were labelled as ‘outlaw motorcycle gang’ while much was still to be learned about the actual role of these clubs (and its members) in (organized) crime.

Before 2012, as I already noted, the police and Public Prosecution Service in the Netherlands mainly focused on the relation of the Hells Angels MC with (organized) crime. As a result, respondent 9 and 10, both working for a 1%-MC infocel, remembered that in 2012 there was still much unclear (on the national level) about the (criminal) activities of the OMGs *besides* the Hells Angels MC. After all, the infocels were established precisely to *gain* knowledge about OMGs (e.g. about the members and the different ranks within the different clubs) and to make clear in what way the members of these other clubs were involved in criminal activities. Indeed, in 2012 the Minister of Security and Justice noted that these infocels were busy mapping the ‘nature and extent’ of the problems with OMGs (TK 2011-2012, 29 911, nr. 70: 12). This lack of insight was also voiced in the report of the Dutch National police about ‘Outlawbikers in Nederland’ (2014). In a footnote under the list of the fifteen ‘outlaw motorcycle gangs’, it was noted that ‘inclusion in this list does not mean by definition that the club has been under criminal investigation and that it is clear that the (members of) the clubs carry out criminal activities’ (Landelijke Eenheid, 2014: 19). The unclarity particularly related to the role of the club as such in perpetrating criminal activities. Respondent 7 for instance explained:

‘We could not always prove that they were criminal organizations you know, we actually could not say that because we did not have the investigations, we did not have the information, we did have allot assumptions [...] but when someone would ask; prove it to me, then we as a government are very bad at

that, because it was based on the presumption of they are involved in...they are a criminal organizations’.

Two other respondents, both working for a regional 1%-MC infocel similarly argued that – at the time of the interview – it was to a great extent unclear in what way the clubs itself played a role in organizing and planning criminal activities. Although various forms of crimes among members were signalled, both analysts had no insight (yet) that e.g. drug transports were actually organized from within and in full collaboration with the members and leaders of the club (respondent 36 and 37). Indeed, whereas the National Threat Assessment Organized Crime of the Dutch National Police of 2012 noted that members of the Hells Angels MC and Satudarah MC are ‘regularly’ involved in hemp cultivation, the authors at the same time concluded: ‘whether this involvement is on a personal title or in name of the club remains unclear’ (Boerman et al., 2012: 61). Hence, although there were presumptions that ‘the board of the club, the facilities of the club, the clubhouse, ride-outs, and club-meetings’ are all used at the service for organized crime, there was still ‘a long way to actually reveal this’ (respondent 11). Another police officer argued:

‘You cannot always say that everyone of a chapter is busy with it [criminal activities, TvR] you know, often there are one or two who are busy with arranging rooms and cutters for hemp cultivation, and you do not know whether money is indeed handed over to the president you know, so that remains difficult to tell because we have a blind spot there’ (respondent 24).

As time passed by and more (criminal) investigations were conducted, knowledge about OMGs increased accordingly. The previously quoted analyst of a 1%-MC infocel explained that as a result of this, also more differences between clubs came to the fore: ‘the longer you are busy with it, the more differences you start to see in atmosphere, dynamics, and the character of the club. The clubs now have a different character which we did not see at the start’ (respondent 10). Jones, a strategic analyst of the Dutch National Police, for this reason problematized the term ‘1%-MC’ and ‘OMG’ as it masks important differences between clubs in terms of e.g. its unique club history (Jones, 2013). Others recognized differences in terms of the involvement in more serious criminal activities. While it turned out that especially members of Satudarah MC, No Surrender MC and the Hells Angels MC are indeed involved in organized crime activities, this was to a lesser extent the case for some of the other listed OMGs (respondent 24). A police officer in consequence reasoned:

‘I do think it is different when you for instance have to deal with the Veterans, or the Demons, or the Rogues, or with Satudarah, Hells Angels and No

Surrender, for me those are other types of clubs and they are, and I mean they are also OMGs you know, but when we look whether they are also involved with severe organized crime, well then I do not have any signals for that with the Veterans, they are rough guys and they occur in our police systems, and they equally attract the 1%-thing to itself, but it is a fundamentally different club' (respondent 27).

It is also for this reason why the Dutch National Police openly agreed that 'not all outlaw motorcycle gangs can be tarred with the same brush' (Landelijke Eenheid, 2014: 161). Although the latter fragments offer little more than anecdotal evidence of possible differences between OMGs, it does resemble a wider held belief among researchers that it is too easy to conclude that every OMG can be regarded a criminal organization and that the primary purpose of OMGs 'is organized crime based on and managed by the club hierarchy, and that this crime involves most, if not all, club members and associates' (Lauchs, 2018: 1; see also Lauchs & Staines, 2019). Already in 1999, Beare and Naylor (1999: 20) warned not to confuse the 'military'-like organization of the Hells Angels MC with a business organization: 'to be sure there are clubhouses with presidents and treasurers, and members of biker gangs engage in all kinds of illicit activity. But it is a fundamental mistake to equate the gang with the business'. Three years after Minister Mr Opstelten launched the national approach, the Dutch National Police and Public Prosecution Service indeed concluded that OMGs are not structured around a 'piramide-like' structure per se but are rather used a 'vehikel' to commit crimes as members are 'actively involved' in criminal networks (OM & Politie, 2015: 14). In addition, while Von Lampe (2018: 12-13) argued that 'being a member of an outlaw motorcycle club provides protection and a web of contacts that can potentially be used for criminal endeavours', the author at the same time concluded that 'outlaw motorcycle gangs are not necessarily criminal organizations themselves'. Furthermore, Ayling (2011: 260-261) noted that it would be unjust to assume that (1) 'OMGs are comprised of criminals and therefore are economic criminal organizations' and that (2) 'OMG members associate with each other in order to conspire to commit criminal acts.' In other words, a criminal network does not necessarily have to correlate with the organization of the club itself in the same way as criminal OMG members do not have to conspire exclusively with other members. In his case study on a Hells Angels chapter in Quebec, Morselli (2010) found that a drug distribution network around the members of this chapter was not as 'neatly and tightly' organized as would be expected from the organizational hierarchy of the club. The author therefore emphasized that it is important not to focus solely on OMG members, but also on the persons positioned outside the OMG. More or less the same conclusion was reached in 2013 by the Australian Crime Commission (ACC). The commission concluded that 'OMCG chapters do not engage in organized crime as a collective unit. Rather, their threat arises from small numbers of

members conspiring with other criminals for a common purpose' (ACC, 2013, quoted in Lauchs, 2018: 5).

Furthermore, while it is not denied that members are generally involved in criminal activities, it is emphasized that it is important to differentiate between organized crime-associated offences and what Lauchs et al. (2015: 27) called 'barbarian culture offences'. For the authors, traffic offences, 'violence associated with brawling', and minor drug and alcohol related offences are offences that represent the 'outsider subculture' rather than actual involvement in organized crime. With this argument, the authors built on earlier insights raised by Quinn (2001) and Quinn and Koch (2003). That is to say, Quinn (2001: 380) noted that the 'one-percenters' are not a 'homogenous' group but are to be divided by 'radical' and 'conservative' members. The 'radical' members are 'deeply involved in criminal enterprise', whereas 'conservative' members 'seek only the freedom of the life-style and the camaraderie of their brothers'. The (criminal) activities of latter type of members is mainly limited to the (ab)use of alcohol and drugs, and expressive violence, whereas the former 'biker' type is more involved in organized crime activities such as drug trafficking, extortion and/or money laundering. Also within one club or chapter, the author argued, both types of offenders can coexist. Quinn and Koch (2003: 296), then, argued that 'biker criminality' can be divided in (1) spontaneous expressive acts (e.g. a bar fight); (2) planned expressive acts (e.g. violence directed at another OMG); (3) short-term instrumental acts (e.g. theft); and (4) ongoing instrumental enterprises (e.g. the production of drugs). Because of the wide variety of criminal activities members are involved in, Barker (2015: 73-100) equally noted that OMGs can vary both in character and in the nature of criminal activities. On the one hand, on the 'club-side' of the continuum, there are OMGs of which the criminal activities are the result of the deviant lifestyle 'common to the saloon society milieu'. The members of these clubs generally do not engage in serious or organized crime activities. Moving along the continuum, then, are OMGs of which its members engage in more organized and structured criminal activities. The 'social criminal organizations' move up the 'gang-side' of the continuum, Barker argued, when the majority of members is involved in organized criminal activities and when the leaders of the club are involved in participating and planning organized criminal activities.

While writing this thesis, Dutch criminologists zoomed in extensively on the nature and extent of the criminal activities among the Dutch OMGs and its members (Blokland et al., 2014; Blokland, Van Hout, Van der Leest & Soudijn, 2017; Blokland et al., 2017; Blokland, Van der Leest et al., 2017). This research is interesting and important because it offered a first empirical insight in the criminal activities of Dutch OMG members. From this research it is indeed just to conclude that the labelling of various clubs as 'outlaw motorcycle gangs' masked the fact that not all (members of) OMGs were or are equally involved in (organized) crime activities. Despite that members of the more 'conservative'

OMGs have been convicted for a variety of crimes, it is to be doubted whether all listed Dutch OMGs are thus rightly to be reckoned as a ‘cloak for organized crime’ or ‘criminal organization’. In the next paragraph, I will discuss the most important findings of the study by Blokland, Van der Leest et al. (2017).<sup>4</sup>

#### 6.4.4 *Zooming in on Dutch outlaw motorcycle gangs*

This study revealed, to begin with, that members have been convicted for a wide-range of criminal activities. Little over 85% of all OMG members in the dataset (N=1617) was convicted for a crime at least once in their lives, with an average of 9.4 convictions and a total number of 13,071 convictions. Of the convicted OMG members almost one-third (32,5%) was even convicted more than ten times. The convictions range from traffic violations (85,2%), destruction (26,8%), violent-offences (56,7%), causing public disorder (45,4%), drug-related offences (34,6%) to what was called ‘ongoing criminal enterprises’ (11,7%) (extortion, illegal restraint, human trafficking, and money laundering) (Blokland, Van der Leest et al., 2017: 43-46). At the same time, however, this research confirmed the view of the previous cited respondents as it revealed that there also important differences between OMGs and that the convictions are not evenly distributed over all members.

To start with, 10% of the most criminally active members were responsible for 40% of all registered crimes, while 40% of the members accounted for 80% of all registered crimes (Blokland, Van der Leest et al., 2017: 44). Hence, the distribution of convictions over the total number of OMG members is skewed, which also means that a relatively small portion of the members had a strong influence on the high average of convictions (9.4 convictions).<sup>5</sup> The criminal life-course trajectories of the members (considering the age when members were convicted in combination with the number of convictions) also varies. Combining the nature of the criminal activities and the number of convictions, the researchers found that the members are best categorized in four offender categories. First, the ‘marginal offender’ (28,9%) has a small chance of being convicted once for any of the distinguished types of crime. Secondly, the ‘expressive offender’ (36%) has a high chance to be convicted

4 In this study, the researchers, in short, analysed the frequency and nature of the convictions of Dutch members of thirteen OMGs and OMG-supporter clubs. Furthermore, the researchers also looked into possible differences (in terms of the nature and frequency) *between* the various clubs. The dataset included the convictions of 1617 OMG members and 473 members of OMG-supporter clubs (N=2090), and was built by combining the subjects that were known (with the police) as member of either an OMG or OMG-supporter club with information from the Judicial Documentation System. As this research offers the most in-depth view on the criminal activities of OMGs, I decided to use only this study and leave aside older studies of the same authors. In the following paragraph, I will also focus on the results related to the OMGs only.

5 In his study about the criminal activities of Danish OMG members, Klement (2016a: 143) likewise found that some members are responsible for a disproportionate number of convictions.

for a traffic or violent offence, but a small chance to be convicted for a drug- or weapons related offence or for 'ongoing criminal enterprises' (hereafter: OCE). The 'generalistic offender' (20,3%), then, can be characterized by a wide variety of criminal offences. This type of offender has a high chance of being convicted for e.g. traffic-, drugs-, weapons-, and public disorder related offences, but has a small chance of being convicted for OCE. Finally, the fourth category was characterized by offenders who especially have a higher chance of being convicted for property crimes, drugs- and weapon-related offences, and OCE. This category was called the 'enterprising offender' (14,6%). The authors concluded that the offenders in the latter two categories can be typified by a stronger focus on committing crimes for material profit (or as the more 'radical bikers'), whereas the former two categories were characterized as the more 'conservative' biker-type. Importantly, it was concluded that two-thirds of the registered OMG members in the dataset seem to be 'not or barely' involved in organized crime (Blokland, Van der Leest et al., 2017: 81-88).

The variations between different OMG members was also expressed by a skewed distribution of convictions over the various OMGs (also after correcting for the number of members in each OMG). Although all OMGs except for the Spiders MC revealed a conviction rate higher than 50% (percentage of members convicted for any crime), it appeared that the Trailer Trash MC, the Hells Angels MC, No Surrender MC, and Satudarah MC are responsible for a large part of the total amount of convictions in the dataset. When one takes into consideration the type of crimes, it moreover followed that the convictions for OCE concentrated in seven of the thirteen registered OMGs. In other words, 'six out of thirteen OMGs in the sample have members which are not or barely convicted for organised crime' (Blokland, Van der Leest et al., 2017: 110). Using the 'criminal organization continuum' of OMGs as coined by Barker (2015: 2), the authors concluded that some OMGs (e.g. Spiders MC and Veterans MC) are closer to the club-side of the continuum than on the gang-side (Blokland, Van der Leest et al., 2017: 99-110).<sup>6</sup>

While I do not wish to downgrade the severity of the criminal activities which many of the members are clearly involved in, it is safe to conclude from the above research that 'the' outlaw motorcycle gang does not exist. It is interesting to note that the clubs which have 'not or hardly' been convicted for organized crime were nonetheless labelled as 'outlaw motorcycle gangs'. Recall in this respect respondent 27 who, despite recognizing the differences between e.g. the Hells Angels MC and the Demons MC, nevertheless emphasized: 'I mean they are also OMGs you know'. This holds vital cues for a good understanding of 'the problem of outlaw motorcycle gangs'. After all, it shows that the fifteen clubs as listed by the police in 2014 (paragraph 5.10.4) were not only problematized

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6 From this research alone, it remained unclear what the effect of OMG membership was or is for committing crimes (Blokland, Van der Leest et al., 2017: 12). Klement (2016b: 466) however found in his Danish dataset that becoming affiliated with OMGs 'causes an overall increase in criminal involvement'.

because of their involvement in severe forms of organized crime. In fact, in the following paragraphs I will adopt the view that the problem of OMGs, as envisioned by the various governmental partners, moved beyond the actual involvement of an OMG in (organized) crime to begin with.

### 6.5 ABOVE AND BESIDE THE LAW

One of the OMGs that did not reveal a clear link with organized crime is the Veterans MC. It is for this reason that the club also filed multiple complaints about the fact that it was nevertheless labelled as an OMG. In response to one these complaints, the National Ombudsman (2017: 21) also concluded that there were no facts that justified holding on to the label (in Dutch: 'predicaat') 'outlaw'.<sup>7</sup> Interestingly, the former Minister of Security and Justice nevertheless argued that the Veterans MC will fall under the scope of the 'OMG-policy' as long as 'the VMC acts like an OMG'. Vital for my argument is that 'acting like an OMG' is, in the eyes of the Minister, not about committing crimes alone. Indeed, the Minister argued that although 'the extent to which individual members of an OMG are guilty of punishable acts is something to be taken into account, it is in itself not determining for the question whether a motorcycle club is included in the OMG approach' (Nationale Ombudsman, 2017: 7, 18). This is in line with the earlier mentioned finding that the fifteen OMGs were not necessarily labelled as 'OMG' because they were 'under criminal investigation' or after it became clear that 'the (members of) the clubs carry out criminal activities' (Landelijke Eenheid, 2014: 19). The starting point to also include the Veterans MC in the list of OMGs was due to its (initial) membership to the Council of eight and 'the identification with those motorcycle clubs of which it became clear that members commit crimes on a more than average rate' (Nationale Ombudsman, 2017: 20).<sup>8</sup> Related to this, the Veterans MC failed – in the eyes of the Minister – to take distance from OMG-related symbols, such as the '1%'-logo and the 'three pieces patches'. In other words, apart from the actual involvement in criminal activities, the club above all 'manifested itself as an OMG' (Nationale Ombudsman, 2017: 7).

7 Although it is clear that members of the Veterans MC are indeed guilty of crimes (the Minister referred to a list of the criminal antecedents of eighteen out of twenty-eight members with a total of 38 violations), the National Ombudsman noticed that this list lacked information about when these crimes were committed, what specific crimes were committed and about whether these crimes were committed before or after the individual became member of the Veterans MC. All in all, the National Ombudsman argued that from the provided list of criminal antecedents it cannot be concluded that 'the committed crimes are linked with the membership of this motorcycle club, let alone with organized crime' (Nationale ombudsman, 2017: 19).

8 The Minister referred to earlier research by Blokland et al. (2014) in which the authors concluded that 82,4% of OMG members (N=601) have a criminal record. Note that this average was higher (85,8%) in the more recent and extensive study (N=1617) by Blokland, Van der Leest et al. (2017).

6.5.1 *Manifesting as an 'outlaw'*

Indeed, besides the belief that the members of the Dutch Council were supporters of either the Hells Angels MC or Satudarah MC (in case of a biker war, see paragraph 5.10.1), taking the 1%-MCs as a 'target group' in 2012 was also due to the notion that these clubs presented itself as 'outlaw' and were therefore *by definition* understood as to rebel against the nationwide rules and norms. Although this point was explained by various respondents, the following two explanations are most insightful:

'One made it easy for the government, that is why we first called it 1%-MCs, later this became OMGs, the clubs themselves said, this is because of this statement of this biker organizations in America after the Hollister-riots. So they distinguished themselves as clubs that do not comply with the law and regulations. They expressed this through wearing these 1%-sings, and they grouped itself in the Council of eight, and they organized themselves in such a way that when you as a local motorcycle club and you wore similar colours, then you had the choice of either to join the regime, which involved some obligations, or you do not wear these colours anymore. So they took care that the Hells Angels and these other seven clubs were different from all the other motorcycle touring clubs in the Netherlands. The Hells Angels were very leading in the council, they were the powerful club [...] and the other clubs [the other seven 1%-MCs, TvR] were sucked into the approach because when you say that you do not follow the law and regulations then you call governmental action upon yourself' (respondent 20).

In similar wordings, respondent 24 explained:

'At the start it was [...] it were the 1%-MCs you know, so all clubs that presented itself as an outlaw biker, this was also easy to recognize you know, they all had these patches and all this MC happenings, before this really was a thing you know, you could not just do that [wear these symbols, TvR], so back then it was rather easy to oversee [...] at the start it was the Council of eight [...] and the focus was on the satudarah and the Hells Angels and the rest was less interesting, but because they presented themselves in this way and complied with these rules they formally actually fell within this target group'.

In other words, one reasoned that the various 1%-MCs as a group deliberately placed themselves outside the conventional society by qualifying themselves as 'outlaws' and by putting their own rules above that of society. It is apparent to see that the emergence of

the 1%-label in the United States in the 1940s is still being reproduced to underpin this thesis. While referring to the Hollister riots in 1947 and the alleged statement of the president of the A.M.A. in the wake of this incident (see chapter three), the term was explained as follows:

‘The term 1%-MC stands for 1%-Motorcycle Club. The members of these clubs more or less structurally violate norms and laws. The idea behind this is that 99% of the motorcyclists are decent civilians and only 1% is ‘outlaw’. Outlaws feel elevated above the law and set their own rules above that of society’ (internal documentation).

Following-up on what Kuldova (2017: 10) called the ‘feature story’ of the outlaw biker, the belief was thus that the “outlaw’ is by definition non-conformistic and wants to show that he is different [...] a one-percenter is non-conformistic and by definition opposes the norms and values of society’ (KLPD, 2010: 7).<sup>9</sup> Contrary to the ‘normal motorcycle club’, OMGs ‘presume the law is not applicable to them’ (LIEC, 2014: 13).

Symbols alone thus also play an important role as wearing ‘three piece patches’ is believed to transmit the message that they stand above the law (Nationale Ombudsman, 2017: 10). Also the fact that the clubs stitched a ‘1%’-logo on their colours was taken as a sign that they indeed opposed the rules and norms of conventional society. This line of reasoning subsequently involved the idea that those who decide to become a member of an OMG consciously take distance – by becoming a member – from the laws and norms within conventional society:

‘From the moment you become a member of an 1%-MC, then that is what you are accountable to [in Dutch: ‘verantwoording afleggen’], then you rather take an order of an 1%-MC, despite that this might be in contradiction with the law, so you actually position yourself above the law with this [by becoming a member, TvR]’ (respondent 14).

<sup>9</sup> Kuldova described the Hollister Riot of 1947 as the ‘heavily mythologized foundational event’ and ‘feature story’ of the outlawbiker. The author noticed, in line with my description above, that the Hollister Riot and the birth of the term 1%-MCs is still – more than seventy years later – being reproduced to shape and inform policies in the present. In doing this, the suggestion is raised that all ‘outlaw motorcycle clubs’ (opposed to the ‘law-abiding motorcyclist’) share the same history and are all part of some ‘global clan’ of bikers that collectively belong to ‘the outlaw society of bikers’. She criticizes this portrayal to be too ‘straightforward’ and ‘counterproductive’. Too straightforward simply because there are ‘outlaw bikers’ that have never committed an offence and there are, on the other hand, ‘law abiding motorcyclists’ that have been charged with an offence. Moreover, there are ‘significant’ differences between various 1%-MCs to be recognized. Counterproductive because this ‘feature story’ might also hinder taking a more in-depth and realistic approach towards various clubs (Kuldova, 2017).

All in all, the clubs that were member of the Dutch Council 'placed themselves outside the society' which formed a starting point for stating 'well that is not the normal way of acting we accept in this society' (respondent 7). This 'way of acting' of course not only relates to symbols alone, but also to the structure and rules within the 'subculture' of OMGs.

### 6.5.2 A 'different' subculture

For the police, OMGs form a different 'subculture' compared to other motorcycle clubs:

'Considering the popularity of motorcycles almost every city has its own motorcycle club. On this level tours are made in the evening and in the weekend. Here there is no hierarchical positioning within the group. There is also no rule that one is only allowed to ride one prescribed motorcycle brand. Everyone is free to choice what he or she likes to drive. It also does not matter whether you are a women or man. For this level, 1%-MCs actually do not show any interest' (KLPD, 2010: 23).

I already described that the OMGs of the Dutch Council of eight (and the Hells Angels MC in particular) indeed acquired themselves a special position over other motorcycle clubs. In case a motorcycle club for instance wanted to wear particular patches on their vests, permission first had to be asked with the Hells Angels MC. An OMG can moreover be characterized by various rules that are deemed to apply for 'most' OMGs (Landelijke Eenheid, 2014: 61).<sup>10</sup>

In general, members are believed to place these club rules and interests above anything else. The ranks and social relations in a club are believed to be more important than a member's private relationships, and the rules and norms of the club are in turn more important than the rules and norms of conventional society (Landelijke Eenheid, 2014: 168; see also Huisman & Jansen, 2012). In this context, the Dutch police described that those who choose to become a member of an 1%-MC 'makes this choice for life. Accepting the status of a full-colour member comes along with rights and duties which he has to

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<sup>10</sup> In this paragraph, I give a brief introduction on some of the rules and structures within an OMG. In doing so, I made use of openly available police reports (KLPD, 2010; Landelijke Eenheid, 2014). It is important to stress that these documents by no means offer a complete insight in the modus operandi of all OMGs. It is moreover clear that the characteristics and activities of OMG 'A' cannot simply be attributed to OMG 'B' and OMG 'C'. This is also stressed by the police. As cited above, it was noted that 'not all outlaw motorcycle gangs can be tarred with the same brush' and that it is 'impossible to describe 'thé outlawbiker' or 'thé outlaw motorcycle gang'' (Landelijke Eenheid, 2014: 41, 161). Besides this, the 'world of outlaw motorcycle gangs' is currently subject to rapid changes. As it is not my aim to give insight in how OMGs operate per se, I limit myself to some characteristics that, according to the police, set the 'subculture' of OMGs apart from 'other motorcycle clubs'.

comply with' (KLPD, 2010: 39). Although it is again unclear whether this counts for all OMGs, members of some OMGs are for instance obliged to financially contribute to a so-called 'defence fund', which is used to financially back-up an imprisoned member and his family (Landelijke Eenheid, 2014: 69). An example of a rule that is also often ascribed to OMGs, is that OMG members follow-up on a code of silence to the outside world, and especially to law enforcement agencies (Landelijke Eenheid, 2014: 65).<sup>11</sup> While echoing this widely held belief, a mayor explained:

'It is of course a rather closed bastion, you know. You do not speak with the police, sometimes it also has some features of a sect, when you see what kind of admission rules they have, and when you managed to get in you cannot leave it anymore [...] so it is an alarming development' (respondent 43).

Furthermore, chapters of OMGs are generally structured around a strict hierarchy and, in contrast to other motorcycle clubs, women are not allowed to become member (KLPD, 2010: 23).<sup>12</sup>

Originally, men who wanted to become a member first had to pass through a lengthy process.<sup>13</sup> Often introduced by a member of the club, the future member first receives the status of hangaround, which comes along with doing various chores for the club (such as cleaning, working behind the bar, or to drive around board members). After a period of time, a hangaround can become a prospect of the club. The prospect is again obliged to do various tasks and is expected to be available for the club at all times. Since prospects are not (yet) member of the club, they are not allowed to drink alcohol during events or

11 In the Cobalt case, the public prosecutor blamed the members for remaining silent during the whole procedural process (despite that it was clear that the members could inform the prosecutor on what happened in the clubhouse). During a police interrogation, one Hells Angel said: 'you know our policy, I cannot inform you any further' (Landelijke Eenheid, 2014: 62). The court however argued that the suspects could not be legally blamed for their right to remain silent during a criminal investigation (Rechtbank Amsterdam, 17 March 2005).

12 Although differences are marked between various OMGs, the board of a chapter is commonly formed by the president, the vice-president, the road-captain, treasurer, secretary, and sergeant-of-arms. The president is the head of the chapter and the vice-president is his deputy. The treasurer commonly manages the finances of the club and hence also collects membership fees. The secretary makes minutes of meetings and maintains contacts with other chapters. The road captain is the person who organises motorcycle tours and also checks on the technical status of the motorcycles. Finally, the sergeant-of-arms is held responsible for 'order and discipline' among the members and also punishes a member in case internal rules are violated. He also checks on the security measures in and around the clubhouse. The full-members are the regular members of a chapter (Landelijke Eenheid, 2014: 47-48).

13 I deliberately say 'originally' because today, OMGs seem to be less strict on its rules for admission. For the Dutch situation Blokland, Van der Leest et al. (2017: 39) argued that this has to do with the growing rivalries between OMG. To secure the identity of the club and the desire to dominate others, certain OMGs (such as Satudarah MC) grew faster than a strict initiation process would allow for (see also Quinn, 2001: 391).

to get club-related tattoos (Landelijke Eenheid, 2014: 86). The idea that hierarchy within an OMG is important follows from the idea that prospects (alike other lower ranked members) always need to greet the member with the highest rank first to subsequently greet the members with a lower rank (e.g. when entering the clubhouse) (Landelijke Eenheid, 2014: 63). When the members of the chapter agree, the prospect can become a full-member after which he is finally allowed to wear the 'three piece back patch' on the back of his vest (hence called a 'full-colour member') (see also Barker, 2015: 76-81). It is no secret that new members sometimes have to pass through some sort of inauguration ritual. For instance, in a documentary about No Surrender MC, the bare torsos of the soon-to-be members were hit hard multiple times by the leather jackets of the other members (Weesie, 2017).

Once a full-colour member, you are expected to attend weekly club-meetings, ride-outs, and to visit other chapters (abroad). A member who violates club-rules often has to pay a fine and, in case of multiple violations, runs the risk of being downgraded to a lower rank (Landelijke Eenheid, 2014: 59). When someone breaks the club rules or generally puts the club in disrepute, he could even be forced to leave the club to never return again (which is also known as leaving the club in bad standing'). In this context, it is important to note that some OMG members are not only afraid to intimidate or use violence against people from *outside* the OMG. Also within some OMGs members are mistreated and threatened. The opening scene of the documentary *Satudarah - One Blood* offers a telling example of this. In this scene, members of a chapter of Satudarah MC came together in what I assume was the boardroom of the club. After the high-ranked members sat down around a table and the other members positioned themselves side-by-side against the wall, one member was called up front by the president. Although it remains unclear what this member did exactly, it is clear that the member – in the eyes of the president – violated the 'no contact' rule (possibly referring to the code of silence). Directly after the member tried to give an explanation, he was punched in the face by two members standing beside him. After the member managed to stand up, he was again hit in the face and had to turn in his colours (Van der Valk & Gavan, 2015). This first scene thus immediately made visible that internal rule violations are not always penalised with a fine, but also with violence (at least when it concerns Satudarah MC).<sup>14</sup> In other cases, members also had to remove all of their

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14 A similar incident took place in one of the scenes of the earlier mentioned documentary about the No Surrender MC. During this scene, the captain – while sitting around a table with some of the (I assume) other board members of the club – announced that one of the members (sitting on the same table) was to be kicked-out the club in bad standing. While again somewhat unclear on the exact reasons, the captain blamed the member for talking about someone behind his back and for not helping when a friend of the member got into a fight. As a result of the captain's decision, other members immediately took off his vest, t-shirt, bracelet and brought the member to another room. Although the cameras were not allowed to enter the room, the sound of multiple punches as well as the groans of the (ex-)member left little to the imagination of the consequences of this bad standing (Weesie, 2017).

club-related tattoos (Landelijke Eenheid, 2014: 59; Barker, 2015: 85-86). Investigations revealed that members, as a consequence, were (or are) afraid to leave the club precisely because of the possible (financial and violent) consequences for himself and his family (Huisman & Jansen, 2012: 101).

The way in which members are threatened and/or mistreated by other members, for instance as a punishment for violating a club rule, possibly offers the clearest example of the idea that OMGs form a 'different subculture' and have placed their own rules above that of society. Although the monopoly to use violence lies with the police, the OMGs (at least the clubs I just mentioned) acquired themselves the right to use violence when a member violated a club rule that in itself opposes a norm 'we' *are* generally expected to live by in conventional society (e.g. talking and/or cooperating with the police). However, as stressed, the examples provided above can hardly be taken as a common denominator for all OMGs. It remains unclear to what extent each of the listed OMGs in fact uses violence against its members. What *was* reckoned to be a problem applicable to all OMGs, though, was the way in which these OMGs positioned itself above and beside the law by acting as if they are 'untouchable'. The following quote reveals that, besides the involvement of members in (organized) crime, 'taking distance from the law' and 'the image of untouchability' was something all clubs were deemed equally 'guilty' of:

'Well that really makes a difference, about some clubs they knew allot and other clubs were relatively unknown still. But you did saw these clubs to get along with the Hells Angels on parties or were member of the Council of eight [...] and this was the way it was looked upon. They were acknowledged as part of the Dutch Council so one assumed that there has to be some criminal influence in this. And otherwise at least in the lack of rule enforcement, in the image of untouchability. This is what we talked about allot, the idea of taking distance from the law, and there *they were of course all part of that*' (respondent 13, emphasis added).

This 'image of untouchability' does not necessarily involves perpetrating severe offences such as drug-related offences or murder. This problem rather relates to the idea that OMGs actively and openly aimed to acquire itself an exclusive place in society in where they literally claim the public sphere and (can) do whatever they want.

## 6.6 A CLOAK OF UNTOUCHABILITY

In internal documentation, to begin with, it was noted that '1%-MCs and the clubs that circle around them have developed a special image. Part of this image is the cloak of

untouchability' (internal documentation). This concern, which clearly builds on the 'public image' problematized at the start of the 2000s in relation to the Hells Angels MC, was explicitly raised *besides* the risk for a biker war and the involvement in (organized) crime. Indeed, in the letter of the Minister of Security and Justice the Minister argued, as part of the approach, to 'break through the untouchability of the motorcycle clubs and the members in question' (TK 2011-2012, 29 911, nr. 59: 4). In addition, in the yearly and general policy plan of the National Unit of the Dutch National Police (2013-2014), the police adopted as one of its focal points: 'groups that act as if there are untouchable such as the 1%-motorcycle clubs' (Landelijke Eenheid, 2013: 12). To illustrate what this 'untouchability' involves, three interrelated situations are of particular interest: the 'OMG on the street', the 'OMG on the road', and the 'OMG and its clubhouse'.

#### 6.6.1 *The OMG in the street*

The idea that the members act as they are untouchable and stand above the law was illustrated, to begin with, by how the various members conquered the streets. To begin with, this concern is nicely illustrated in the introduction of the police report published in 2010. Here the authors responded to a statement made by the former president of the Hells Angels chapter in Amsterdam in which he claimed that the government is focusing on the Hells Angels only 'because we slightly look different'. As if in dialogue with the president, the response of the police in this report was:

'Nobody can deny that the 'brothers' look different. Whether this is only slightly different, seems a bit premature. Today allot is possible when it concerns clothing and appearance. You would not even get noticed when you wander through the Kalverstraat [a famous shopping-street in Amsterdam, TvR] in your pyjama's. But when you stroll through a shopping street with the colours of an Angel all eyes are focused on you. Let this vest hang over the shoulders of a muscular man's body, with the colour of the arm skin unrecognizable as a result of tattoos, attention is guaranteed. It is especially the search for that special attention to show that somebody walks here that wants to distinguish himself from the rest, and wants to communicate some kind of untouchability' (KLPD, 2010: 6).

Interesting to note here is that the police argued that the OMG member hence not only has a distinctive image, but that 'he' also *wants* to distinguish himself from the rest of society. For one mayor, members of an OMG indeed want to be seen and recognized: 'it is a group that wants to be seen, with a motorcycle, wearing a jacket, I belong to a club

[...] the behaviour of the group is unbelievably strong for this phenomenon' (respondent 67). For respondent 16, this was indeed one of the reasons for focusing on OMGs:

'I also think that our focus is, like, we focus on you because you wear these jackets, you transmit something with this, you also want to show something with this; how dangerous and scary you are, that you are part of, you know, people do see it as a criminal organization'.

In line with this, various respondents recalled situations where members as a group strolled through the city centre as some sort of untouchable entity. One police officer for instance explained to me that they had video footage of members walking through town in an intimidating manner. By walking in group formation 'everyone had to move aside' and they did not pay for the drinks they enjoyed on the terraces (respondent 24). Another police officer similarly explained: 'the effect these guys have on the normal public is enormous, that is enormous, we as the police cannot get this done so easily, that people move aside because these gentlemen are approaching' (respondent 5).

One interview in particular, which fits perfectly in this paragraph, helped me realize that the 'problem of OMGs' indeed moves beyond the involvement of members in serious crimes alone. On this occasion, I interviewed a mayor of a large city and a civil servant of the local Department for Public order and Security. During this interview I asked both respondents what the problem with OMGs exactly was. While somewhat surprised by this seemingly ignorant question, both respondents started to sum up several criminal activities. The mayor responded:

'I would like to suggest you watch this documentary One Blood again, and lay down the Criminal Code besides you on the couch and then you read along [with the documentary, TvR]. Then you see extortion, then you see trafficking in women, then you see physical abuse, then you notice they are involved in the drugs circuit' (respondent 51).

The civil servant moreover pointed to the fact that firearms and hemp was found during a police search of a house of one of the members. Several minutes later in the interview, however, after I raised questions about the goal of the approach, the civil servant at the same argued:

'Well it is about who is the boss in town [...] it cannot be that, there were times in the night-life that they walked in one-line through our catering street, and this simply cannot be, like the police really had to keep its head straight not to budge, which fortunately also did not happen, but is not happening here, we

are not walking with vests through town here, and then it is about the display of power and about making clear that you [as the local government, TvR] are the boss in your own town' (respondent 52).

This fragment thus clearly reveals how law enforcement agencies, besides the involvement of OMG members in a wide variety of criminal activities, also felt troubled about how their behaviour 'in the street' effected the authority of the police and the government at large. In *EenVandaag*, the mayor of Kerkrade used similar words to argue that 'you cannot allow that these type of groups become the boss in villages or cities' (*EenVandaag*, 8 July 2015). For respondent 11, this has all to do with the 'visible side' of 'these motorcycle clubs':

'You do not want that these motorcycle clubs with these vests and image say like we are more powerful and the boss here. That they will dominate the nightlife and that pub owners are starting to take in consideration what these clubs want more than what the government wants'.

The same 'visible side' of the untouchable image of OMGs also becomes clear in relation to how the clubs behave 'on the road'.

#### 6.6.2 *The OMG on the road*

To illustrate the idea that OMGs act as if they are untouchable and 'live above the law', many respondents also referred to the way in which OMG members lord over the road during ride-outs while collectively denying traffic rules along the way. The following quote of a police officer is illustrative:

'When you move through the traffic, then you just need to comply with the rules. There are different rules to escort trips, but they [OMGs, TvR] just rode roughshod over these rules. They just organized it themselves, they determined that crossings were blocked, they determined everyone would deny a red stopping light. And this was very demonstratively to the public like, this is our area and we do what we want, we do not care about a thing. So also these 1%-clubs, where the criminal content is much lower, they also had this manifestation towards the outside, the tough character and they do not care about the law and regulations' (respondent 20).

The LIEC (2014: 13) gave a similar description:

‘From police reports it follows that there is also bothersome and asocial driving behaviour which causes very severe traffic-disruptions. For instance, by making it impossible for other traffic users to pass, riding over emergency lanes and by cutting off the road. Ride-outs often cause disturbances of the public order through intimidating pedestrians and motorists. Participants [of a ride-out, TvR] act as if they are the boss [in Dutch: ‘heer en meester wanen’] which could also create the image that there is no need for them to follow the (traffic) rules’.

Again, in these two quotes, it is obviously not the involvement in e.g. drug-related offences or money laundering that is problematized. Instead, what is condemned is the way the groups as such lord over the road and demand the other road-user to adapt to this behaviour. In fact, a ride-out in itself was understood as a deliberate way to take distance from conventional society. Or how one respondent described it, it is a way ‘to raise the middle finger’:

‘Look, you know, what they do, I mean, through rather small manifestations like a ride-out on the public road where they massively flout the traffic rules, this all sounds not that exciting but it is actually a way of raising the middle finger to the government and society’ (respondent 25).

Crucial in this, is not only that the members collectively violate the traffic-regulations. It is particularly the resulting public image that there is no *need* for participants of a ride-out (i.e. OMG members) to follow up on the rules just like any other citizen. Rule enforcement by the police thus plays important role for this image. First, the image of the untouchable OMG can be the result of an *inactive* role of law enforcement agencies. During an interview with a police officer, the respondent uttered his discontent with how members seem to follow their own rules without the police taking action in response. The respondent gave the example of a situation where members of OMGs caused public disorder during a ride-out. I find it worthwhile to quote this example at large here:

‘These guys made a ride-out from Den Haag to Haarlem and back. During this ride they stopped at the beach where they enjoyed a bottle of beer, and another one, and another one. And those motorcycles are parked on the sidewalk and get allot of attention from others. After a while they hop on their bikes again and intentionally cause a traffic stop as they first need to re-group. While doing so, they start to spin their tires, which caused allot of smoke and noise. Allot of by standers record this on their Iphones and put it on Facebook, and then

I think, well, we [the police, TvR] just stood by it and looked at it. After that we said, when such things happen again, and I perfectly understand that you are in a difficult position when you are only with two colleagues, but then you have to request for backup [...] because it cannot be that those men drink beers, hop on their bikes, hinder all traffic, and then just leave. In this way you undermine your own authority. At first the citizenry thinks it is nice to look at, but if you start thinking about it; in this country we set rules where we have to abide by, but apparently there is a group who says; 'yes, these rules apply to you but not to us'. In this way, it starts to become a strange world. And more so, when the institute that came to life to stand up against this behaviour only stands by it and looks at it, then I think; oh boys, we really made a mistake' (respondent 5).

Apart from the fact that the described situation (could) result in a dangerous traffic situation and nuisance to other road users, especially the image of members lording over the road was problematized by this respondent. By taking over the road and through spinning their tires, they made the other road users stop and demanded from them to wait until the group was ready to leave. For this respondent, the idea that the police facilitated this by 'doing nothing' was an eyesore in the same way as the police facilitated the funeral of Sam Klepper was an eyesore for the Minister of Justice in 2000 (see paragraph 5.6.1).

Indeed, what is problematized here in many ways resembles the 'public image' of the Hells Angels MC that was equally problematized by the 'local triangle' of Amsterdam in 2001. Rooted by the discussion that followed after the funeral of Sam Klepper, the police described the Hells Angels as 'a criminal motorcycle gang that rides roughshod over the norms that exist in this society and get the things done they want', without fearing (or the need to fear) the legal consequences. In 2000, however, it was the *active* role of the police that had fuelled this image. Albeit a strategy of risk-management, the image that the police facilitated and escorted the Hells Angels MC through the city centre led to the 'image' that 'a group of criminals' received a special treatment. More than ten years later, as I described in the previous chapter, the role of the police during the funeral is remembered as a 'mistake'. What was problematic about this, is that it built the image to the 'average civilian' of an 'untouchable' entity that is able (and even actively facilitated) to violate regulations. While describing a ride-out of another OMG, which was equally guided by the police, respondent 22 explained:

'It was even guided by the police, knowing that lots of violations happen in this procession, so yes that was actually a situation of tolerance. And this raises the image with the average civilian that these lads can simply do whatever suits

them best, and you can say this was the problem of the apparent untouchability we pointed to that time’.

Of course, whether the police facilitate an OMG during a ride-out or is hesitant to enforce the rules and regulations during another, are simply two sides of the same coin. The overarching problem, as envisioned by the government, was that ‘we see that people do not follow-up on the rules of society and that we see that the police remains in some way reluctant to approach these individuals or groups and to treat them as normal civilians’ (respondent 10).

### 6.6.3 *The OMG and its clubhouse*

A third topic of concern that closely relates to the previous two cases is the focus on clubhouses. Already in 2001 the clubhouse of the Hells Angels MC was described as a ‘safe haven’, meaning that this clubhouse turned into a place where members were able to do whatever they want largely out of sight of law enforcement agencies. As I described, this ‘enforcement deficit’ fuelled the untouchable position of the Hells Angels (see paragraph 5.7.3). When the approach got a wider focus in 2012, the clubhouses of the other OMGs equally fell – for similar reasons – under the same attention. It was noted that clubhouses of OMGs often did not have the required permits (e.g. liquor license) or were not settled according to the local government plan (e.g. in a business or commercial area). Although it has been recognized that OMGs differ in terms of its involvement in (organized) crime, this concern typically had a bearing on all OMGs:

‘When such motorcycle club has a clubhouse without a permit, yes then you just have to enforce this. Whether you are a veteran or an Angel, it does not matter. So, in this way I do not find it strange we are looking to these clubs in this way, because of the untouchability and because they also just have to follow the rules, even though they are not involved in large fights or extortions every weekend’ (respondent 10).

As I also noted in the previous paragraph, ‘untouchability’ exists in relation to ‘the average civilian’. That is, it is believed to give a wrong signal to *other* civilians when OMG members are able to settle in a clubhouse that does not comply with the law and local regulations. Respondent 5 nicely summarized this point as follows: ‘it cannot be that they have no permit but serve alcohol and the ground has the destination for residential areas, while an organization or entrepreneur who starts a catering has to decently obtain his papers and they [the OMGs, TvR] do not’.

The idea that the clubhouses of OMGs were treated differently was not only due to e.g. other priorities of the local government or the police. Although ‘1%-MCs care little about regulations and the government’, the violent reputation of these clubs also instilled fear among law enforcement agencies to actually enforce on the rules. One recognized a ‘vicious circle’ in the sense that the untouchable character of the club also influenced the willingness to approach these clubs (internal documentation). In relation to this, the clubhouses were often (without stating this was always the case) shielded from the outside world which in itself also impeded or hindered rule enforcement (Landelijke Eenheid, 2014: 65). A police officer remarked in this context:

‘I mean these clubhouses are covered with camera’s and security from top to bottom, I mean that should not be needed when you are a regular club you know, with guarding dogs on the terrain, having a some guarding the clubhouse day and night, all these kind of curiosities, that is nonsense, right?’ (respondent 25, see also KLPD, 2010: 36-38).

Albeit unrelated to the clubhouse itself, it is noteworthy that the untouchable character of OMGs also related to the events organized on the premises of the clubhouses. As respondent 27 explained, OMGs often also organized parties without any of the required permits:

‘Look, any regular civilian has to apply for a permit for such a party, and they have to abide by all sorts of conditions, well they guys used to throw parties, and they cared about no one else and streets were blocked [...] you know, a kind of untouchability in the public space. We just don’t want that anymore’.

#### 6.6.4 *The ‘apparent’ untouchability*

All in all, one of the pivotal reasons for the Dutch government to focus on OMGs is because the OMGs act, sometimes facilitated by an ‘active’ or ‘inactive’ government, as if there is no need for the members to follow up on the laws and regulations alike any other ‘average civilian’. The rationale behind the approach towards OMGs was precisely to show that nobody lives above the law and that these members simply have to follow up on the rules:

‘So you had this fear for a confrontation between rivalling motorgangs and you also had this feeling like these boys do whatever they want, and we as the police or as the government are actually unable to let these clubs abide by the rules, we accept way more from them compared to what we would accept from other civilians you know, and this has to come to a halt. They settled in illegal

clubhouses, they ride in antisocial manner, and one walks through the city in an intimidating way. Why do we accept that? So that was also the feeling like, yes, this finally has to end' (respondent 13).

Indeed, the Minister of Security and Justice described in his 'OMG-letter' of January 2012 that the 'flouting of the rules and acting as if one is untouchable has to be stopped [...] safe havens in where one does not care about national rules and norms cannot be tolerated' (TK 2011-2012, 29 911, nr. 59). In short, the message was that 'nobody is untouchable' (TK 2012-2013, 29 911, nr. 81: 20).

It is also for this reason why in many of the documents and interviews one referred to the *apparent* untouchability (in Dutch: 'schijnbare onaantastbaarheid') of OMGs. With this, one emphasized that OMGs only act as if there are untouchable, while in reality they are not (or at least should not be). Indeed, when I asked respondent 22 what he actually meant with the 'apparent untouchability' of OMGs, he explained: 'yes, that 'apparent' meant that we thought they were not untouchable you know, but it looked like this for the rest of society, but we find that we were certainly able to approach these lads'.

## 6.7 THE SOCIETAL EFFECT OF OUTLAW MOTORCYCLE GANGS

In the previous paragraphs, I have shown that the 'problem of outlaw motorcycle gangs' is a multifaceted problem. OMG members have shown to be involved in a wide-range of criminal activities and public order has been disturbed on multiple occasions. Furthermore, clubhouses were often established without the required permits and members collectively disobeyed traffic violations during ride-outs, which in effect built an 'image of untouchability'. Characteristic for present times, however, is that these and other activities were and are not 'simply' problematized because they violate the (criminal) law or victimize citizens. Today, law enforcement agencies rather seem to stress the *effects* of these acts for society as a whole. Put differently, one 'looks at the societal effect of the presence of this group, what is the societal effect of what they do in our society?' (respondent 25). To give meaning to this 'effect', it is important to first introduce the term 'undermining criminality'.

### 6.7.1 *Undermining criminality*

Roughly from the start of the 2010s, local governments, the Public Prosecution Service, the Dutch National Police and the Ministry of Justice and Security not only write about fighting (organized) crime, but increasingly about fighting *undermining* forms of crime, or 'undermining criminality' (in Dutch: 'ondermijnende criminaliteit') (Kolthoff & Khonraad, 2016). In fact, in 2009, the Supervisory Board of Police Chiefs (in Dutch: 'Raad

van Hoofdcommissarisen') prioritized 'undermining' as one of the five security issues (Politie Amsterdam-Amstelland, 2009: 7), whereas the Minister of Security and Justice in 2014 launched the 'integral approach against undermining' as one of the three focal points in the fight against organized crime (Ministerie van Veiligheid en Justitie, 2014: 3).

As pointed out by Faber (2013), Kolthoff and Khonraad (2016), and Lam, Van der Wal and Kop (2018), the term 'undermining' or 'undermining criminality' is difficult to operationalize precisely because the term is coupled to a wide variety of (criminal) activities. Indeed, the police in Amsterdam described that 'undermining criminality consists of all forms of crime that threaten the integrity of our society' (Politie Amsterdam-Amstelland 2009: 33). Although the meaning of 'undermining' goes beyond criminal activities and organized crime alone (Lam et al., 2018: 19), it is clear that especially organized crime activities (e.g. money laundering, human trafficking and the production and trade of narcotics) are understood as forms of 'undermining criminality'. In this context, the LIEC (2015a: 5) described that 'organized crime is an insidious poison that slowly but surely leads to the demise of the roots of the democratic constitutional state at the cost of economic sectors. This erosion is also known as the undermining effect of organized crime'. These activities not only infringe on legal provisions of the criminal law, but also, so it is argued, erode or weaken the 'social-cultural, economic, political, technological and ecological foundations and/or the system that aims to protect these foundations' (OM & Politie, 2016: 5).

In an attempt to clarify the term 'undermining criminality', Faber (2013: 19) portrayed society as built around an interconnected set of systems or foundations and rules. These systems include, among other systems, the criminal justice system, the financial-economic system, the political system and the social security system. The people who live in a society make use of and are depended on these systems as well as on the regulations that come along with it. A society only functions when people can trust these systems and when these systems function properly. Central to the concept of 'undermining criminality', then, is that it puts emphasis on the eroding *effects* of crime on one or more of these systems. Indeed, the Dutch National Police operationalized 'undermining' as the 'weakening or abusing of the structure of our society, leading to a corroding of the foundations of our society and/or the legitimacy of the system that protects it' (Nationale Politie, 2016: 32). These systems or foundations are disrupted especially through the intertwining of the so-called 'underworld' with the normal structures of the 'upperworld. In this context, the Parliamentary Working Group 'Verwevenheid van de Bovenwereld met de Onderwereld' raised red flags about how criminals use, and are sometimes (legally) bound to use, the legal structures of society to commit their crimes and in effect gain a position in the 'licit world' (Joldersma et al., 2008).

For instance, occupations related to 'mobility and logistics' can act as a 'fertile breeding ground' for smuggling activities (Kleemans & Van de Bunt, 2008: 193). People working

on an airport or port, to take an obvious example, could facilitate drug trafficking by simply overlooking certain loads or shipments. In the same way, the real estate sector can act as 'fertile breeding ground' for hemp cultivation, human trafficking or money laundering. Moreover, a financial expert (such as an accountant or tax-advisor) can facilitate criminals, both consciously and unconsciously, by transferring and investing illegally earned money in the 'licit world'. In case a criminal wants to transfer ownership of a property or company from one person to the other, he is furthermore bound to use the (legal) service of a notary. Lawyers, then, might help criminals to make financial transactions or by advising on existing loopholes within the law (Kruisbergen et al., 2012: 107-149). Finally, a civil servant could play a role, again both consciously and unconsciously, in providing criminals with various permits, and a corrupt police officer can facilitate criminals in offering vital intelligence or information about police investigations.

It is particularly the way criminals (ab)use the various legal structures and systems for their criminal activities which is described as having an undermining effect on society. In this context, one also talks about the 'systemic effects' of organized crime (Kruisbergen et al., 2012: 34; Dorn & Van de Bunt, 2010). An important 'systemic effect' of organized crime is that it can wear away the trust of civilians in the rules and systems on which society is built. For instance, when it turns out that the institute that was established to protect the citizen from criminals is itself 'contaminated' by criminal influences, the citizen might lose faith in the integrity of the criminal justice system altogether. The same goes for the reputation and trust in certain professions (e.g. lawyers and notary) or economic sectors (e.g. Schiphol airport). Financial-economic crimes or money laundering, moreover, erode the free play of market forces and trust in the financial system (TK 2012-2013, 29 911, nr. 79).<sup>15</sup>

To approach 'undermining criminality', the LIEC and RIECs prioritized a list of various forms of organized crime. These forms included 'human trafficking', 'organized hemp cultivation', 'fraud and abuse within the real estate industry', and 'money laundering and related forms of financial-economic crimes'. Interestingly, besides these criminal activities also 'outlaw motor gangs (OMGs)' were added to this list (Ministerie van Veiligheid en Justitie, 2016: 7). This is apparent because the first four forms concern activities (the 'what'), whereas an OMG is a group (the 'who') of which its members are believed to be involved in the former four (and other) criminal activities. Hence, not the activities but the group as such is perceived as having an undermining effect on society, which is in line with what a mayor explained during an interview: 'I see the approach to OMGs in relation to the problem of undermining, it undermines society, I think that is something we have to hinder

15 Lam et al. (2018: 60) divided the effects of undermining into five categories; the erosion of the (1) financial-economic system, (2) livability, (3) ecological environment, (4) morality and sense of justice, and (5) democratic state and its institutions (see also Van der Steen, Schram, Chin-A-Fat and Scherpenisse, 2016).

as a society' (respondent 69). Even more telling is how a strategic analyst of the police specialized in OMGs put it in *Code Geel*:

'Crime is not the only reason to fight criminal motorcycle gangs. It is not only about what *they* do in the underworld. It is about that *they* have their own norms and rules and that *they* punish and reward. They also do this in the legal world and this has a corrupting effect. With this *they* affect the society and compete with the government' (LIEC, 2018b, emphasis added)

You could say that both the mayor and the strategic analyst in turn reinforced the Minister of Security and Justice who wrote in 2012 that 'it has to be prevented that outlawbikers acquire themselves through a tricky process an undermining base of power in society' (TK 2011-2012, 29 911, nr. 59: 2). In the following paragraph, I will describe in more detail what the undermining effect of OMGs involves.

#### 6.7.2 *The OMG: undermining Dutch society*

As we have seen, members of OMGs are involved in various criminal activities that are currently put under the banner of 'undermining criminality'. Thus, following up on the meaning of 'undermining criminality' sketched above, *individual* members who are involved in organized crimes undermine the various systems on which society is built. Former Member of Parliament Mr Oskam in this context also argued that members 'do not contribute to a safe Netherlands but rather act destructive' (TK 2014-2015, 28 684, nr. 415).

I also described, however, that the concern of the government goes beyond the acts perpetrated by individual members alone. After all, the LIEC noted that 'undermining, intimidation, threats and criminal activities are *inherently* linked to the existing OMGs' (LIEC, 2015b: 3, emphasis added). It is therefore also the behaviour and activities linked to the group as whole that is deemed to have an undermining effect on society. The following quote nicely illustrates that this concern is indeed also particularly linked to 'the' group:

'That is the undermining effect of the collective. They try to sugar coat it by organizing motorcycling tour for sick children, you know, in Vlaardingengen they bring with Christmas trees for the poor [...] yes then you try to look good to the outside, but actually it is just an association which tries to, by means of their closed structure and their omerta, generate a club with which they can commit allot of punishable acts and make money. That is the core of the

problem, so one, that they commit criminal activities, but two, that they do it in a way that is subversive, or undermining the complete society' (respondent 35).

Not least due to excessive acts of violence and public disorder (related in particular to the Bandidos MC, Hells Angels MC, Satudarah MC, and No Surrender MC) as well as acts of extortion and intimidation by abusing power of the patch, the premise also dictates that 'OMGs form a threat to the public order and security' (TK 2013-2014, 28 684, nr. 407: 1).

It is interesting to add that the OMGs do not only undermine society through the involvement in severe forms of crime. It also their presence and general behaviour in the public space that is believed to have an undermining effect on society. The behaviour of 'the OMG in the street', for instance, undermines 'feelings of safety of the citizen' (respondent 72). For one mayor, walking through town in a V-shape by an OMG is even part of their larger criminal business process:

'Why would they want to walk in V-shape? Because they have a position somewhere, they want to conquer a position. Why do they need that position? [...] because they want to occupy a pub area and to use this market to gain access to people who might be interested in the illegal hemp industry, to create a selling market for the hemp industry' (respondent 76).

Furthermore, ride-outs not only cause public disorder but are also taken as a sign that these clubs want to show society that they are the 'boss' and are not obliged to comply with the traffic rules as 'normal' people do. Through this behaviour OMG members sometimes restrict, or undermine, the freedom of movement of citizens. Besides the obvious example of a large-scale ride-out, the following incident also acts as an illustrative example:

'We have examples that someone was literally hunted out of a toilet because the president had to go to the toilet, so nobody was allowed to go the toilet for a moment [...] it is the way of looking that tells, I do not say I thing but the message is clear that you are not allowed to enter [the toilet, TvR]. That is a sort of undermining by which people do not feel free to do the things they perhaps want to do' (respondent 35).

Precisely because OMGs are believed to have placed themselves above and beside the law, OMGs also (or especially) undermine and 'compete' with the authority of the state (LIEC, 2018b). In line with the above, the latter police officer continued: 'I tend to recognize that they sometimes want to convey the impression, by means of their vests, by means of their motorcycles, by means of their behaviour in the street, that they are undermining authority'

(respondent 35). Another police officer in similar words explained: ‘you see that the group organizes itself and wants to behave outside a control structure’ (respondent 37). As if in response to this, respondent 11 emphasized that ‘there cannot be something else besides the state authority, and the motorcycle clubs show from their nature that they want to exist besides the state authority, so they are actually undermining’. Because OMGs are believed to live according to their own codes and hinder law enforcement (e.g. through the closed-off character of a clubhouse), OMGs in other words transmit the message of ‘fuck the government’ (respondent 42). Besides their behaviour on the road or the street, OMGs also undermine the authority of the state by using violence:

‘Civilians gave the government the monopoly to use violence. This prevents that we have here the law of the jungle. This offers security and welfare. It also offers the assurance that this power is being controlled and deployed proportionally. This is the base for everything we do in the Dutch society. Organized crime is trying to tear down this base and tries to erode our security and welfare for their own benefit. With this is challenges the government, especially when they do it in uniforms, like criminal motorcycle gangs do’ (TK 2015-2016, 29 911, nr. 128).

As we have seen, law enforcement agencies occasionally have been – caused by the violent reputation of OMGs – less willing to act on the rule-breaking behaviour of OMG and/or its members. Think for instance about the case where park attendants in the city of Haarlem did not fine members of the Hells Angels MC for parking their cars incorrectly (paragraph 5.7.3), or about the clubhouses that often did not comply with existing local regulations (e.g. in terms of permits). As citizens are sometimes afraid to file a case against an OMG, the police are also not always able to take on OMGs. Besides that this plays into hands the ‘untouchable’ character of OMGs, it also leads to the unequal treatment of citizens, which in turn undermines the integrity of the government:

‘The integrity of the government is at stake: the spreading of fear by means of intimidation and extortion – and related to this the possible reluctance to enforce rules and the limited willingness to file cases – and the closed character of the clubs hinders adequate control and rule enforcement. Clubhouses and other meeting points often do not comply with the law and regulations and members for instance reveal norm-deviating behaviour in traffic, while no action is taken by law enforcement agencies’ (internal documentation).

On the other side of this coin, the unequal treatment of OMGs moreover undermines the sense of justice among citizens:

‘In relation with motorcycle clubs, it is also about the sense of justice among people. Why can a motorcycle club block the road, and drive slowly, there is no enforcement of this, that is of course, your constitutional state [in Dutch: ‘rechtstaat’] is not getting more stable because of that, so why can these types of structures exist where you can live a luxurious live without paying any taxes, that is a type of undermining’ (respondent 13).

Again in relation to this, the existence of so-called safe havens and the ‘untouchable character’ of OMGs is furthermore described to undermine the trust of civilians in the capability of the government to ‘take control over criminality’ (TK 2012-2013, 29 911, nr. 79: 5).

Above all, because OMGs are believed to have positioned themselves outside society, OMGs are *by definition* understood as to rebel against the nationwide rules and norms. As a result, members are not only perceived as people who are involved in activities that are commonly put under the banner of ‘undermining criminality’, they actually try to overthrow the rules and values of the constitutional state altogether (respondent 35). In other words, the problem not only lies with actual violations of the law, but also with the idea that OMGs disrespect the law itself: ‘the combination of characteristics, attitude and behaviour of 1%-motorcycle club and their members forms a serious undermining of our constitutional state’ (internal documentation). Indeed, former Minister of Security and Justice Mr Van der Steur was clear in stating that ‘criminal motorcycle gangs in the Netherlands form a great risk for our constitutional state’ (TK 2014-2015, 87-3-1). It is important to emphasize that this undermining effect of OMGs is not understood as a simple by-effect. As the quoted respondents in this paragraph also reasoned, OMG members actually *want* to live above and besides society. The strategic analyst of the police quoted in *Code Geel* in fact argued that it is a deliberate ‘goal’ of OMGs to undermine society:

‘Most criminals just want to earn allot of money. That they undermine our society along the way, is something they take for granted. This is different with criminal motorcycle gangs. They also want to earn money, but they also have another goal: the undermining of our constitutional state. They openly contest the police’s monopoly to use violence and the authority of the administration’ (LIEC, 2018b).

All in all, ‘the problem of outlaw motorcycle gangs’ is not only deemed a problem of (criminal) law violations; it is above all a problem because of the (alleged) deliberate intentions of ‘the’ OMG to undermine Dutch society at large. Hence, OMGs form a risk for the *future* in terms of the crimes and public disorder committed by the members, but, at the same time, the mere existence of ‘the’ OMG phenomenon also undermines what

Hallsworth and Young (2008) called the ‘good society’ in the *present*. Law enforcement agencies are, in consequence, not only concerned about the (criminal) activities, but also about the phenomenon as a whole. What better way to end this paragraph than with the words of the mayor of Kerkrade who was threatened by the Hells Angels MC: ‘when you allow this in a community, then you are far away from the democracy where we all put so much effort in, and where fought for, which we have always heralded so much. That is just not possible right?’ (EenVandaag, 8 July 2015). In the following, final paragraph, I will give some more indications for the idea that it is the phenomenon as a whole that became undesirable.

## 6.8 AN UNDESIRABLE PHENOMENON

As we have seen, there are important differences to be noted when it concerns the involvement of OMGs in (organized) crime. Yet, the belief remains that all OMGs are part of a subculture that has deliberately placed itself outside conventional society. Despite that the police notified that it is ‘impossible to describe ‘thé outlawbiker’ or ‘thé outlaw motorcycle gang’ and that ‘not all outlaw motorcycle gangs can be tarred with the same brush’ (Landelijke Eenheid, 2014: 41, 161), the recent focus on OMGs *did* result in a seemingly clear division of the ‘world of motorcycle clubs’ into two opposites; the ‘good’ and the ‘bad’.

### 6.8.1 *The ‘good’ and the ‘bad’*

Hallsworth (2013: 82) argued that the use of the gang label reduces the world ‘to a fundamentally binary between the ‘healthy’ and those that ‘threaten to overwhelm us’. This distinction can also be recognized in relation to motorcycle clubs, whereas the ‘good’ are portrayed as essentially different from the ‘bad’ motorcycle clubs. The following fragment from a book published by the LIEC (2015a: 19) is very telling:

‘Those who become member of a motorcycle club love riding motorcycles. When spring is on its way and the weather gets better, motorcyclists like to go out on a trip. In the winter they spent time to carry out maintenance to the bike. Club members enjoy the trips they make, the speed, the environment, the sociability among each other. There are also other motorcycle clubs. Clubs which are not centred on the fun of riding. Some members do not even have a driver’s license. They can be recognized by their clothing with logos. These clubs have a closed group culture; you cannot become member so easily. Some members are involved in criminal and deviant behaviour. There are clubs of

which eight out of ten members have a criminal record. These clubs are called Outlaw Motorcycle Gangs (OMG's)'.

The somewhat imaginative and romantic description of the first 'type' of motorcycle club is clearly contrasted with the 'other' motorcycle club, which divides the 'world of motorcycle clubs' in a dichotomous manner. You are either member of a 'normal' motorcycle club that is actually interested in motorcycles or you are member of club that is not. You are either member of a club of which some of its members are involved in criminal activities or you are a member of a club of which its members are not involved in criminal activities. There are members who enjoy the club for its trips and sociability while members of the 'other' clubs do not enjoy from motorcycle trips. The same distinction also came to light when the Minister of Security and Justice decided to – on request of the Dutch Royal Motorcyclist Association – use the word 'outlaw motorcycle gang' instead of '1%-motorcycle clubs'. In a conversation with the association, the Minister emphasized:

'In the policy a clear distinction is being made between motorcycles and normal motorcycles on the one hand and OMGs on the other hand. In contrast to the first group the OMGs believe that the law is not applicable to them and also behave in this way' (LIEC, 2014: 13).

Member of Parliament Mr Van der Staaij (SGP) confirmed this view by emphasizing that 'in the use of our language we have a duty not to name the good in the same breath as the evil' (TK 2015-2016, 29 628, nr. 640: 39). To emphasize this distinction, the 'normal' motorcycle clubs are also described as the 'not-normdeviating' clubs (LIEC, 2014: 7).

The distinction between the 'good' and the 'bad' can be equally recognized in a meeting of the Commission for Security and Justice, during which members of the Second Chamber debated with the Minister of Security and Justice about the problem of OMGs (TK 2015-2016, 29 911, nr. 128). During this meeting, Mrs Van Toorenborg (CDA) put emphasis on the idea that she is not intending on prohibiting all motorcycle clubs:

'The Second Chamber is rather single-minded about the approach to motorcycle gangs. I intentionally say «motorcycle gangs», because last week when I wrote about this topic I noticed that allot of people thought I was planning to prohibit every motorcycle club. Absolutely not! I know motorcycle clubs that are allot of fun [...] on the other hand there is pure scum. I think we have to tackle them and most certainly not those enthusiastic motorcyclist who ride through our beautiful landscapes with their hair blowing in the wind, also on beautiful machines. A feast for the eyes! We are not talking about them, we only talking

about those lads who often do not even have a driving license' (TK 2015-2016, 29 911, nr. 128: 9).

From this apparently clear division between, on the one hand, clubs with 'enthusiastic motorcyclists' and, on the other hand, clubs with 'pure scum', Mrs Van Toorenborg later concluded that those people who want to join the first type of club should always be able to do so. Although it was recognized that it is difficult to judge an individual for its willingness to become member of the latter 'type' of clubs, it was nevertheless emphasized that people who want to join these motorcycle clubs, 'should realize that they are doing wrong' (TK 2015-2016, 29 911, nr. 128: 10). In this way, apart from whether the individual is involved in criminal activities, becoming member of an OMG in itself is viewed as something inherently 'wrong', as something you should not want if you are a 'good' and 'enthusiastic motorcyclist'.

The idea that you are 'wrong' when you decide to join an OMG was also nicely illustrated by a mayor who explained that he found the original clubs of the Dutch Council 'are good-for-nothing [in Dutch: 'deugen voor geen meter']. I don't make any distinction between them'. When I asked how this mayor reflected on the differences between OMGs in terms of criminal involvement, the mayor explained:

'To put it simple, you have for instance the hooligans of the seven clubs of the Eredivisie [...] and as a hooligan you associate with these clubs, you make an association with them, yes then it just simple clear right? [...] yes, probably there are people without a criminal record, yes interesting, but what then are you doing in this club? Really, with all due respect, but I am beyond that naivety, try to explain to me what I have to look for with the Hells Angels when I am not a criminal!' (respondent 76).

Indeed, the notion that OMGs positioned themselves outside 'conventional society' also involves that 'full-colour membership' does not sit square with the role of the 'individual within the conventional society'. For instance, in 2010, it was described that most full-colour members do not receive income from paid employment and when members *do* have 'conventional employment' it 'seems that this is used more like a cover-up'. Therefore, 'full-colour members are thus rightly to be labelled as 'outlaw'' (KLPD, 2010: 127).

### 6.8.2 *Taking distance from the outlaw*

The idea that the discontent of the Dutch government is to a great extent geared to the phenomenon 'outlaw motorcycle gangs' as a whole can also be derived from how the

government expected clubs and members without a clear involvement in organized crime to actively take distance from the phenomenon. This expectation was nicely illustrated in a report by the National Ombudsman (2017) in which it is described that the Minister offered the Veterans MC some sort of directive to get rid of the ‘special attention’ of the government.

First, the Veterans MC had to ‘openly and unconditionally’ take distance from the outlaw-label, any symbols related to being an outlaw, and the Hells Angels MC. Indeed, as the slogan of the club ‘veterans forever, forever veterans’ bears resemblance with that of Hells Angels MC (‘angels forever, forever Angels’), the Minister assumed friendly contacts of the club with the Hells Angels MC. With regard to the symbols, the Minister especially pointed to ‘three piece patches’, the claim to be a ‘full-colour motorclub’, and the ‘1%’-logo. It was considered important to take distance from these symbols because it was precisely through these colours that clubs such as the Veterans MC were ought to express their belief to live ‘above the law’. Besides this, the club was also expected to openly acknowledge that the law is applicable to the club and its members, and that ‘the members as normal civilians grant their cooperation to the police’ (Nationale Ombudsman, 2017: 10). Furthermore, the Veterans MC had to take measures against members who are involved in criminal activities by making clear that ‘criminal activities are not tolerated and by dismissing criminals’. Finally, the Veterans MC was ought not to have a ‘sergeant-at-arms’, should not attend events of other OMGs, and also should not invite members of OMGs to attend their own events.<sup>16</sup> All in all, it was explained that when the Veterans MC take distance from being a ‘1%-MC’ and got rid of any link with being a ‘full-colour club’, attention will in fact shift away from the club (Nationale Ombudsman, 2017). Following up on the discussion raised in the report of the National Ombudsman (2017), another respondent noted:

‘Veterans really challenged the government to leave them alone, you know, like ‘we are not criminal’, and we have responded to that by saying that we focus on the OMGs, and when a motorcycle club likes to run in the same circles of OMGs then they get the attention of the government. So, when you believe that you are a righteous club then maybe you have nothing to search for with the other OMGs. You should not want to be part of that. And when you do not distance yourself, then you eventually fall under the radar of the government. So, it also the task of the clubs themselves to distance themselves from that [...] and that would be the most convenient instrument to place

16 The National Ombudsman argued that these requirements are ‘going too far’ and ‘tend to corrode the private lives’ of the members. It was argued that wearing particular symbols such as the ‘three piece back patches’ cannot act as a ground to take a motorcycle club under a policy (Nationale Ombudsman, 2017: 20).

yourself out-of-the scope of the government, I think [...] apparently there is added value in the world of motorcycle clubs to belong to these circles. Yes, then you also have the focus of the government' (respondent 11).

This is in line with some of my respondents who emphasized that clubs continue to deserve the special attention of the government as long as they do not take distance from the 'ideas of OMGs' (in Dutch: 'gedachtengoed van OMGs'). Respondent 24 in similar words argued that the clubs have to take distance from:

'Well, life-style in the sense of, we do not care about the rules [in Dutch: 'we hebben lak aan de regels'], like, to put it simply, we will not wear a helmet when we ride, we open the throttle when we want, we throw fireworks when it suits us. And we really found it very important to say, you know, when you reveal deviating behaviour then you instantly are a focus group for us, but actually we already said before, you guys call yourself a 1%-MC which we explain like, apart from whether it is correct or not, we are above the law'.

Hence, in short, the fact that the Veterans MC (alike other OMGs) was in the 'network' of the Hells Angels MC made this club to be equally part of 'the' OMG phenomenon, which subsequently made them fall under the scope of the Dutch approach to OMGs as well. I use one final and similar case to underpin the thesis that it is the OMG-phenomenon at large that is problematized.

In an interview with a mayor and a civil servant (respondent 43 and 44), the respondents explained to also have a motorcycle club in their municipality. This motorcycle club already settled in this municipality some time before 2012 and, at least according to the mayor, had not caused any public disorder in the past. The criminal antecedents of its members also did not make the mayor 'nervous'. The civil servant, in turn, argued that it used 'to be a motorcycle club, just like a club such as a football-club or any other random association'. However, despite having no 'apparent' indications that (the members of) this particular club has been involved in serious (organized) criminal activities, the motorcycle was nevertheless qualified as an OMG when the national approach to OMGs was launched. The mayor explained that this was due to the idea that the club received a 'three piece back patch' (and thus became a full-colour MC) and also affiliated with other OMGs e.g. by attending each other's parties. In other words, for the mayor the problem with this particular OMG was not related to the criminal behaviour of the individual members per se, but rather with the structure of the club and with the people and clubs they affiliated with. Although both respondents recognized that 'their' OMG was thus not comparable (in terms of criminal involvement) with some other OMGs in the Netherlands, they both emphasized that this did not matter for how they approached the club. The mayor explained

that they 'had nothing against a motorcycle club', but that they just did not want an OMG in their municipality. Especially the various incidents in other parts of the country with clubs such as the Satudah MC and the Hells Angels MC fuelled the rejection and undesirability of the phenomenon:

'it is about whether we find the phenomenon OMG desirable or undesirable you know, I believe we can agree on the idea that we all find it undesirable because we all know what is behind it, well I think that the tumult at the Van der Valk recently reveals what kind of risks are linked to it [...] the waiting is for the first innocent victims you know [...] you must not think about what could happen because they are people who are not afraid to use violence [...] and that I really find an extraordinary undesirable situation, so are you promoting a stringent approach, definitely yes, do you think it is a undesirable phenomenon, definitely yes' (respondent 43).

Since this particular club affiliated with other OMGs, the club was – alike the Veterans MC – also asked to take distance both from other OMGs and their colours. In reaction this, the respondents explained, the club however admitted that they will get into trouble with other OMGs when they would in fact turn in their colours, and that they needed the protection from other particular OMGs in order not to come into trouble. In other words, this club did not feel free to simply lay down its colours without facing any negative consequences. For the mayor, it was precisely this problematic and dependent relationship with other OMGs that made that 'we as the government are now treating you differently' (respondent 43).

Of course, it is hard to believe that the 'offer' to take distance from the OMG-phenomenon would stand for every OMG. When the more 'radical' OMGs would indeed distance itself from the 'world of outlaw motorcycle gangs', it is highly unlikely that the Dutch government would subsequently not focus on these clubs anymore. After all, recent research by Blokland, Van der Leest et al. (2017) showed that there is allot to be focusing on when it concerns clubs such as No Surrender MC or Satudah MC. The idea that OMGs should take distance from being an 'outlaw' rather relates to the clubs that do not reveal to be linked to organized crime in the way other clubs do, but are nonetheless labelled as an OMG (such as the Veterans MC). It is precisely that these more 'conservative' OMGs are expected 'to take distance' from being an 'outlaw' that intrigues me here. It shows that the starting point for the Dutch government to focus on OMGs, as I extensively discussed above, lies not primarily with the individuals being involved in (organized) crime. Although criminal activities and (the risk for) public disorder of course plays a pivotal role, underneath this concern lies a wider aversion from the government towards the phenomenon or subculture as a whole. OMGs form, how the previous mayor called

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it, an 'undesirable phenomenon' that deserves to be treated differently. The next chapter focuses on how this different 'treatment' played out in practice.

## 7 RAISING BARRIERS TO OUTLAW MOTORCYCLE GANGS

### 7.1 INTRODUCTION

In the previous chapter, I described that the problem of the Dutch government with OMGs moves beyond the fact that members are involved in criminal activities. Without losing sight of the simple fact that members *are* in fact involved in (severe) forms of crime, the Dutch government above all problematized 'the' OMG as a group that has placed itself above and beside the law. This belief is of course fuelled by the organized crime activities of its members, but also by the way in which OMGs e.g. lord over the road during ride-outs and act as if they own the streets of the inner city. In this way, the clubs whose members revealed to be less involved in (organized) crime activities were also problematized. Overall, I explained that 'the' OMG is understood as a group that *wants* to be different and acts as if the rules and laws of conventional society do not apply to them. 'The' OMG, in other words, is believed to undermine the very existence of the democratic state at large and clearly turned into an undesirable phenomenon.

As I noted many times before, the Minister of Security and Justice officially launched the national and multi-agency approach to fight 'the problem of outlaw motorcycle gangs' in January 2012 (TK 2011-2012, 29 911, nr. 59). This approach rested upon the so-called 'barrier model' and the idea of 'raising barriers'. Indeed, the Minister wrote that one of the starting points of the approach was to call a halt to 'norm-deviating and undermining criminality' by 'applying the so-called barrier model, through which – wherever possible – barriers are raised with criminal, administrative and fiscal instruments' (TK 2011-2012, 29 911, nr. 71: 3). As we will learn in more detail in this chapter, the approach to OMGs was thus clearly influenced by the increased emphasis of the government on barrier models and the 'raising of barriers' described in chapter two. In this extensive chapter, I will describe what the 'barrier model' against OMGs involves and how the different law enforcement agencies gave meaning to this starting point in practice. In other words, I will describe how the different agencies attempted to call a halt to 'norm-deviating and undermining criminality'. As will become clear, this is done by interventions or 'barriers' directed both at the level of the individual member and the club. While doing so, I will also describe in what way the different partners came up against the boundaries of the barriers itself. To start this chapter, it is interesting to first note that the approach generally started off to make a clear statement.

## 7.2 MAKING A CLEAR STATEMENT

In the previous chapter, I signalled that law enforcement agencies before the 2010s remained to some extent reluctant to approach OMG members in the same way that they would approach ‘normal civilians’ (respondent 10). In close relation to this, the members themselves were described to act as if they were untouchable and as if the law did not apply to them in the same way that it does to ‘normal civilians’. In 2012, the Minister translated this notion into a general but clear starting point:

‘Those who are involved in norm-deviating behaviour and crime must – in one way or another – be presented with the bill. Flouting the rules and the act of feeling untouchable has to come to a halt [...] no-go areas, in which one rides roughshod over the nationwide rules and norms, should not be tolerated’ (TK 2011-2012, 29 911, nr. 59).

Because ‘everyone has to obey the rules’ and ‘the partners want to show that the 1%-MCs and its members, who considers themselves untouchable, do not stand above the law’; the Dutch government in other words launched a zero-tolerance policy vis-à-vis OMGs (LIEC, 2014: 3). It was stressed, in other words, that the government has ‘to show its face’ (TK 2012-2013, 29 911, nr. 81: 20). A respondent who was involved in setting up this national approach at the start of the 2010s indeed argued: ‘we have to get rid of this untouchability, they have to follow the rules, that is the goal’ (respondent 5). Another respondent in similar words reasoned:

‘They say, we don’t care about a thing and we as the government have to say, you just will abide by the rules. If this means that you eventually end up with the criminal law because it is a criminal organization or because there is a criminal association between them, fine, but the primary goal was actually, that we do not want that there are groups, they were very manifestly present, who just place themselves outside society, the government just could not accept that’ (respondent 20).

By strictly enforcing the existing laws and regulations, the government not only aimed to break apart the untouchable image of OMGs, but also wanted to show the rest of society that the state is actually enforcing the law and that, again, everyone has to abide by the law. Member of Parliament Mr Dijkhoff nicely voiced this message as follows: ‘we have to show that there is no room for outlaws in the Netherlands. When you do not like the laws, you should buy an island, then you can ride in a circle there’ (TK 2013-2014, 28 684, nr. 409: 5). It is important to realize that this pursuit for rule enforcement also goes beyond

the Criminal Code alone. It is about the belief that the ‘government cannot accept that’ a group and its members violate *any* boundary of the law. The latter respondent continued by explaining that:

‘The goal of the approach was to look for possibilities beyond the criminal law framework, because the idea was that when you have to obey the law, that goes beyond criminal law, this means that when you need a permit for a location and your neighbour applies for a permit, you should equally apply for a permit. Just like any other person, you have to pay taxes and if you commit an offence you should face the same consequences as any other person. There is a focus group of which we say; we are going to focus on this group. This means that it is possible that as a member of the Veterans MC you don’t receive much attention from the criminal justice system, but you will be checked tax-wise. If that is in order, there is no problem; if your permit is in order, then there is no problem either. Because the main message was obey the law and rules and regulation [...] we are just going to make sure, or at least that was the objective; that everyone has to obey the law. When you say you don’t, we are going to make sure you do’ (respondent 20).

Here you also see again why clubs such as the Veterans MC, of which members revealed little sign of being involved in organized crime activities, was still looked upon with suspicion. That is, one also wanted to make sure that this club (like the other OMGs) for instance complied with administrative permit regulations or tax regulations.

Inherent to stressing that OMG members need to abide by all boundaries of the law is that other agencies besides the police and Public Prosecution Service come into play. After all, the problem related not only to violations of the criminal law but also to e.g. the idea that OMG members do not pay their taxes and/or own an expensive motorcycle without a reportable income (a problem for the national tax authority), or lack the required permits for their clubhouse (which concerns the local administration). Hence, in order to ‘make a clear statement’ that OMGs need to abide by the rules of society and are not ‘untouchable’, the Minister stressed the importance of a multi-agency approach (TK 2011-2012, 29 911, nr. 71).

### 7.2.1 *One united offensive*

While the first contours of cooperation between the police, Public Prosecution Service and the local government of Amsterdam (in relation to the Hells Angels MC) can already be recognized at the start of the 2000s, the initiative to take on a nationwide and

multi-agency approach towards OMGs in 2012 was new. Indeed, one police officer I interviewed explained that in the period in which three Hells Angels members were killed in 2004 (see Cobalt case, paragraph 5.8.2), cooperation between different state agencies was still largely absent or at least unstructured:

‘Look, multi-disciplinarity, to use another term, or working integral, that is something that generally really came up in recent years. At the start that was, you mentioned the Nomads period, in that period I believe it was much less at issue, as in a deliberate choice of the collaborating government. At that time, I believe it was much more based on coincidences and more arbitrary. Based on individual, or well, ambitions of people. When there were people who thought ‘he but I think we have to do this together’ then people looked for each other without being directed by a doctrine of the government [...] when you look at the approach to crime today [...] then almost no single investigation can be started without setting the starting goal that it has to have an integral approach’ (respondent 50).

The multi-agency nature of today’s approach to OMGs clearly fits within a longer development framework by which the Dutch government strives for cooperation in order to fight crime more effectively. To recall from chapter two, today’s motto is that organized crime should be faced with an organized government and that the responsibility for fighting (organized) crime lies not only with the police and public prosecutor, but also with local governments, the private sector, and the citizenry. It has been argued that especially the local government holds all the aces to ‘take away the chances’ for organized crime to flourish.

The current approach towards OMGs is clearly built on these premises. In fact, an approach to OMGs built around the police and Public Prosecution Service alone was not deemed ‘sufficient’. Instead, the police, public prosecutor, tax authority and local administration were encouraged to ‘combine their forces’ (in Dutch: ‘krachten bundelen’) (TK 2011-2012, 18-9-132). In internal documentation ‘a good cooperation between all the organizations involved’ was even noted as a ‘prerequisite’ for an effective approach to OMGs: ‘every partner forms an indispensable link in the chain and parties bring their approach in line with each other in order to establish an optimal use of capacity, information, expertise and competencies’ (internal documentation). A multi-agency approach was also deemed necessary because of the ‘principle of equality’. The premise was that OMGs can only be treated in the same way when all governmental partners also cooperate in a uniform manner. This argument especially goes for the administrative approach as all the different local (and autonomous) governments in the Netherlands were encouraged to cope with OMGs in a similar way (e.g. in relation to granting permits for

clubhouses or events). Hence, to be able to really make a ‘clear statement’ and to show that the OMGs are in fact not untouchable, one strived for a ‘commitment’ among all government partners to reinforce the rules in an equally strict manner: ‘only by combining the forces of all parties involved it becomes possible to provide an effective answer to this’ (TK 2011-2012, 29 911, nr. 59: 1). In this way, the various partners were not only encouraged to cooperate ‘by combining forces’, but also to act as a ‘front’ against OMGs. That is, an effective approach

‘Is only possible by operating as one *front*; mutual commitment and short lines are essential. Mayors for instance should not operate alone, but in collaboration; in this way they are – against the background of the problem – less vulnerable and able to approach effectively. Also, the public prosecution office, police and local administration should form one unity’ (TK 2011-2012, 29 911, nr. 71, emphasis added).

During a meeting with the Committee for Security and Justice on 14 June 2012, the Minister of Security and Justice again emphasized that the multi-agency approach was set up to establish ‘one targeted *offensive*, so not only some little pilot or program, but really an *offensive*’ (TK 2011-2012, 29 911, nr. 70: 12, emphasis added).

### 7.2.2 *Applying the barrier model*

As said, the ‘united offensive’ against OMGs was given meaning by applying the barrier model. The choice to do so built on a longer development whereby criminal activities are increasingly analysed and approached by taking the situational or opportunity perspective. It is clear that familiarity with this model indeed played an important role in the decision to also use this model in the fight against OMGs as one respondent – who was directly involved in building the national approach – explained that they chose this model because it had worked before: ‘yes, just very pragmatic, like this is a nice model, it worked before, let us see whether this could also be applicable to those motorcycle clubs’ (respondent 22). Besides taking this model as the starting point for the approach, one also directly built on the concept of ‘Tegenhouden’ (paragraph 2.6), which was quoted and operationalized in internal documentation as:

‘Influencing behaviour and circumstances in such a way that crime or other violations of safety and social integrity are prevented or promptly ended by means of a systemic, multi-agency approach by various actors, who all act out of their own core tasks and responsibilities’ (internal documentation).

It was a revelation for me to realize that a barrier model against OMGs – in contrast to e.g. a barrier model against hemp cultivation – does not involve the focus upon one *specific* criminal activity. After all, as I noted in the previous chapter, the ‘problem of OMGs’ was described as a ‘multi-dimensional problem’ that accordingly deserves attention to a wide variety of criminal and norm-deviating activities. As a result, ‘the resulting interventions are therefore not focused on one type of crime, but on the behaviour of the members of the 1%-MCs as a whole. This in order to find as many starting points to fight the untouchability of the 1%-MCs’ (internal documentation). Hence, you could say that the attention as a result shifted away from the specific criminal activity to the behaviour of a specific group of people. This contrast became particularly clear as a respondent who worked for a RIEC explained that it was difficult ‘to barrier technically work out OMGs’ precisely because an OMG in itself is not a criminal process but a phenomenon in which members are involved in various different unique criminal processes (*such as* hemp cultivation) (respondent 7).

Hence, in the case of OMGs, the barrier model developed (in 2011) described the ‘necessary conditions’ (in Dutch: ‘randvoorwaarden’) for the *phenomenon* to exist and evolve (respondent 7), to subsequently unravel what (legal) means the various partners could use to interfere with these ‘conditions’. These ‘conditions’ were subdivided into seven themes: ‘location’, ‘employment’, ‘image’, ‘finances’, ‘presence in the public domain’, ‘mobility and means’, and ‘the recruitment of members and clubs’. In this way, the clubhouse, as a manifestation of ‘location’, was viewed as an essential step in the process of being an OMG. After all, it offers members a place to come together and possibly to plan (criminal) activities. The same goes for the (violent and untouchable) ‘image’ of OMGs as this was and is assumed to be essential for committing criminal activities (e.g. by means of intimidation and the ‘power of the patch’. The theme ‘employment’ in short raised attention to where members were employed since certain sectors were deemed at risk of becoming influenced or undermined by OMG members (e.g. the private security sector). Examples of ‘mobility and means’ are the motorcycles and weapons owned by members. ‘finances’, then, was an important theme as this drew attention to activities such as tax evasion, money laundering, and to members (unlawfully) receiving social security allowances. The focus on the ‘presence in the public domain’ was important precisely because OMGs were problematized for e.g. ‘taking over the road’ during funerals or ride-outs as well for ‘taking over the streets’ in city centres. Finally, the theme ‘the recruitment of members and clubs’ was important simply because the existence or continuity of the phenomenon is dependent on the influx of new members and clubs (internal documentation, see also TK 2011-2013, 29 911, nr. 71: 3).<sup>1</sup>

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1 In their article, Dutch authors Huisman and Jansen (2012: 107) likewise suggested the use of the framework of SCP to ‘create barriers to prevent or reduce the success of the subcultures’. The authors departed from

The barrier model subsequently offered an overarching ‘toolbox’ consisting of possible (administrative) laws, regulations and strategies to approach OMG X or OMG member Y on one of the seven themes (respondent 20).<sup>2</sup> As it is beyond my interest to provide a comprehensive list of these legal measures, I will only give a few examples for clarification. In relation to the ‘location’ of an OMG, for instance, one raised attention to the idea that a clubhouse must be settled in accordance with the local development plan, which in turn offers legal possibilities to either close or prevent the settlement of a new clubhouse. Article 13b of the Opium Act furthermore provides the mayor with the possibility to close premises if they are used to store any amount of hard or soft drugs. Moreover, when an OMG member wants to work for a private security company, he needs a permit, which can be denied by the police if the member in question has a criminal record (‘employment’). In relation to the ‘finances’ of OMG members, the Dutch Tax Authority has the ability to compel a member to provide all information and intelligence related to his tax payments. To give a simple example on how to intervene in the theme ‘presence in the public domain’, the ‘toolbox’ pointed to the ability of the mayor to check whether events of OMGs are organized according to permit conditions. When it concerns ‘mobility and means’ the police can deny members the permit to own a firearm when it fears that the member is not trustworthy and might misuse this firearm. Finally, to fight the untouchable ‘image’ displayed during a ride-out (e.g. by ignoring red stopping lights) it was noted that the police could follow a ride-out and simply enforce the Road Traffic Act (internal documentation).

All in all, the barrier model towards OMGs is nothing more than a collection of numerous existing laws and regulations that might be relevant for the respective law enforcement agency to use on the seven themes just mentioned. For this reason, the barrier model against OMGs is also known as an ‘intervention matrix’. The use of this intervention matrix clearly resonates the words of the Minister of Security and Justice when he stated that OMG members have to ‘in one way or another’ abide by the law and will be ‘presented with the bill’ when they do not (TK 2011-2012, 29 911, nr. 59). After all, it brought together a matrix of legal ‘tools’ to enforce any violations made by an OMG (member). That is,

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the idea that OMGs form a subculture that is very ‘conducive’ and ‘instrumental’ for the organization of profitable crimes: ‘it guarantees a large and sharply defined set of motivated offenders who can capitalize on opportunities because they operate in spaces where capable guardians are absent’. To break through the ‘barriers’ erected by the members themselves, then, the authors first suggested diminishing the ‘social bonds’ between the members, as this is the ‘cement in the organization of crime’. Secondly, it was suggested to affect the intimidating image and violent reputation of OMGs by showing the public that the government is in fact capable of upholding the rule of law. Finally, the authors stressed to break through the culture of silence as this is thought to tackle the OMG as an ‘offender convergence setting’ (see in more detail Huisman & Jansen, 2012: 102-108).

2 This ‘toolbox’ was described in the Handbook Judicial instruments (‘Handboek Juridisch Instrumentarium’) which was sent by the LIEC to the other RIECs as well as to local governments across the country.

when an OMG uses a building in a business area as its clubhouse, there are legal tools to close this premise because the establishment is violating the local development plan. Moreover, when someone has a firearm, he can be punished because someone is only allowed to have a weapon when he also has the required permit. Although not explicitly mentioned in the model, it goes without saying that ‘presenting the bill’ also includes the criminal prosecution of members involved in any violations of the criminal law. As the general starting point was to make sure that ‘everyone abides by the law’, this model in other words acted as ‘some sort of pallet’ to reveal what the different partners can do ‘to make sure someone draws within the lines’ (respondent 20).

Of course, one could argue that the described barrier model is not very unique as the government generally expects *any* citizen and association to abide by laws and regulations. We will learn, however, that the approach to OMGs is in fact unique in the sense that the interventions that followed actually went beyond enforcing the law alone. In a way, as will be explained, the OMG phenomenon *itself* became and is acted upon as ‘the’ criminal process. For the remainder of this chapter, I will further investigate and explain the meaning of ‘raising barriers towards OMGs’ by discussing how this ‘intervention matrix’ has played out in practice. This is done by describing the strategies related to the eight focal points that followed from the seven themes just mentioned. These focal points were: (1) the priority for criminal prosecution, the focus on (2) clubhouses, (3) events and (4) the hotel and catering industry (in Dutch: ‘horeca’), the focus on OMG members working for (5) the government and (6) the private security sector, (7) the role of the tax authority in approaching so-called ‘windhappers’ (people who own expensive goods without a declared legal income), and (8) the possible link between OMGs and football-hooliganism (TK 2011-2012, 29 911, nr. 71).<sup>3</sup>

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3 The goal of this last focal point was to end the visible appearance and interrelatedness of OMG members in both amateur and professional football clubs. It turned out for instance that the clubhouse of football club PEC Zwolle was used by OMG members and an amateur club was playing in t-shirts sponsored by Satudarah MC. One furthermore feared that members would mingle with supporters of clubs to recruit for new members, which would give the OMG extra power vis-à-vis other OMGs. After an explorative study on the link between OMGs and football clubs in 2014, the police however concluded that there was no troubling link between both worlds at that time (LIEC, 2015b: 11-12). This focal point was also of less importance to my respondents. I therefore decided not to pay attention to the aforementioned goal in this chapter. While this focal point would of course give an extra dimension to our understanding of the Dutch approach to OMGs, the rich description of the other focal points compensates for this shortcoming.

### 7.3 PRIORITIZING CRIMINAL PROSECUTION

I explained above that (state) agencies besides the police and Public Prosecution Service became increasingly important in the fight against (organized) crime and OMGs. However, this does not mean that these two agencies play(ed) a subordinate role in the approach to OMGs. In fact, the prosecution of criminal OMG members was the first of the focal points set at the start of 2012. In order to make ‘a clear statement’, the Public Prosecution Service and the police indeed prioritized to investigate and prosecute ‘as much as possible’ any criminal offences committed by OMG members (LIEC, 2016: 3).<sup>4</sup> How this priority played out in practice was explained by respondent 25:

‘Look, when an OMG member assaults someone, then maybe if it had not been an OMG member it might have become a dismissal case or it might have become a case that was put on hold for the moment, but because it is an OMG member we do take on this case and try to get the most out of it’.

An analyst of the police explained in similar fashion that OMG membership became an aggravating factor for choosing between various cases. The respondent noted that when there are for instance six cases whereby a criminal network is suspected of being involved in hemp cultivation and ‘one of these [cases, TvR] has one or two OMG members, then this one is prioritized’ (respondent 18). This priority manifested itself not only through investigating severe criminal offences such as drug trafficking, but also by taking on less serious cases. The plan to take on every criminal offence (thus including petty crimes) is also known as the policy of ‘1001 speldenprikken’ or ‘1001 pinpricks’. The essence of this policy was explained by a respondent as a ‘take whatever you can’ approach, whereby ‘little barriers’ are raised through strictly enforcing all existing laws and regulations possible; from ignoring a red stopping light to drug-related offences. Inherent to this approach is that the police also proactively checked on OMG members. The same respondent rationalized this by referring to the ‘bonus-malus’ system commonly used in the insurance sector. In the same way as this system adjusts the premium paid by e.g. a car owner in

4 To give an impression on some of the figures reported by the LIEC, in the period January 2012 until 1 March 2015, the police and Public Prosecution Service started 308 criminal investigations into OMG members and members of a supporter club (LIEC, 2015b: 6). In 2016, a total of 400 OMG members were suspected of over 680 criminal offences ranging from driving under the influence, violent offences, theft, money laundering to murder (LIEC, 2017: 8). Over the year 2017, the LIEC reported a total of 143 unique criminal investigations into an OMG, while 310 individual OMG members were suspected of a crime. Furthermore, again in 2017, the lower court sentenced 105 members to imprisonment, 92 members to community service, and ruled a total of 85 fines (LIEC, 2018a: 7, 11-12).

relation to his or her claim history, OMG members equally receive(d) extra attention from the police simply because they have violated the law in the past:

‘Those people have caused so much sorrow in our society, they have shown to deny all sorts of norms and values on so many occasions that they deserve the extra attention of the police [...] so when you constantly want to drive through the city with your vest, yes, do realize that you deserve extra attention because we have had too many negative incidents with motorcycle clubs’ (respondent 35).

Besides that, this zero-tolerance approach clearly resonates the effort to make a ‘clear statement’, the priority given to the criminal prosecution of (members of) OMGs served at least five more goals.

First, through prioritizing the prosecution of both small and larger cases, the police initially (in the period 2011-2012) aimed to gather intelligence that could prevent what instigated the national approach in the first place. That is, I described in paragraph 5.10 that there were serious indicators for a violent clash between the Hells Angels MC and Satudarah MC and investigations by the police served as a way to prevent this biker war. For instance, by wire-tapping OMG members, the police hoped to also gather intelligence (not necessarily interesting for a criminal investigation case) on possible planned attacks between OMGs, which information could subsequently be used to prevent such an attack. Especially due to the arrival of No Surrender MC (2013) and the Bandidos MC (2014) this continued to be a goal in the years that followed (LIEC, 2014: 6-7).

Secondly, one must remember that a clear insight into OMGs was still lacking at the start of the 2010s. Although the police and Public Prosecution Service already retrieved significant information about the Hells Angels MC during the Acroniem case, other OMGs have long remained largely out of sight. Therefore, precisely by investigating every single offence committed by an individual OMG member, the law enforcement agencies aimed to gain more insight into the activities of other OMGs as well. This, of course, related to the nature of the criminal activities committed by the members, but also to the organizations itself and the relations between the various OMGs:

‘Look, small investigations also contribute to a view of the larger network, so that [doing investigations, TvR] was also to get things started [...] if there is an occasion for it then you have to give priority to it, as a way to get into this world. For instance via wiretapping or other investigation strategies to get a view of what happens in that world’ (respondent 13).

Thirdly, by prioritizing both small and large criminal investigations the Public Prosecution Service was also keen to gather information that could serve as building blocks for a more successful approach to the group as a whole in the future. Indeed, although the Public Prosecution Service failed to ban the Hells Angels on earlier occasions, one remained alert for information that could be of help to successfully prosecute a group (Article 140 Criminal Code) or to ban the group altogether (Article 2.20 Civil Code). A policy officer of the Public Prosecution Service explained:

‘So, we thought, when there are so many investigations into the motorcycle clubs, chapters and individual members, then maybe we can derive so much information from this that we can come to the conclusion like, yes these clubs have besides the goal of drinking together and making a motorcycle trip from time to time also another purpose; the organization of crime’ (respondent 11).

This plan was also already mentioned by the Minister at the start of 2012 as he noted the importance of ‘korte klappen’ on the short term, as well as ‘the raising of barriers that have an effect on the long term’ (TK 2011-2012, 29 911, nr. 71: 4). Hence, clearly lessons were also learned from the failed civil cases as the court reasoned in 2007 that a civil ban must be used as an ‘ultimum remedium’ and must first be preceded by attempts to criminally prosecute both the individual members and the club as a whole (Rechtbank Leeuwarden, 6 March 2007, paragraph 5.9 and 5.10; LIEC, 2014: 6-7).

Although not made explicit in openly available policy documents, a fourth aim of prioritizing criminal investigations was to make visible to local administrations that OMGs are indeed problematic for their involvement in criminal activities. This was needed because, at the start of the national approach, not all mayors were immediately convinced about the seriousness of the problem, and police investigations helped to raise the criminal activities of members more to the surface. The latter respondent explained in this context that the first two years of the approach were, to his understanding, ‘really a period to show that the problem of the motorcycle clubs was serious, and that as a government you cannot hide from this’ (respondent 11).

Finally, as insights into OMGs improved, the police (roughly from 2014 onwards) increasingly invested in doing more focused and large-scale investigations (LIEC, 2016: 3). Because of the ‘international network’ and ‘closed-off character’ of the clubs, OMGs are understood as an opportunity structure ‘pre-eminently suitable to organize severe and international crime’ and by doing more project-based investigations, the government increasingly sought to ‘frustrate the organizing capacity of OMGs’ and to imbalance a particular chapter (LIEC, 2014: 6; LIEC, 2016: 3). This is done by focusing particularly on the ‘leading’ chapters and leaders or ‘key figures’ of an OMG (LIEC, 2018a: 7). While tactics surely differ between various OMGs and police districts, one police officer for instance

recalled a case whereby a number of leaders of an OMG (in Dutch: 'kopstukken') were imprisoned, which ultimately caused the chapter to 'more or less fall apart'. The respondent noted that the chapter lacked a leader and the members therefore 'did not know what to do'. Taking away a number of leaders out of a chapter was therefore thought to be useful to 'create disorder' and 'take apart the network' of an OMG (respondent 35). The decision to follow this strategy was also grounded by the belief that the criminal justice system is only able to process a limited amount of cases, and because not every chapter of an OMG is equally important to begin with:

'You really have to focus on the organizing capacity within these clubs, there is little sense in focusing on chapter X when this chapter does not play a notable role in mobilizing people to go somewhere when there are tensions. You have to invest in those chapters where this is the case, from which one directs the OMG, these chapters can really be recognized. Of each OMG you can say what the leading chapters are and who the leading figures are, and I think we are now slowly focusing on this' (respondent 11).

#### 7.4 ZOOMING IN ON THE INDIVIDUAL

The previous paragraph showed how the police and Public Prosecution Service 'present the bill' to OMG members by strictly enforcing the criminal law. Yet, the goal to let members abide by the rules and laws of society also came to fruition by zooming in on the individual member via what is known as an 'individual-focused approach' or 'PGA-approach' (in Dutch: 'persoonsgerichte aanpak' or 'PGA-aanpak'). The LIEC in this context described that a 'considerate amount of barriers have been raised to OMGs' by 'approaching members of OMGs who violate the laws and rules by means of integrated and individual-focused interventions' (LIEC, 2014: 4).<sup>5</sup>

This individual-focused approach is different from the 'normal' criminal investigations in the sense that the latter usually takes place in direct *response* to a criminal act. In contrast, the PGA-approach generally involves that the various partners (most notably the tax authority, the local government, the police, and Public Prosecution Service), in close cooperation with the RIECs, proactively zoom in on individual OMG members to unravel to what extent a subject reveals unlawful behaviour and e.g. still has to pay a criminal fine or tax debts. A respondent for instance explained that this strategy made clear that the members of one particular chapter had a collective tax debt of over 300,000 Euros

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5 To facilitate and guide this strategy the LIEC distributed a guideline to the RIEC partners (such as the police, tax authority, and the RIECs) (RIEC-LIEC, 2016: 76).

(respondent 39). While this strategy helped and helps to gain a better view on the structure and nature and extent of criminality within an OMG, it also offers a starting point to initiate directed interventions. That is, information provided by the partners about specific members is collected and analysed by the RIECs, which then sets out, again in cooperation with the partners, what specific interventions are desired. A RIEC analyst explained this procedure as follows:

‘We as the RIEC bring together all these partners, we are going to take a close look and discuss the signals, to subsequently see whether we can start an integrated approach against this person [...] as the municipality you can say we are going check our administration on him, I am going to check where they live; private home or rental, what are his income details, what does the tax authority know about him? Well if you bring this together, you sometimes start to see very interesting things. This you can nicely approach via an integrated approach and that is the individual-focused approach, but then integrated, with all the different partners’ (respondent 53).

In this way, it might come to notice that member X of OMG Y owns an expensive car or motorcycle while he is also enjoying social benefits and has no legal income. In such a case, one could decide that the tax authority (if necessary, accompanied by the police) needs to visit a member at his home to collect any unpaid taxes.

The RIEC can decide to start this approach after multiple authorities received various signals or complaints about one specific member. The municipality, for instance, might have received complaints about a particular member from neighbouring citizens or a pub owner. The tax authority, then, might also have an interest in one particular person because of unpaid taxes, because he has no legal income, or because he owns a company. Particular members are often also well-known with the police for causing problems and committing crimes. Apart from these specific ‘signals’, the partners might also have an interest in an individual simply because he is a leader or prominent member of an OMG.

However, I learned that this PGA-approach could equally be the result of a rational decision *not* to focus on chapter or group-related activities. A respondent explained to me that they shifted their focus from the club to the individual precisely because it turned out too difficult to prove that an (a chapter of) an OMG – in contrast to OMGs in other parts of the country – as a group acted as a criminal organization:

‘I mean what happens in the south [...] there they clearly act as a criminal organization to commit crimes, that is beyond the question [...] but we started to focus more on subjects, so not trying to approach the whole organization, but much more an individual-focused approach [...] I have more belief in that,

it is also far less complicated to prove as well. When you take an individual and you start to strip him to the bone that is far easier than mapping a criminal organization' (respondent 17).

Yet, the fact that this strategy focuses on the individual does not mean that the club itself cannot serve as the starting point as well. Depending on the OMG (chapter) that is troubling local law enforcement agencies the most (for instance because of violent incidents or criminally active members), one can also choose to focus on *all* the members of one specific OMG or chapter. One respondent described this as the 'wasstraat' or 'washingstreet'. Again under the lead of the RIEC, different partners (literally) sit around the table and share the intelligence they have about the members of one particular chapter to subsequently decide which members deserve special attention:

'Yes, washing street, then actually the individual members of a club are mapped and are completely financially screened, so from the side of the tax authority, the side of the police, the central judicial collection agency, name them all, but also, how is it going with the mortgage, do you have children and alimony, cars, you know all these things, everything is mapped and then we start an individual approach' (respondent 32).

Respondents are generally positive about this strategy as it often opens up a possibility to make an intervention towards a member: 'in this way they do not stand a chance, because when you start to look at people in this way you will always find something or a loose string which you can pull and where you can start from, always' (respondent 61).

The priority to prosecute (individual) members as well as the PGA-approach can in general terms be characterized by its focus on the unlawful *member*.<sup>6</sup> Criminal investigations are conducted into crimes committed by members and members are at the same time proactively and systematically screened for any other (administrative) violations. However, the Minister argued in his letter that 'for both the individual *members* and the *clubs* interventions are available' (TK 2011-2012, 29 911, nr. 59: 2, emphasis added). Hence, not only barriers are raised against the individual member but also towards 'the' OMG as a whole. To bridge the gap between 'individual interventions' and 'club-related interventions', it is interesting to first note how the illicit activities of the individual are used to inform society about the phenomenon as a whole.

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<sup>6</sup> Although criminal investigations can of course be directed to several members at the same time.

### 7.5 INFORMING SOCIETY

In addition to the belief that information collected through the (prioritized) criminal investigations (also) served to inform mayors about the risks of OMGs, a communication strategy aimed at informing society at large was also implemented. This strategy basically involved proactively publishing incidents (e.g. giving media exposure to the confiscation of luxury goods) or criminal activities of OMG members in the media (LIEC, 2014: 3; LIEC, 2017: 14), as well as offering journalists the chance to attend (investigative) activities of the police and justice department (LIEC, 2017: 9).

To give meaning to this strategy, the government initially (i.e. shortly after 2012) took up the idea of making every offence in which OMG members were involved public. This included not only severe forms of organized crime, but also any other forms of petty crime. As time passed, however, the strategy of exposing every offence became more and more contested. It was argued that petty crimes actually did not reveal the seriousness or ‘cruelty’ of OMGs. Pointing to less serious forms of crime raised the risk, or at least so it was argued, that citizens would doubt whether OMGs were actually that problematic. One therefore took up the strategy to stress in particular and to reveal the more serious and troublesome aspects of OMGs. A mayor who was also involved in developing this communication strategy raised the overarching question: ‘how can you make sure that you take along society like, yes guys it is all nice that they do these nice things but eventually it is all to make money in organized crime and when you are not on their side you can also get in trouble’ (respondent 76). The communication strategy that gave meaning to this question or task served various (interrelated) goals.

First and foremost, the goal was to change the ‘public image’ and show citizens the ‘realistic’ image that these clubs are not simply tough yet ‘normal’ motorcycle fanatics with ‘their hearts in the right place’ (respondent 16). In this context, the respondent pointed to the people who often watch and record ride-outs or other OMG-related activities (recall the big crowd that stood on the sidewalk during the funeral of Sam Klepper). According to this police officer, a lot of citizens in the Netherlands still found these clubs ‘cool’ and have the feeling that ‘they exist for many years and what do they do exactly, it is just a motorcycle club right?’ (respondent 16). In this way, the communication strategy was also intended as a response to the media strategy carried out by the OMGs themselves. According to the previously mentioned mayor, OMGs want to portray the false image of a club that is good and helpful to society, for instance by organizing events for the neighbourhood (respondent 76).<sup>7</sup> Another police officer rationalized this strategy as follows:

<sup>7</sup> For a more in-depth analysis about how OMGs in the Netherlands try to generate a positive ‘frame’ about themselves, see Koetsenruijter and Burger (2017).

‘This had everything to do with the image these guys had and tried to have, you know they support for instance ‘KIKa’ [‘Association Children Cancer Free’, TvR]. In our understanding they did not do this because they adore children, or because they really saw child cancer as a problem, but rather because in this way they could influence the public opinion’ (respondent 22).

It is also for this reason that the government criticized the fact that former ‘general’ and founder of No Surrender MC, Klaas Otto, was chosen as ‘man of the year’ by the magazine *Panorama* and that well-known television host John de Mol and Dutch singer Guus Meeuwis visited No Surrender MC for their television program *Meeuwis & De Mol*. The downside and risk of these events and the ‘romantic’ and charitable image of an OMG that come along with it, is that it builds the idea among citizens that OMGs are not that ‘bad’, which could subsequently result in less public support for the government to actually fight the OMGs (respondent 76).

Yet, the communication strategy by the police and other partners was not only directed at ‘informing the citizen’. That is, one also aimed to inform state agencies such as local governments and the police. This was because, as I already explained in the previous paragraph, not all partners felt equally worried about the problem at the start of 2012 just yet. One police officer for instance recognized that:

‘There were a lot of colleagues who found it exaggerated (in Dutch: ‘aanstellerij’): ‘ah well, they are some tough guys on a motorcycle, occasionally we have all been tough’. There were also a lot of my colleagues who said: ‘I also ride a motorcycle, am I a criminal now?’ It really took a long time before there was a widely-felt feeling that there was in fact something wrong with these clubs, that it was more than a collection of socially maladjusted men freed from daily obligatory showers’ (respondent 18).

The aim was thus to take away the naivety and increase the knowledge about the phenomenon both among citizens and law enforcement agencies. By doing so, the government equally aimed to develop a sense of urgency and to make sure society as a whole became more of a ‘coalition partner’ in the fight against OMGs (respondent 76). Well-informed people in effect might become e.g. more willing to file a case against an OMG and a pub owner in turn might become more reluctant to cooperate with an OMG. Furthermore, it was hoped that more awareness among police officers about the OMGs would initiate a process whereby officers start to gather more intelligence about members (e.g. by simply making notes on the streets and the road). In other words, to recall the words of the Minister, it helps to start operating as a ‘united offensive’ whereby all partners are on the same page and are equally willing to make a ‘clear statement’ against OMGs.

Furthermore, by presenting a different and negative image of OMGs to the general public, the government also aimed to downgrade the ‘untouchable’ characteristic of OMGs and to take away its power in society.<sup>8</sup> Another mayor, equally involved in the communication strategy reasoned:

‘Because in fact it is a sociological phenomenon, people [OMG members, TvR] want to be respected and derive their power from the identity provided by the membership to the motorcycle club [...] so it is more than only a judicial and administrative and criminal justice approach, you also have to look for ways to make them smaller from a more psychological side’ (respondent 69).

Finally, besides breaking through the ‘untouchable characteristic’ and with this, their force of power, the government also aimed to take away the attractiveness of the clubs to subsequently limit the influx of new members (LIEC, 2017: 5). In this context, Respondent 22 explained that during the development of the barrier model, they explicitly discussed the question ‘how can we make it unattractive for youngsters to join such a club and can we position these lads in such a way that youngsters will think, you should not want to join them?’ By communicating the ‘truth’ about OMGs, for instance that you cannot simply (without being hit or paying a large sum of money) leave the club once you get in, the strategy was thus also to take away the willingness of people to join an OMG to begin with.

It is clear that this communication strategy functions as a way to raise a barrier to the theme ‘image’ as described in the barrier model (see paragraph 7.2.2). Publishing the criminal activities of OMG members offers a negative stage for the OMGs, which then breaks apart, so it was proposed, the image of these clubs. On the one hand, it is thought to show that OMGs are not untouchable (the state is strictly enforcing on members) and on the other hand, it shows that there is nothing ‘romantic’ or ‘friendly’ about these clubs. The communication strategy can therefore be regarded as a strategy directed at the club-level, or even the phenomenon as a whole. After all, the media is used to generate the image that ‘the’ OMG as such is to be understood as a club whose members are ‘bad’ and involved in (organized) crime. With this paragraph, I also shift my attention to the interventions directed at the club-level. Just as the individual members have to abide by the law, it was stressed that the activities of the club must also be in accordance with the rules of society. After all, the Minister argued that ‘it is necessary to break the untouchability of the concerned *clubs* and *members* (TK 2011-2012, 29 911, nr. 59: 4, emphasis added). To give insight into the club-related interventions, I will zoom in and give meaning to the

<sup>8</sup> Which is in line with the suggestion by Huisman and Jansen (2012: 108) to affect the image of OMGs by showing the public that the government is capable of upholding the rule of law.

starting point underlying the barrier model stating ‘that no podium is provided to these clubs’ and ‘that they should not be facilitated’ (TK 2011-2012, 29 911, nr. 59).

## 7.6 RAISING BARRIERS TO CLUBHOUSES

I started this thesis by showing how the approach towards OMGs in the Netherlands has made a 180-degree turn whereby the Hells Angels MC of the 1970s were facilitated with a clubhouse, while in present times, OMGs are faced with a national government that is trying to prevent OMGs from settling clubhouses. Indeed, whereas the Minister wrote that the starting point is that ‘they are not being facilitated, for instance by providing a suitable location for a clubhouse’ (TK 2011-2012, 29 911, nr. 59: 3), the LIEC in 2014 noted that ‘a considerable number of barriers has been raised against OMGs by closing and preventing clubhouses’ (LIEC, 2014: 4).<sup>9</sup> In this paragraph, I will investigate why and how the various partners gave meaning to this starting point in practice.

### 7.6.1 Rule enforcement

While building on the idea that the ‘flouting of the rules and the act of feeling untouchable has to come to a halt’, the national government first problematized facilitating an OMG by doing *nothing*. That is, it turned out that existing clubhouses were sometimes settled in violation with the law and local regulations, and law enforcement agencies at the same time were not always willing (not least because of intimidation from the side of the club) to enforce these rules. In this way, clubhouses turned into safe havens where members were facilitated (by *not* enforcing) to do whatever they wanted largely out-of-sight of the government. Hence, just as with the PGA-approach, the RIEC and local government in particular proactively put clubhouses ‘under the magnifying glass’ (respondent 20) and mapped which clubhouses were settled illegally or did not comply with local regulations

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9 Every year, the LIEC publishes a progress report on the OMG approach. These reports also include tables on the number of clubhouses closed in a period. The first two reports (2014 and 2015), however, lack clarity and raise questions on the meaning of the numbers. In the first report (LIEC, 2014: 9), for instance, one noted that 71 out of the 111 clubhouses were approached via a ‘stop-conversation’, because the clubhouse was in violation with the local development plan or because it was in violation with the Liquor and Catering Act. At the same time, the table reveals that, in total, 23 stop-conversations were conducted, 45 clubhouses did not comply with the local development plan, and 44 clubhouses were in violation of the Liquor and Catering Act. These three numbers together (112), however, exceed the number of 71, leaving doubts about the exact meaning of the numbers in this table. Nevertheless, it is noteworthy that in the period January 2012 to 1 March 2015, the LIEC reported a total of 177 clubhouses of which 87 were closed or averted (LIEC, 2015b: 9). In 2016, a total of nine club locations were closed and five other locations were prevented (LIEC, 2017: 16). In 2017, then, 18 locations were (temporarily) closed, meaning that the LIEC (2018: 16) counted 66 club locations in December 2017.

(TK 2011-2012, 29 911, nr. 71: 3; LIEC, 2015b: 8). The general message was, in other words, that OMGs ‘should not get any privileges anymore’ (respondent 14). When I asked a RIEC analyst to explain this approach, the respondent sketched the following scenario:

‘Yes, I will give you an example, not facilitating for instance means that when an OMG, let us say Satudarah for instance, is settled in a commercial building in a business area, and the mayor is aware of this but the mayor says, ‘yes listen, they have been settled there for three years now, we have not received any complaints and above all they also have a good function there because they protect the area a little and they are just good lads and the police has good contacts with them, why would I enforce on this?’ Well, then the RIEC comes in, then we say: ‘yes mayor, you might think this but do you know what the Minister has said’ and then we emphasize again the national guideline and that they actually should not facilitate them [...] and then the RIEC of course will do its best, together with the police, to provide specific guidelines not to facilitate’ (respondent 53).

The respondent continued by explaining that in a case like this the RIEC indeed encourages the local government to check whether the clubhouse is established according to the local development plan, which basically holds that only commercial businesses are allowed to own premises in business areas. If not, then the local government must, so it is stressed, enforce the regulations and close the clubhouse. The personal experience of this respondent was that mayors generally, after providing the ‘judicial script’ on how to approach such a situation, change their mind and decide to enforce the local development plan (respondent 53). Besides simply enforcing the local development plan, local governments (can) also check(ed) e.g. whether a clubhouse actually has a catering permit (in case beverages are sold), whether this permit is registered to the correct person, or whether the clubhouse is constructed according to all safety regulations (e.g. fire safety).

### 7.6.2 *Denying a helping hand*

At the same time, the guideline to not facilitate a clubhouse goes beyond actively and strictly enforcing administrative regulations. It also means that the local government should not help or facilitate an OMG in its search for a suitable (new) location to *establish* a clubhouse (TK 2011-2012, 29 911, nr. 59: 3). To explain how he gave meaning to this, one mayor reasoned as follows:

'You can facilitate by providing buildings, by helping to look for a space, because in essence the culture within a municipality is that we never say [no, TvR], it is always yes. We train all our employees during courses to say 'yes' and then set the conditions [...] So when the sport association comes up with an idea, then the starting point is, think along with them, we do not want to hear a 'no' [...] but within the municipality I will not advise to rent a building to them [OMG, TvR], or give them an empty building of the football club [...] we feel nothing for providing assistance to you, so don't count on our assistance. So I find it fine that they [the OMGs, TvR] know that due to the image they have, you know, and this is mostly defined by what happens in the south of the Netherlands, and I have to be transparent about this, that this gives me reason to say like, we feel nothing for providing assistance to you, so don't count on our assistance' (respondent 33).

While it has been stressed that law enforcement agencies should treat and enforce OMGs as they would do with any other 'normal citizen', the latter quote hence shows that OMGs actually *do* get a different treatment. After all, the 'guideline' proscribes that the local government should not be helped, or facilitated, to find a suitable location; something that runs counter to what the mayor described as the normal culture of 'thinking along' with the applicant. The many incidents and crimes committed by OMGs in the southern parts of the Netherlands constructed an 'image' of OMGs that made this mayor decide to deny a helping hand to OMGs in his municipality. The following case provides another interesting and insightful example of how the national policy as set in 2012 directly changed the stance of a local government towards a motorcycle club that was linked to the Hells Angels MC.

In 1997, the local administration of Alphen aan den Rijn agreed that the 20 members of the motorcycle club Desperados could rent from the local government a parcel of approximately 335 square meters for club-related activities. To facilitate the motorcycle club with this parcel, however, the municipality had to make an exception as the use of this venue was not in accordance with the local development plan. Being situated in a business area, the municipality opened the possibility to circumvent the local development plan for a period of five years. In 2002, after these five years came to an end, the local government decided to continue tolerating (in Dutch: 'gedogen') the situation and prolonged the agreement in the following years (Gemeente Alphen aan den Rijn, 4 July 2005). However, due to construction plans to build a bridge right across from the parcel in use by the Desperados, the club was informed that they had to leave the premises by the end of 2013. As the club was thus forced to look for another place to settle, the local government affirmed on 14 June 2012 that they would offer help to find a suitable place to relocate the clubhouse (Gemeente Alphen aan den Rijn, 14 June 2012).

A few weeks later, however, the local government quickly changed its mind. Since it became clear from police intelligence that the motorcycle club became an official supporter club of the Hells Angels in 2009, the mayor came back from its earlier decision to help the club and called an end to the dialogue that had taken place between the two parties. The local government moreover noted that any request for another location for which an adjustment of the local development plan is required will not be supported (Gemeente Alphen aan den Rijn, 27 July 2012). In a radio interview, the mayor explained that the fact that the motorcycle club looked for a support relationship with the Hells Angels MC had urged him to say that ‘we are not going to actively help such a motorcycle club look for another location’ (Studio Alphen, 28 January 2014). Besides referring to the white paper of the Minister published in January 2012, the mayor further explained:

‘What you unfortunately see is that some motorcycle clubs, they then call themselves outlaw bikers or 1%-motorcycle clubs, engage in criminal activities. I do not say that the Alphense club does this, but you see that this development exists in the Netherlands, and this results in criminal activities being developed which in the end could also derail the nightlife in the city, and that is something you have to stand up against, something you should not be wanting, so then we also will not actively search for other venues’ (Studio Alphen, 28 January 2014).

Hence, the link with the Hells Angels MC more or less ‘infected’ the Desperados in the sense that the club was instantly linked to criminal activities and risks for public disorder, which in turn made the local government take distance from any form of cooperation with this club.

Until this point, I described that ‘not facilitating’ in the context of clubhouses involved; (1) making sure that clubhouses are settled and constructed according to the law and local regulations, and (2) that the local government should not help an OMG in finding a suitable location. Yet, I learned that, in present times, the adage of ‘not facilitating’ an OMG goes one step further.

### 7.6.3 *Hindering by all means available*

When the different partners set up the national approach in 2011, the first general rationale underlying the approach was – as I have emphasized extensively – to make sure that the members and OMGs follow the rules (in Dutch: ‘ze moeten deugen’). Precisely because of this, enforcement was stressed on the clubhouses that were not established according to various local regulations. However, today, the meaning of ‘not facilitating’ clearly involves

that OMGs are hindered or not permitted to begin with; even when the clubhouse is or would be settled in line with e.g. the local development plan (LIEC, 2017: 16). Indeed, one of these 'partners' argued that the many recent OMG-related investigations and incidents made mayors argue 'yes, but I do not want it in my municipality to begin with' (respondent 5). Another respondent recognized the same development as he described that various municipalities and mayors started to hinder OMGs from the start because 'we actually know that actually there is always something going on with these lads' (respondent 22). It is clear that the respondents I interviewed indeed generally adopted the position that clubhouses of OMGs should be diverted away from the municipality to begin with. In what follows, I will provide various and sometimes interrelated reasons provided by my respondents as to why OMGs should not be able to settle in a clubhouse.

As a first example, it is interesting to point to how one local government changed its policy directly in response to the 'OMG letter' published at the start of 2012. The civil servant (team leader of the municipal public order and safety department) of this local government explained to me that the 'guideline of the Minister' offered a 'useful' and simple means to make clear to an OMG 'that we do not want you here'. Just as the local government is encouraged to enforce the rule that no one is allowed to drink under 18 years of age, the respondent explained that they used the letter to communicate to OMGs that 'the criterion is that we do not facilitate you'. In this way, the local government 'hides behind the letter of the Minister' by stating that 'we don't want you here, not because we don't want that, we have nothing against you, we don't even know you, but we follow the letter of the Minister. So that is what is very pleasant about this letter'. By 'hiding' behind 'the letter', the civil servant also refrained from taking a stand about the problem with clubs such as the Hells Angels MC. Indeed, when I asked why he found it important to avert OMGs away from the municipality, the civil servant responded:

'Well, you know, actually we do not even take notice of that, in our line of thought we assume that the Minister has done that already, to say it in that way. He [the Minister, TvR] said, you should not facilitate this as a municipality, well therefore we also won't do that' (respondent 56).

Most of the times, though, respondents did have a more outspoken and personal idea on why to hinder an OMG from the municipality. One mayor for instance argued that he was keen on hindering OMGs from his municipality simply because 'you should not facilitate criminals':

'We know that there are elements, well-known names as well, you know, Satudarah is a collection of many years of prison sentences, so yes, when you at one point built up a criminal career then this is not easily improved, so I do

not want to facilitate that. When they come in the direction of my building or subsidy, yes then you will look for ways to hinder them' (respondent 54).

To give another but similar example, another mayor described 'them' to be 'completely undesirable' which in turn powered the goal 'to make it as uninteresting as possible for them to be here':

'That means that when they ask for a permit, that we are not going to cooperate with this, and when I have a title for this I indeed won't do that [...] when we look at the behaviour around OMGs, when you look at the Hells Angels, when you look at Satudarah then you see things that I find completely undesirable, so I do not want them in my municipality in any way and I will defend that by all means possible [in Dutch: 'met hand en tand verdedigen']' (respondent 43).

Respondent 30, a civil servant working for a local government, also remarked in this context that the image of OMGs has changed: 'you know the background behind these clubs, full reports have been written about this, above all, when you see what happens inside such a motorcycle club, yes then no single municipality will say, why don't you settle here'. In line with the above, this civil servant therefore also operationalized 'not facilitating' as 'making it as difficult as possible for these guys' to settle in the municipality to begin with. To do so, the law and local regulations are used, the respondent explained, as a 'toolbox' to find a judicial means to prevent members from moving into a location or building:

'We will apply the most extensive screening, among other things a BIBOB-investigation, and then we will check whether criminal activities were committed which provides us with a title not to give the permit [...] and then you also check whether the local development plan offers possibilities to say well there it is not allowed to have a meeting place or clubhouse or whatever. You will check all possibilities and you will do your utmost' (respondent 30).

A respondent who worked for a RIEC in similar words explained that 'you have to deploy the maximum amount of means, administrative, judicial and enforcement strategies to hinder the clubhouse from establishing in your municipality' (respondent 53), which rationale is in line with the explanation of a colleague from another RIEC who argued that the presumption that 'they' are 'just' criminal organizations caused that 'we often advised to look for grounds and to look where you can stretch the boundaries to not give them a podium' (respondent 7).

Others departed from the premise that an OMG as such is a 'breeding ground for crime', and that the 'cohesion' (in Dutch: 'hechtheid') of the OMG is used to 'organize an

armed force around organized crime' (respondent 11).<sup>10</sup> Here you can think about the idea that the violent character of the group and the power of the patch 'helps' to intimidate people and commit criminal activities. As the clubhouse is believed to build and strengthen this cohesion, taking away the clubhouse is thought to dismantle the ties between the members to subsequently dismantle the force of the group as a whole: 'such a motorcycle club is loose sand when they cannot undertake activities with each other' (respondent 26). Taking away the clubhouse in other words is also believed to hinder the club in such a way 'that it is actually no longer possible to exist as an association' (respondent 24).

One mayor took it a step further and regarded every single activity of an OMG as part of an illegal business process. Just as the activities of a normal company are in some way coupled with selling more products, this mayor equally regarded all activities undertaken by members of an OMG as subservient to perpetrating criminal activities:

'I consider everything they do as a business process, and they earn money with two or three business models. Hemp is very important, synthetics drugs, human trafficking, and sometimes cocaine [...] you can assume that all their activities happen for a reason. It is all part of the organized criminal process, part of the business process' (respondent 76).

In this way, the mayor regarded OMGs as managers of an illicit economic sector (e.g. hemp cultivation) in which the president of an OMG is the CEO while the members take care of the production. This business-like interpretation of an OMG thus leads to the idea that all activities of an OMG must be seen as processes that are rationally comprehensible; directed at gaining (illicit) money. Looking at an OMG in this way helped the mayor to think of (and legitimize) what barriers to raise against an OMG. For him, this was a straightforward deal. As all OMG-related activities, including clubhouses, are deemed to be facilitating criminal activities, also all activities need to be either stopped or prevented. That is, the clubhouse, the mayor reasoned, needs to be understood as the 'boardroom' from which all the illegal business activities are directed:

'Sometimes people ask, what is wrong with a clubhouse? Well, wait a minute, do you know why they gather? Not to fine-tune the colour of their valve caps. It's just about, how can we organize our criminal activities [...] the clubhouse is simply the boardroom of Hemp Satudarah Inc.' (respondent 76).

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10 This corresponds with the view adopted by Huisman and Jansen (2012: 109), who argued that the group characteristics of an OMG offers a 'safe social environment to organize profitable crimes'.

By preventing the clubhouse, this mayor thus attempts to disturb the various ‘business models’ of an OMG. This is in line with a RIEC analyst who argued that by preventing an OMG from having a location where they can meet, you also make it ‘more difficult to make appointments for undermining activities’ (respondent 7). At the same time, the latter mayor did recognize that preventing or closing a clubhouse will instigate a ‘waterbed’ effect as OMG members will nevertheless try to find another place to gather. Yet, this effect did not prevent this mayor from continuously hindering any OMG from settling in his municipality:

‘You are always displacing, however, when you do not displace them you create stagnant water, it can take root and it becomes much more difficult to fight them. So you have to approach them continuously [...] if you do not do that you accept it takes root. To make a comparison, when you weed out your garden, I mean there are idiots who think that when you pull a weed out of your garden one time, it will be free of that weed forever. Everyone knows that is nonsense. You must keep doing that on a regular basis. And why would it be different with criminal organizations? The idea that you can fully weed out a criminal activity is rather naïve, but if you don’t do it, the same happens as with your garden, when you don’t weed out regularly, it is everywhere’ (respondent 76).

An employee of a RIEC argued in line with this mayor by arguing that you must ‘prevent that it roots in your municipality’ and that ‘there is no further expansion’ of OMGs (respondent 49).

Besides the idea that preventing clubhouses can in itself hinder plans for future crimes, another respondent explained that he hinders clubhouses mostly because of (recent) lessons from the past. Although he admitted that the national policy against OMGs did play a role, the police officer particularly reasoned that ‘we already paid our dues’ for having clubhouses that turned into ‘some sort of safe haven or played a pivotal role for criminal activities’. In this context he pointed to the killing of the three Nomads in a clubhouse in Oirsbeek (see paragraph 5.8.2) and the shooting at café Dug out (see paragraph 6.3). Interestingly, besides OMG-related incidents he also mentioned the infamous trailer park Vinkenslag, which turned into an area (or safe haven) of ‘tolerance’ and a ‘hub’ for criminal activities (see paragraph 5.7.3). In sum, the respondent hence explained to prevent clubhouses because ‘there is some historical awareness, apart from the national approach, that it is not desirable to create these kinds of breeding grounds’ (respondent 50).

Finally, while some respondents thus regarded the barriers raised towards ‘the’ clubhouse to frustrate the group bonds and the criminal activities of the members, others problematized the presence and visibility of a clubhouse because it could attract and enthruse

people to become members as well. In other words, hindering a clubhouse is also a means to downgrade the attractive force of OMGs to potential new members. While giving insight in his thoughts on whether to facilitate *any* association (thus not necessarily an OMG), a mayor explained:

‘Then I think, who are the people that are busy creating a meeting place together, well, when these are people who generally have a long criminal record, then for me that is my point for action. That these people want to drink a beer together on location X, Y, or Z with which they want to show to others like, it is all about making fun with us, yes that is not going to happen here. It is not about making fun; one is busy with other stuff’ (respondent 45).

Although it is safe to conclude that local governments are generally opposing the idea of having a clubhouse in its municipality, it is important to realize that OMGs often do not formally request a permit to use a venue as their clubhouse. Hence, in many cases, there is no permit application to refuse to begin with and members often already began to settle in a venue without notifying the local government beforehand. It would moreover be too easy to think that OMGs solely attempt to settle in some abandoned building surrounded by a fence. Members also come together in e.g. pubs, garages or the house of a member. For the LIEC (2017: 16), the latter is to be understood as a displacement effect of the policy to close existing club locations. Without going into too much detail, it is clear that local governments are rather creative in also hindering gatherings of members at these types of locations. Let me give two examples.

#### 7.6.4 *Hindering displacement effects*

There have been various occasions where members started to use a house or the shed in the garden of a house as their clubhouse and place to meet. In doing so, it is not uncommon for members to guard the house with cameras and high fences, which often leads to feelings of unsafety among the neighbours (respondent 67). However, since every citizen is free to invite friends into their homes, it is more difficult to find what some called the judicial ‘hook’ to hinder these gatherings (respondent 31). A possible starting point, or ‘hook’, to nevertheless frustrate or hinder this is sought e.g. in the traffic nuisance caused by (the sound of) the motorcycles parked in the street. That is, the Road Traffic Act can be used to fine any wrongly parked motorcycle (in front of the house) or for a noise exceedance of the exhaust pipe. Besides letting police officers patrol the neighbourhood on a regular basis, a mayor also pointed to the possibility of checking on the members on their way to the house, ultimately to make it less ‘interesting’ to visit this particular place in the future:

‘When you know that they come together somewhere, you can for instance let the police check on the people on their way to the venue more often, to check whether one complies to all laws and regulations, you can do this every week [...] and I can imagine that when you are being turned inside out every week you go there by a group of police officers, that you will start to think, well, I will go somewhere else’ (respondent 45).

One can also check (e.g. by placing camera’s in the street) whether people actually live in the house itself or whether it is solely used as a disguised clubhouse where members only go for club-related activities. In such cases the local development plan does offer a legal ‘hook’ to approach such a situation. As a final example, the Damocles Act also offers the possibility (to the mayor) to close the house when drugs are found or traded inside the building.

Besides gathering in houses, members also visit pubs to meet each other (LIEC, 2016: 9). It is for this reason why the mayor of Echt-Susteren urged owners of pubs and restaurants to provide no cooperation to OMGs when they want to organize an event in their venue. To communicate this message to the owners, the mayor sent a letter in which he made clear that ‘local governments, police and the Public Prosecution Service in Limburg tolerate no activities whereby outlaw motorcycle gangs (OMGs) are involved’, subsequently requesting the entrepreneur to follow up on this as well. To underpin his message, the mayor emphasized that entrepreneurs and civilians must be able to live and work safely and ‘not suffer from people who refuse to comply with the rules of law and with this place themselves outside society’ (Gemeente Echt-Susteren, 26 November 2014). The local government of ’s-Hertogenbosch took it a step further. The mayor not only requested that pub owners not offer cooperation to members, he also decided to alter the local ordinance for the hotel and catering industry (in Dutch: ‘horecaverordening’). That is, under Article 3.2 paragraph 2 of the local ordinance of 2017 (‘Horecaverordening 2017’), the mayor adopted a rule stating that ‘it is forbidden for an owner to permit a gathering of an Outlaw Motorcycle Gang in its venue’. To explain the reason for adopting this Article, the local government raised attention to the idea that the number of members and OMGs continues to increase and that ‘the risks for escalation, threats, intimidation and public disorder’ increases accordingly. Furthermore, the mayor also pointed to the focal point raised by the Minister to prevent any interrelatedness of OMGs with the hotel and catering industry:

‘It must be prevented that they gain a foothold in pubs by means of intimidation or other pressure strategies or start to use pubs as their clubhouse and with this form a danger to the public order. It is therefore necessary to give means to pub owners to keep the OMGs outside the door’ (Gemeente ’s-Hertogenbosch, 2017).

Although the city of 's-Hertogenbosch at the time of the amendment (January 2017) did not experience 'many problems with (members of) OMGs' yet, this measure was intended to offer an extrajudicial 'hook' for an owner to point to when OMG members would begin to visit his or her venue. It is interesting to notice that this rule was *added* to the already existent Article (Article 3.2, paragraph 1) stating that it is 'forbidden to cause disorder' in a pub. Hence, since it has always been forbidden for *any* visitor to cause disorder in a pub, you could say that an OMG as such is understood as a phenomenon that inherently brings along the 'disorder' that is prohibited.

#### 7.6.5 *Exceptions to the rule*

In this paragraph I explained, by using the 'voice' of my respondents, that local governments, RIECs, and the police go to great lengths to either close or prevent a clubhouse of an OMG. It is safe to conclude that this is indeed how the various partners generally give meaning to the goal of 'not facilitating' an OMG. At the same time, I believe it is important to note that there are always exceptions to the 'rule'. That is to say, not *all* local government are equally strict in closing clubhouses, or at least take a different stance on how to approach OMGs.

Although the national approach to OMGs made the local government zoom in on the OMG settled in its municipality, a civil servant of this local government explained to me that they deliberately chose *not* to close a clubhouse. Although the clubhouse of this OMG was not settled according to the local development plan (a judicial 'hook' usually used to close a building) the respondent saw no reason to therefore close the clubhouse. The 'situation of tolerance' (in Dutch: 'gedoogdconstructie') was only granted to the president of the club and the club had never caused any problems in the past. The OMG also, the respondent added, always followed up on the agreements made with the mayor and did not reveal any criminal activities. When I asked why they did not enforce on the local development plan (the clubhouse was settled in a business area), the civil servant reasoned that the club would then go 'underground' which makes it more difficult to 'keep an eye on them' (respondent 63).

A mayor of another municipality explained that he felt somewhat pressured by the national approach to OMGs to 'apply all means to hinder them wherever you can'. The mayor problematized this approach because it has a 'stigmatizing effect' on all OMGs. Moreover, the idea that mayors have to use their administrative tools to close or avert a clubhouse in his belief runs counter to the freedom of assembly and association: 'this is not how we work in this country, the judge decides on whether you are wrong or whether you are not wrong, and before you made it to the judge [...] I remain very reluctant in this'. After using BIBOB legislation and after having the clubhouse checked on its permits,

the mayor concluded that there is ‘nothing wrong’ with the clubhouse. Also, while being aware of the severe forms of criminal activities and incidents taking place in other parts of the Netherlands, ‘until today, neither the police nor the public prosecutor have been able to put something on the table which makes me feel prompted to say, and now it is over’. Hence, the mayor continued, unless the Justice Department reveals that ‘his’ OMG is indeed also involved in various criminal activities, the mayor argued that he was not planning on closing the clubhouse in his municipality. In fact, the mayor chose to stay in contact with the members. Despite the critical questions raised by other mayors about this personal approach, this mayor preferred to make clear agreements with the chapter. Similar to the previous respondent, this mayor equally argued that the advantage of the clubhouse is that ‘at least you know where they are settled’ and that it helps to avert burglars away from the business area (respondent 66).

#### 7.7 RAISING BARRIERS TO OMG-RELATED EVENTS

Besides the focus on clubhouses, another focal point set at the start of 2012 was the focus on OMG-related events. In short, the Minister raised the starting point that the government should not provide a podium to OMGs by facilitating events (TK 2011-2012, 29 911, nr 59: 3). To complete the sentence with which I commenced the previous paragraph, ‘a considerable number of barriers has been raised against the OMGs. A large number of clubhouses has been closed or prevented, and *events were hindered*’ (LIEC, 2014: 4, emphasis added). In this paragraph, I will explain why events were indeed hindered, but also why other events were not.<sup>11</sup> In 2011, as I described in chapter five, various local governments and the police decided to ‘not take any risks’ with motorcycle-related events in the face of the risk of a violent confrontation between the Hells Angels MC and Satudarah MC. Especially due to the arrival of No Surrender MC in 2013 and the Bandidos MC in 2014, motorcycle events in general remained a cause for concern in the following years (LIEC, 2014: 6-7). On 28 March 2014, for instance, the mayor of Valkenswaard decided to revoke the permit for the motorcycle event ‘Harleydag 2014’ (planned on 26 April 2014). This event, organized by Association Harley day Valkenswaard (in Dutch: ‘Stichting Harleydag Valkenswaard’) for everyone who shares the love for motorcycles, was expected to attract around 12,000 visitors and included live music, a market for motorcycles, and entertainment for children. The mayor decided to prohibit the event on the basis of a note of advice by the police which gave negative advice for all motorcycle-related events planned or permitted within the police region Oost-Brabant in the months April and May 2014. This negative

<sup>11</sup> The yearly LIEC reports do not include exact figures about the number of OMG-related events prohibited or prevented each year.

advice was, in short, fuelled by the recent arrival of the Bandidos MC in the south of the Netherlands (in the weekend of 14 March 2014) which was ushered in by a series of incidents, such as the setting on fire of a clubhouse and an explosion near the home of the president of the Bandidos MC. As the Bandidos MC increasingly made their way into the Netherlands, the risk of a violent confrontation between the Hells Angels MC and the Bandidos MC also became more intense, which belief was underpinned by confrontations between both clubs in the past, as well as the more generally acknowledged violent character of OMGs. All in all, the police reckoned the 2014 edition of the Harley day in Valkenswaard was an 'ideal podium' for the Bandidos MC to present themselves and provoke the Hells Angels MC. Indeed, the 'possible presence' of the Bandidos MC at that year's Harley day led the police to scale the risk for public disorder during this event as 'high' (Rechtbank Oost-Brabant, 17 April 2014a).<sup>12</sup> A police officer of the national OMG-infocel further explained why these motorcycle events were so closely monitored and occasionally cancelled beforehand:

'Because you create an opportunity, internationally there have been a lot of incidents for instance in Australia on an airport, in a casino in America. Yes, these are moments where they instantly faced each other in group formation [...] and that was really what one tried to prevent by all means possible [in Dutch: 'kost wat het kost'] and of course you can never exclude the possibility that they nevertheless run into each other but that it is often only in small groups or as individuals. But when you attend an event as a group then the circumstances are really different [...] you have to try to take away these possibilities. And this still happens, there is still intelligence coming in revealing that both groups are going, and you just don't want that' (respondent 9).

From the interviews I learned that mayors not only cancelled motorcycle events because of the risk for a confrontation between warring OMGs, but also because OMGs 'claimed' and took control over the public sphere during previous events. Respondents particularly remembered the Harley day in the city of Breda, during which OMGs started to claim the event by acting as if they were the 'boss' of the event. Although the latter event was not

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12 The advice of the police to cancel all motorcycle-related events in April and May 2014 did not provide enough ground to actually cancel all events. The owner of a motorcycle shop ('DCA Motorcycles') applied for a permit to organize a relatively small event on 21 April 2014. This event was set up as an 'open day' to promote the company. Following up on the advice of the police to prohibit all motorcycle-related events, the mayor also tried to prevent the open-day of DCA Motorcycles as it was feared that this event would attract members of different OMGs, ultimately risking a confrontation between OMGs. The court, however, argued that the mayor failed to provide adequate arguments that this specific event would indeed attract OMGs and also, why this could lead to a confrontation between OMGs (Rechtbank Oost-Brabant, 17 April 2014b).

organized by an OMG, OMG members nonetheless took up the role of public order enforcers and in that capacity also interfered with incidents:

‘During Harley days, the Harley day in Breda for instance [...] we just noticed that particularly in 2011/2012 that day was increasingly claimed by OMGs, well, then we as the government really collectively said we don’t want that anymore, we are not going to facilitate anymore, the motorcycle clubs should not claim the stage there anymore’ (respondent 27).

However, prohibiting an event because of the risks of that particular event is not something that is unique to the national and multi-agency approach per se. The police, in close cooperation with the local government, always keeps an eye on (the risks of) events, whether it is a motorcycle event, a kickboxing event, the National Kingsday, or a music festival. In 2016, the mayor of Roermond, to give a simple example, also decided to forbid the yearly carnival parade because the heavy gusts of wind endangered the safety of the spectators watching the parade on the sidewalk. What *is* unique to the OMG approach, though, is that the Minister argued that the government should not facilitate events that are directly organized by (members of) an OMG (TK 2011-2012, 29 911, nr 59: 3). Hence, apart from the events that are hindered because of the risks tied to the event in question, it was more generally stated that the government should not allow events ‘whereby members of an OMG are clearly involved’ to begin with (LIEC, 2014: 12). In this context, one can think of e.g. open day events at clubhouses, so-called ‘supporter parties’ and events organized for the international chapters of a club.

Indeed, just as with clubhouses, respondent 56 equally followed the strict line set by the Minister:

‘Why do we not give them the opportunity to organize an open-day? When these guys open their doors then this could be a good thing right? They become part of society. Well, no, that is precisely what the Minister said, don’t do that’.

Respondent 76’s business-like interpretation of an OMG involves in the same way the aim to hinder all events where members of an OMG are involved. The mayor explained these activities as part of a marketing strategy. That is, in order to sell more products, gain revenue, and ultimately to stay in business, every company needs a good public relations and marketing department. For the respondent, an OMG equally has such a public relations department, or at least they are held equally aware of the importance of their own positive publicity. When an OMG wants to organize a party, it is ‘just like the Albert Heijn occasionally throws a party for its employees or to get some good publicity.’ Whereas a company such as the Albert Heijn undertakes activities for gaining publicity, the mayor

continued, OMGs organize events e.g. in the neighbourhood to ‘normalize’ their club, gain positive publicity and ‘stay in business’. OMGs are also thought to be in search of this positive publicity as a way to make sure the general public is less supportive of a stringent approach from the side of the government:

‘When other people come to attend the event, and they see all these motorcycles, and they see these people in full-colour, they might think, oh well, it is all very nice and romantic [...] what is possibly wrong with them? To make sure there is less public support the next time the government takes action against OMGs’ (respondent 76).

Taking away the podium of an event, the mayor reasoned, then equally takes away the ability or makes it harder for the OMG to exist and to conduct ‘business’. Another mayor likewise argued that hindering events organized by OMGs prevents OMGs from becoming ‘accepted’ and a normal part of social life (respondent 42). At the same time, the LIEC described that this focal point also aims to hinder OMGs from using events as a podium to strengthen its ‘untouchable and intimidating image’ (LIEC, 2014: 12). A police officer explained in this context:

‘Look any regular civilian has to apply for a permit for such a party, and they have to adhere to all sorts of conditions, well they guys used to throw parties, and they cared about no one else and streets were blocked [...] you know, a kind of untouchability in the public space. We just don’t want that anymore’ (respondent 27).

Furthermore, others pointed to recent violent confrontations between OMGs to generally argue that the phenomenon inherently comes with risks for public order, which makes all OMG events undesirable:

‘But it is not about that party you know, it is about whether we find the phenomenon OMG desirable or undesirable you know, I believe we all agree that it is undesirable, well I think that recently these troubles at Van der Valk showed again what kind of risks are coupled with it [...] yes the waiting is for the first innocent victims to fall [...] and we have seen the same in Heerlen I believe, where they fought each other at this sports club of a volleyball club, yes, you must not think about what can happen, because they really are people who are not shy of using violence’ (respondent 43).

A respondent from the RIEC added to this that it is ‘better to prevent than to cure’ and thus also advocated for hindering all events organized by an OMG (respondent 49).

Overall, ‘not facilitating an event’ generally means – in line with the approach towards clubhouses – that a local government does not facilitate an OMG by actively offering a venue for an event. Local governments also started to strictly enforce the rules of organizing an event as a way of showing that every citizen is held accountable to the same rules (e.g. having a liquor permit, hiring security personnel, requesting permission to build a stage or tent, and sharing the plan of action in case of emergencies). As a result, OMG events have also been prohibited simply because OMGs were not able to (1) meet these rules or conditions and (2) because clubs were not willing to be transparent on e.g. the guest list or the general organization of the event (respondent 53). At the same time, it is clear that events directly organized by OMGs are also found undesirable to begin with, not only when the event is not planned according to permit conditions. Indeed, a mayor explained that the policy plan ‘under which we all put our signature, actually describes that we are going to do our best to make their lives as difficult as possible, to translate it in my own words’ (respondent 47). However, I did notice that mayors were somewhat more limited to always forbid an event beforehand, which limitations will be discussed in the following paragraph.

#### 7.7.1 *The limits of ‘not facilitating’ OMG events*

Indeed, more than in the case of clubhouses, I found that there is a gap between ‘wanting to’ and ‘being able to’ hinder an event. The following quote of a mayor nicely captures this tension:

‘We also had this situation, you know, they want to organize a winter or summer party and then they request for an event permit as well as an exemption for the Liquor Act, because they do not have a permit for this, and then the advice of the Public Prosecution Service is to refuse that, yes and then my first question is, on what grounds? Explain to me, here you have the Liquor and Catering Act, where does it say that I can refuse a permit to an OMG? Because one of the grounds on which I can refuse a permit is because someone has a large criminal record or when there is a risk for public disorder, but when you take a look at what the worst criminal activities of my OMG members are [...] yes that is not enough grounds for me to refuse the requested permit’ (respondent 43).

Hence, although he agreed that OMGs form an ‘unwanted phenomenon’ and was ‘advised’ to hinder the event, the mayor struggled to find a judicial ground to do so. In addition, another mayor explained that he always requests that the police provide information about the applicant and the risks of a particular event, but the simple fact that an OMG requests an event permit alone is insufficient to actually prevent the event from happening: ‘at the moment that they request a permit and they comply to all the rules of the game, then it becomes really difficult for me to do something about this’ (respondent 47). To give a more specific example of how mayors are not always able to hinder an OMG event, some of the mayors I spoke to explicitly pointed to an event called the ‘Brothers in Arms Run’ organized by the Veterans MC. In this case, the Veterans MC planned (just like it did in 2008) to organize the Brothers in Arms Run from 10 May until 12 May 2013 in the small village of Sint-Agatha. The event was planned to be open solely for 150 invited (ex-)military motorcyclists from various nationalities, which mostly involved members from the same club. The event was categorized as a so-called A-event, a category that is used to describe events that have only little impact on the direct environment (e.g. events without loud music systems). The visitors of the event were planning to set camp on a field close by, which was set up with washing and toilet facilities. However, this time the local government of Cuijk decided not to grant the permit to organize this event as the event was thought to involve risks for public disorder. Not taking this decision for granted, the Veterans MC appealed the mayor’s decision in a preliminary hearing. Interestingly, the court did not follow the line of reasoning of the local government and decided that the protest of the club had ‘a reasonable chance of succeeding’. That is, the court noted that the mayor largely grounded his decision on the national policy to not facilitate an OMG in combination with an administrative report (in Dutch: ‘bestuurlijke rapportage’). However, from this administrative report it became clear that there have not been any incidents during previous events of the club, while the local government also could not (or at least did not) point to any (current) criminal investigations into the members of the club. Not least because the police also assessed the risk for public disorder during this event as low, the court concluded that the refusal of the mayor was not sufficiently supported by specific indications or risks for public disorder. The supposed intimidating character of the planned motorcycle tour, or ride-out, also could not support the conclusion that there was in fact danger for the public order. Overall, the decision to not permit the planned events seemed particularly grounded on ‘assumptions and insufficiently substantiated statements’ and the general idea that the Veterans MC is a ‘1%-MC’ and was therefore linked to the Hells Angels MC. More generally, the court reasoned that a national policy (to not facilitate an OMG) alone, cannot serve as grounds for taking decisions in specific cases. In a case like this, the local government always needs to consider the local circumstances and risks coupled to the specific event (Rechtbank Oost-Brabant, 8 May 2013). To put it in my own words, although the Veterans MC was labelled as an OMG and therefore fell under the scope of the national

approach, the OMG label alone cannot serve as the *judicial* ‘hook’ to take local administrative measures. In other words, the sole membership to an OMG cannot hinder members from organizing, in this case, events.

To give one more example of how local governments sometimes lack the judicial ‘hook’ to forbid an event of an OMG, I signal that OMGs often (not least as a result of the closing of clubhouses) look(ed) for other venues to organize an event, for instance in regular pubs or in party centres that hold a permanent permit (in Dutch: ‘doorlopende vergunning’) to host all kinds of events. Precisely because the OMG itself does not have to apply for a permit when it chooses to organize an event in these venues, the police and local government are not informed about such an event, or when they are it is rather late in the process. Furthermore, a mayor explained to me that a mayor is only able to prevent such events on the basis of a risk for public disorder (Article 172 Municipality Act). However, to do so, there actually has to be a demonstrable risk for public disorder to begin with. As an example, the same mayor described a case whereby an OMG was indeed planning to organize a large event in a party centre. To map the risks linked to this specific event, the police investigated whether there were signs of other OMGs going to this event as well (possibly causing a violent confrontation), whether there were risks for neighbouring citizens, or whether the party could cause problems for other neighbouring pubs. The police also investigated whether this party possibly was a first step by the OMG to ultimately turn this venue into their own (disguised) clubhouse, which was something the local government and police found highly undesirable. The mayor explained, however, that ‘on the basis of the police, on the basis of the conversation with the owner, on the basis of the conversation with the [name OMG] the risk was nihil’. As the judicial means to prohibit this particular event was thus missing, the mayor decided – in close cooperation with the RIEC, Public Prosecution Service, the police and other mayors – not to cancel the event beforehand:

‘Let me make one thing clear, it is not desirable that they come here you know, I mean if I was able to prohibit this with a good argument I would have done so, but this argument was not there. And I think you should not search for an argument with which you exceed the legal framework. We also understand that things will happen there, people meet each other from all over the country, they do not see each other so often, yes, certainly things that are not desirable will be plotted there, let me say it in this way. Of course we do not know for sure but the suspicion is there. So that is something that you, as a minister, do not want to facilitate, but you do have to have a means’ (respondent 28).

Hence, although this mayor did find it ‘not desirable’ to have this event in his municipality, the mayor felt there was no or too little room to actually hinder the event, a decision that

was supported by the other partners. The extensive risk assessment simply did not raise enough risks or concerns to offer the ‘judicial hook’ to ban the club from this venue.

### 7.7.2 *Between hindering and regulating*

Due to the (judicial) limitations of forbidding an event, I observed that mayors were also less univocal in their understanding of how to cope with a future OMG event. Also, not least because of the more incidental character of an event (in contrast to the more permanent and structural character of a clubhouse) there is a ‘grey area’ to be signalled when it concerns the definition of ‘not facilitating’ (respondent 26). Although the national directive prescribes to hinder events ‘whereby members of an OMG are clearly involved’ (LIEC, 2014: 12), and the respondents generally also found these events ‘undesirable’, it still depends on how far an individual mayor is willing to go to actually forbid an event. A police officer explained:

‘We have examples where the one mayor says, I let this chopper day take place and I will impose strict rules, while the other mayors say I don’t want it here so I will strictly enforce on the permit conditions in such a way that the applicant says, yes I cannot live up to these conditions’ (respondent 8).

More or less the same picture was sketched by a mayor who noted that some of his colleagues indeed took up a rather strict stance and ‘ran ahead of things’ by hindering events as much as possible, while others take up a more ‘situational approach’ (respondent 47). As an example of the latter, one respondent found it ‘nonsense’ to forbid an event of an OMG *because* it is organized by an OMG. To be able to actually forbid an event beforehand you must, the police officer explained, make explicit in what way a specific event is used by the club to negatively influence society, provoke authorities, or is a danger to public order: ‘you must have judicial grounds to confine civilians in their freedom’ (respondent 18). In line with this, a mayor experienced that:

‘Increasingly pressure is exercised to draw one line, so from the national coordination one favours that as little as possible cooperation is granted [to OMGs, TvR]. At the same time, we are faced with the discussion of, yes, when you ban something you still need a title to do so, because we still live in a democratic state, and that title is just not present here, so therefore I am also not willing to, as mayor, play a game of bluff poker while I actually do not have the grounds for that’ (respondent 33).

In stark contrast to the latter position, another mayor took up the strict stance of not allowing any event that can be linked to an OMG, even when he is not sure whether this decision would stand up in court: 'I think let them whistle me back in court, I am willing to be overthrown by the court, I do not care about that, as long as this [event, TvR] does not take place' (respondent 69).

When it is decided not to prohibit an event beforehand, the local government and police often *do* make agreements with an OMG on how they expect the event to take place. For a police officer the goal of this is to make sure that OMG members 'act normal' in the public domain:

'Such a party, administratively you cannot forbid it, what is then nicer then setting clear rules, then I am not facilitating, but I do make clear what I just do not allow, and when they agree to this then there is just nothing wrong with it, right? In this way, I believe we assured that they act like normal civilians in the public domain' (respondent 17).

As an example of such an agreement, one can think of making sure that the members only wear their colours when they are inside the venue. The previous case in which the mayor did not see enough reason to cancel an event in a party centre made similar agreements with the OMG as they agreed not to wear colours outside and leave their motorcycles home (because this would attract spectators and causes noise disturbance in the neighbourhood).

When events are not hindered, this also does not mean that law enforcement agencies completely let go of the event. In fact, quite the opposite happens as multiple respondents pointed to the possibility of enforcement during the event itself as well. One mayor explained that he ordered a traffic control (in Dutch: 'verkeersfuij') near an OMG event in order to check on every vehicle and member that was planning to attend the event (respondent 45, 47 and 26). Besides providing a starting point for a PGA-approach (in cooperation with the tax authority), such traffic controls also help to gather information on developments within an OMG (by mapping who attends the event) (respondent 63). Finally, enforcement agencies also physically attend events to check whether the club actually complies with the agreements and conditions set in the permit.

### 7.7.3 *Banning colours from other events*

To end this paragraph, I would like to shortly raise attention to events that are not necessarily organized by and for an OMG, but do generally attract OMG members. Here you can think of motorcycle events, old-timer shows, tattoo conventions and kickboxing events. To reveal influences from an OMG, or any other criminal influences, these events

are strictly monitored and screened by the police. One reason for this is that one wants to prevent OMG members from 'claiming' the event and from using the event as a 'podium' for the club: 'we don't want OMGs to take the stage and act like, listen this is our event and we show off here, because then it is actually a claim to the public space' (respondent 27). For this reason, the local government and police often stay in close contact with organizing parties of these events to make agreements on how to hinder members from wearing their colours. In this context, one mayor described to me that he approached the organizing party of a kickboxing gala: 'I said you provide these OMGs a podium and I try to fight them, I do not want that'. Therefore, in close cooperation with the organizing party it was decided to ban colours from the event by changing the 'house rules' of the venue. The mayor explained: 'in this way you also try to make it more accessible for people who are not member of such a club, because it is of course really intimidating if you have all these tables full of guys wearing colours, you know' (respondent 69). Another mayor who also asked the organization party of an event to enforce a colour ban equally reasoned that 'I did not fancy the idea of them using the event as some sort of propaganda stage'. Interestingly, the mayor explained to be 'rather pleased with this strategy, because it fits very well in our national focus to show them in various ways that they are not the boss' (respondent 47).

On other occasions, the reason for banning colours from an event can be grounded by the idea that the colours might fuel 'tensions' in the public domain. In the last week of June 2014, to take one example, the mayor of Assen issued an emergency order during the TT Speedweek. In short, this event is built around the famous motorcycle race TT Assen and involves various festivities in the inner city of Assen. However, it was known that No Surrender MC, which had a chapter in Assen at that time, was also planning to organize events for other members of the club. The local government feared 'impermissible risks' to the public order in case the members of No Surrender MC would also pay a visit to the well-attended TT Speedweek. With 'impermissible risks', the mayor pointed to possible conflicts with the police, other motorcycle clubs or the general public, as well as disruption of the event at large. To prevent public disorder, then, the mayor raised a colour ban (during the TT Speedweek) meaning that members of an OMG were not allowed to manifest themselves through wearing colours or by carrying any other objects and signs that refer to an OMG (Gemeente Assen, 23 June 2014).

## 7.8 RAISING BARRIERS TO RIDES

In the previous chapter I described that the 'problem of outlaw motorcycle gangs' also relates to how OMGs behave 'on the road'. Various respondents explained how members disobeyed traffic rules during ride-outs and in this way took distance from society, or even,

how one respondent 25 described it, ‘raise the middle finger to society’. During past ride-outs, OMG members e.g. denied stopping lights and road-signs, turned roundabouts counter-clockwise, and the road-captains blocked crossroads to guarantee a free passage of the caravan.<sup>13</sup> These acts are of course not only in violation of the law, it also causes a nuisance to other road-users. Ride-outs furthermore, so it is noted, have an intimidating effect as nobody dares or is able to pass the convoy, which consequently builds the public image of a group that is ‘untouchable’ and (can) do whatever they want. The event of a ride-out is also, similar to events, taken as a means to position the ‘outlaw’ character of the club in society, and to build the ‘internal cohesion’ between the members (respondent 11). For the LIEC, a ride-out can equally be regarded as a type of event that is not (or at least should not be) ‘facilitated’ by the government and for which the government ‘provides no podium’ (LIEC, 2014: 12). Because of the specific circumstances of these and other ‘rides’, I however chose to pay attention to this type of event in this separate paragraph.

In general, ‘not facilitating’ and ‘not giving a podium’ are closely linked. That is, a local government can take away the podium of an OMG by not facilitating the OMG with a permit. By not helping an OMG with a permit, the OMG is not able to take a podium and make itself present during this particular event. You could say that the notion of ‘not facilitating’ thus relates to the actual *practices* of the government (e.g. the act of (not) providing a permit), whereas ‘not providing a podium’ is specifically about the general idea that OMGs should not be able make themselves present in the public domain. In relation to ‘rides’, as said, this starting point takes shape in its own particular way. First, the idea that the police and government should not facilitate rides has to do completely with the belief that OMGs should not get any privileges or special treatment from the government.

### 7.8.1 *A special treatment*

To start with, OMGs used to receive ‘special treatment’ because of an *inactive* role of the police. A police officer remarked that before 2012, the police simply had less attention for enforcing legal violations during ride-outs. The respondent argued that ‘it was actually partly tolerated, it was actually more or less deemed normal that these clubs behaved in this way and there was actually nobody who said let us take on this problem’ (respondent

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13 Not every motorcycle ride of a group of OMG members is to be considered a ‘ride-out’. Often only a small number of members ride their motorcycle together. Here you can think of e.g. four members driving together to visit their weekly club evening. Although these four members of course could also deny traffic regulations during this regular ride, a ride-out of an OMG usually refers to a large-scale ride of tens or hundreds of (international) members driving in a convoy from place A to B. These ride-outs are often coupled with an event of the club (e.g. visiting a party, celebrating the birthday of the club, or as an opening ride of the season).

22). This officer not only pointed to the aforementioned traffic violations, but also to the fact that the motorcycles themselves were occasionally built with stolen parts or the sound of the motors exceeded noise regulations. The general message therefore was that the members should behave as ‘normal people’ do:

‘They deny red stopping lights, take roundabouts counter-clockwise, they were the boss in the streets. Yes, and that has been a focal point of our policy; they have to follow the rules, they have to do what the normal civilians also do’ (respondent 35).

Hence, just as the organization of the Tour de France needs a permit to block the streets, the idea was stressed that OMGs also need special permission in case they want to deviate from the normal traffic rules during ride-outs. It is for this reason that from the start of 2012, law enforcement agencies started to strictly enforce these ride-outs e.g. by closely following the convoy to write a ticket for any traffic violations committed by a member. As the LIEC (2014: 13) described, ‘the police break that image [untouchable image, TvR] by giving many fines, have many traffic controls, and strictly enforcing the rules’.

On the other hand, special treatment also meant that OMGs should not be facilitated with a disproportionate amount of attention by *actively* guiding and facilitating the free passage of the members. As I also noted in the previous chapter, especially the *active* guidance of the funeral of Sam Klepper (although this was not actually a ride-out) was remembered as a ‘mistake’. While the funeral of Sam Klepper in 2000 was literally guided and secured by the police, today such an approach is clearly regarded as undesirable. The core of this undesirability lies in the idea that problematic or ‘criminal groups’ receive a special treatment from the government:

‘We tolerate from no single funeral procession that it denies a red stopping light, unless it is the king who is being buried, so why for them? It is all nice that they want to do that with 200 or 500 men, but when I want to organize a funeral with 500 men then they all still have to abide by the rules and then the mayor of X is not giving me a permit to block the streets’ (respondent 35).

Respondent 7 added to this that ‘you do not want’ to actively assist ‘people who might as well make the headlines next week because they might be involved in synthetic drugs’. For this respondent this was ‘also the new approach to the RIEC’s you know, to not facilitate, that you do not want to build any link [with an OMG, TvR]’. To make the contrast of this ‘new approach’ more explicit, it is interesting to see how the local government of Amsterdam, twelve years after the funeral of Sam Klepper, coped with the funeral of yet another prospect of an OMG.

In the night of 20 August 2012, Quincy Soetosenojo was shot dead in Amsterdam. Soetosenojo, also known as 'Sin Quin' or 'Sin', was a member of the Dutch Crips and a prospect member of Satudarah MC (Roks, 2017). To honour their fallen prospect member, members of Satudarah MC were planning to escort the funeral procession on their motorcycles. After being informed of these plans through the newspapers, alarm bells were set off within the City Council of Amsterdam as labour party PVDA filed a series of questions to the mayor on how he was planning to cope with this funeral. At that time, PVDA described Satudarah MC as a club that considers itself a '1%-MC', and as a club of 'which multiple members have been involved in criminal activities'. The political party raised critical questions because it feared a rerun 'of what happened before', clearly referring to the funeral of Klepper in 2000. Because Satudarah MC, according to the political party, presented itself as a club that 'stands above the law', it feared that the club would – during the funeral procession – take over the authorities strictly belonging to the police and the local administration (e.g. by illegally blocking the streets during the funeral procession). While stressing that family, friends, and members of Satudarah MC must have the possibility to bid farewell to Soetosenojo in an appropriate manner, the PVDA argued that Satudarah MC should not be allowed to act as some sort of escort, also not under the supervision of the police (Gemeente Amsterdam, 19 October 2012).

Indeed, in some cases, the police might want to escort a funeral to facilitate a free passage of a funeral procession. Think for instance about the obvious example of when a member of the royal family is buried. In these and similar cases, the hearse is allowed to move slowly through the city centre and ignore red stopping lights precisely because the police are escorting the funeral. While the Hells Angels MC received a similar treatment in 2000 (be it for different reasons), such special treatment of the Satudarah MC was now deemed highly 'unacceptable' by the PVDA, as this would facilitate and affirm the 'untouchability' of a 'motorcycle gang' that aligns itself with a 'culture of violence'. The political party in its own words aimed to 'put a stop to the glorification of the violent gang culture and 'outlaw' motorcycle clubs, under which 1%-MCs, and believes that a funeral procession must not be abused to act as parade of power by these motorcycle clubs.' The party hence demanded that Satudarah MC would get the same treatment as any other 'random citizen of Amsterdam', and that the police would normally fine any traffic violations. In the letter of response, the mayor of Amsterdam informed the city council that the police had indeed forbidden Satudarah MC from organizing an escort, and that only a limited number of motorcyclists was allowed to follow the procession. Thus, no roads were blocked, and the funeral procession took place as any other 'random' funeral. The mayor agreed with the political party that it is important 'to take action against the so-called untouchability of these clubs'. To make sure that Satudarah MC indeed followed the traffic rules 'common to us all', the police also strictly enforced on traffic regulations

during the funeral, which eventually resulted in filing a total of twenty police reports (Gemeente Amsterdam, 19 October 2012).

In sum, both an active and inactive role of the government vis-à-vis OMGs is problematized. The government should not facilitate OMGs by *not* fining traffic violations in the same way, and it should also not make it possible for OMGs to violate these traffic violations while being escorted. The general message here is, again, that OMGs should be treated in the same way as every other citizen and thus should not get any privileges. They always have to follow the traffic rules, and the police should not be reluctant to approach them when they do not. However, as I equally noticed in the previous paragraphs, the approach to OMGs goes beyond treating members as ‘random citizens’. As I will describe in the next paragraph, the intention of not providing a podium to OMGs inherently holds the belief that an OMG is an unwanted phenomenon to begin with.

#### 7.8.2 *Taking away the podium*

In the case of Quincy Soetosenojo, the Satudarah members were not hindered from wearing their colours per se. The local government only raised attention to how the police should cope with this event and stressed that the funeral must take place according to ‘normal’ regulations. In other cases, though, ‘not providing a podium’ took shape in a more direct way by literally taking away the ability of OMGs to express themselves to the general public. That is, when I asked a mayor about how he understood the idea of ‘not providing a podium’ to OMGs, the mayor replied:

‘That is a very easy answer of course. At the moment that you say that they convey a wrong appearance, they convey the impression that they at least, this also counts for the veterans you know, they convey the impression that they are part of the criminal circuit, that they are guilty of criminal activities. And you have to approach them on the individual level, but you also have to make sure that the society as such cannot build a certain image of this you know, I find that very logical’ (respondent 69).

The following case shows that the starting point of ‘not providing a podium’ indeed means that ‘also’ the Veterans MC have been hindered from making itself visible to the public.

Every summer, the city of The Hague stages the National Veterans Day during which veterans are honoured and thanked for their service to the country. This day is centred on a large military parade of thousands of military and ex-military members, which traditionally runs past a stage of dignitaries such as the King, high-ranking officers of the army, the Minister of Defence and the mayor of The Hague. While passing by the stage,

the veterans receive an honorary salute from the King. During its seventh edition in 2011, a few members of the Veterans MC (while riding on their motorcycles and while wearing their colours) for the first time participated in the parade and accordingly received a salute from (at that time) Crown Prince Willem-Alexander.<sup>14</sup> This was equally the case in 2012 and 2013. The next year, however, the participation of the Veterans MC in the parade was problematized. While it was clear that members of the Veterans MC had served in military operations abroad, and were thus actual veterans, the fact that this club was listed as an OMG caused doubt about its attendance during Veterans Day. This had all to do with the idea that the Veterans MC, just as the other ‘original’ members of the Dutch Council, were thought to have placed themselves above and beside the law. As I noted in the previous chapter, this was particularly communicated through the 1%-patch worn on the colours, a symbol that did not relate well especially with people who work(ed) for the government:

‘As a serving soldier you cannot say that you place yourself above the Dutch Law. That is not possible, that is not compatible with each other, that means that you, you are allowed to be part of an MC, you can be a motorcycle club, but you cannot assert yourself as an OMG, that is not possible. When you work for the government, and this especially counts for the Veterans [...] are we letting our King salute men who express on their right chest [pointing to the 1%-patch, TvR] that they feel elevated above the law?’ (respondent 18).

In 2014, the mayor of The Hague answered this question negatively and decided that members of the Veterans MC were not allowed to again participate in the parade with colours (Gemeente Den Haag, 6 February 2015: 3; Raad van State, 9 December 2015).

In relation to the previous subparagraph, it is interesting to note that all participants of National Veterans Day *are* permitted to deny traffic regulations such as traffic lights and stop signs. This is because the mayor simply gave a permit to do so. In other words, the mayor facilitated the event and with this, made room for participants to deny ‘normal’ traffic regulations. As a result, members of the Veterans MC were equally allowed or facilitated – just like the other ‘normal’ veterans – to violate traffic regulations. However, in 2014, the notion of ‘not providing a podium’ caused the mayor to decide that the members of the Veterans MC were not allowed to do this while wearing their colours. Hence, in this case, the belief that OMGs should be treated as ‘any other normal citizen’ took shape by banning OMG-related colours from the parade. To put it somewhat philosophically, in order for the members of the Veterans MC to violate the traffic regulations like the other ‘normal’ veterans or citizens, the members first had to leave their

<sup>14</sup> In magazine *Elsevier* (3 September, 2011: 26) you find a photograph of a member of the Veterans MC together with Crown Prince.

colours home as this piece of leather symbolizes a phenomenon that distanced itself from the 'normal'. Hence, in this case it was not the traffic regulations of the member that set the member apart from the 'normal citizen', it was the visible reminder of 'the' OMG that was regarded as the 'abnormal'.

### 7.8.3 *Between hindering and regulating*

Just as with events organized by OMGs, the autonomous position of the mayor means that there are always variations between municipalities on how ride-outs are coped with in practice. The position a mayor takes towards a ride-out is also influenced by the specific circumstances of a particular ride-out or by his or her own experiences with OMGs. To reveal this variation in short, it is interesting to note that the national government advised local governments to qualify a ride-out as a 'parade' (in Dutch: 'optocht') and therefore as an event that needs a permit. In this way, so it was proposed, ride-outs are more easily regulated or hindered (LIEC, 2014: 13). For instance, the local government can tie specific conditions to a ride-out (e.g. concerning the route or time of the ride), and can decide to decline an application, citing that the ride will cause too much nuisance to other traffic users, or because it might fuel tensions between conflicting OMGs or because the applicant is discovered to have an extensive criminal record (using BIBOB legislation).<sup>15</sup> As an example, one mayor explained that he hindered a ride-out because it was planned to start from a crowded city centre: 'yes, there are fathers and little children and all, well yes, these lads might as well carry weapons and all [...] and then we just said we are not going to do this on the grounds of public order' (respondent 65).

Unfortunately, my respondents had little specific examples whereby an OMG indeed requested a permit to organize a ride-out. This is because OMGs generally simply do not request permission from a local government to organize a ride-out, but also because members (in small or larger groups) take their motorcycles on a ride without organizing themselves in an actual or official ride-out.<sup>16</sup> Indeed, when OMG members plan on taking their motorcycles for a 'normal' ride, there is no need to request permission just as other 'normal civilians' are also allowed to ride their motorcycles. It is only when OMG members, or members of any other organization or motorcycle club, want to deviate from traffic regulations that they need a permit. Nevertheless, the advice to local governments to make ride-outs subject to authorization can be understood as what respondent 31 called 'an extra action perspective' (in Dutch: 'handelingsperspectief'). Some understand this 'action

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15 In 2016, a total of three ride-outs were prevented and in five cases the police and local government made agreements with an OMG about the guidance of a funeral (LIEC, 2017: 16).

16 Problematic about requesting a permit for a ride-out is that an OMG (or any other club) needs to inform multiple municipalities, as a ride-out usually also travels through multiple municipalities.

perspective' as a way of making it 'more difficult [for an OMG] to manifest itself in the public sphere (respondent 43), while others considered that the procedure for a permit application also helps to 'scare them off a little' (respondent 53). Another police officer noted that they indeed received some requests to permit ride-outs, and explained that 'on those occasions where a permit needs to be requested we try to prevent that, we also have ride-outs for which permits are requested [...] and there we also tried to prevent it' (respondent 50). One mayor was also very clear in explaining that for him 'not giving a podium' means that he will not permit any ride-outs of OMGs to begin with (respondent 67), and another even advocated to ban all ride-outs, including those of clubs not labelled as an OMG: 'then the well-intentioned have to simply suffer under the ill-intentioned' (respondent 65).

On the other hand, there are also mayors who prefer to regulate ride-outs and set clear and strict conditions under which a ride-out is allowed to take place. One of them explained to me that in one case he 'found a very good modus' for this as he did not escort the ride-out with 'heavy police guidance', but did make sure that crossroads were shortly blocked by the police to effectuate a smooth passage of the tour. For this mayor, interestingly, it was precisely by regulating the tour that he wanted to show that OMG members cannot take over the public space and are thus not the boss:

'In the public domain I am the boss [...] that is how I want it; they have to know that I am here and that it takes place under my conditions, and these activities, events, or how you want to name it, are allowed to take place. And I talked about this on the department level as well, but do not tell me that I have to ban it, because I do not believe in that' (respondent 70).

When I asked how this mayor then reflected on the idea that OMGs should not be provided with a podium, he explained that he wants to decide for himself what it means to provide a podium. While he recognized that some of his colleagues take on what he called a 'refuse stance' (in Dutch: 'weigerstand'), he qualified himself as in an 'allowance stance' (in Dutch: 'toelatingsstand'). With this, the mayor thus intended to look for ways to regulate something instead of banning it from the start:

'Maybe it is not OK for me to block crossroads or something like that, do I give them a podium with this? Yes, that is my assessment to make, I think that in this way I really found a good way to regulate something' (respondent 70).

Finally, apart from 'regulating' ride-outs that are organized by OMGs, there have also been motorcycle tours (not organized by OMG members) of which it was known that members were planning to take part. In this context, a police officer gave me the example where a

mayor prevented a motorcycle tour from crossing the inner city. The mayor did this, the respondent explained, because he did not want to give the OMG members too much 'exposure' to the public: 'we do not prohibit it, but we slightly redrafted the rules, and this also fits within, not cooperating to any exposure' (respondent 20).<sup>17</sup>

## 7.9 STOP-CONVERSATIONS

In the previous paragraphs, I zoomed in on how various partners raised barriers to clubhouses, events, ride-outs, and hindered members from visiting pubs. As a preliminary conclusion, it is clear that OMG-related activities are generally deemed unwanted and that the national government advocates the general belief that OMGs should be hindered in its activities 'by all legal means available'. It is interesting to notice, however, that law enforcement agencies also frequently take action *before* the 'available legal means' can be deployed to begin with. That is, to hinder the activities of OMGs and their members, local governments and the police regularly also conduct so-called 'stop-conversations' (in Dutch: 'stop-gesprekken') with OMG members and pub or restaurant owners (in Dutch: 'horecauitbaters').<sup>18</sup> These conversations usually take place when the local administration or police are informed about plans of an OMG to settle in a particular area, when an OMG wants to organize an event or when members start to visit a pub (RIEC-LIEC, 2016: 18). To support local governments in these conversations, the LIEC and RIECs distributed special guidelines on, among other things, how to prepare for the conversations and how to carry out the meeting itself (LIEC, 2015b: 9). Directly in line with the description of the administrative approach in the Handbook Administrative Approach Organized Crime (paragraph 2.7.2), a stop-conversation is generally used as a means to 'discourage' an OMG from settling in a municipality. The message behind this discouragement is rather straightforward; the OMG 'is made clear that it is not welcome and that the local government will try to prevent the establishment by all legal measures possible' (LIEC, 2017: 16). Hence, the LIEC proposed to make clear to OMGs that they are not 'welcome' to begin with, ideally to prevent agencies from needing to use the 'legal measures' in the first place.

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17 Mayors not only take away the podium for OMGs e.g. by hindering members from wearing their colours during events or by diverting ride-outs. Sometimes these gestures are much more subtle. For instance, for one mayor 'not providing a podium' also means that he will not attend events where OMG members are present or will not let someone take a picture of him together with a member (respondent 62). Another mayor similarly explained that he does not accept any invitations to come and visit the clubhouse of an OMG (respondent 70).

18 The LIEC reported that in the period January 2012 until 1 March 2015 a total of 46 stop-conversations were conducted, while a total of 47 conversations were listed in 2016 alone (LIEC, 2015b: 8; LIEC, 2017: 16). The LIEC (2018a: 16) counted 72 stop-conversations in 2017.

### 7.9.1 *Talking to OMGs*

From the respondents I spoke with about this strategy, it is clear that the conversations with OMG members are indeed aimed at hindering the establishment of an OMG. A police officer who was involved in setting up the national approach explained:

‘The goal of a stop-conversation has always been to prevent something beforehand, so often this is about the use of particular location, when you can prevent that beforehand with a conversation, like, well, we let them [the OMG member(s), TvR] come to an alderman or mayor and then we explain to them how we are going to approach them when they decide to start to use it as a clubhouse. We do this in such a way that it deters an OMG from actually continuing their plans. When you decide to let them settle first and let them furnish the place well then it will cost a lot of effort to get them out of there again’ (respondent 22).

Mayors indeed follow up on this notion by stating: ‘we don’t want you here’ (respondent 33), or how one police officer remembered a stop-conversation: ‘I literally attended a stop-conversation with [name mayor, TvR] who simply said: You are not welcome in my town’ (respondent 17). Besides the more instrumental goal of preventing the settlement of a clubhouse, one mayor explained that inviting OMG members to his office also holds a more symbolic meaning. It offers, so he reasoned, a moment where ‘you look them straight in the eyes and say that they are not welcome here and thus show that you are not afraid of them’ (respondent 76).

From the interviews, it became clear that OMGs are sometimes successfully averted simply by inviting the members for a conversation and by openly revealing what the police and local administration knows about the OMG and its plans. In other cases, the grounds for a stop-conversation relate to the fact that the (future) plan of an OMG to establish a clubhouse is in violation with local regulations. Think for instance about the situation where an OMG is planning to use a building in a business area. This is not allowed simply because these areas are – according to the local development plan – earmarked for businesses only. In such cases, the stop-conversations are used to make clear that their endeavour is ‘hopeless’:

‘And then we start a stop-conversation and say, guys we know what you are planning to do and when you establish a clubhouse there, count on it that it will be demolished and then you simply have to leave, then it is over. That was such a conversation, so not like we don’t want you here, well, that also, but particularly through explaining that what they were up to is simply not allowed

and that we are just going to enforce on this. So you can start with it but is simply hopeless' (respondent 13).

Stop-conversations are not only held when members plan to hire a building. One local government for instance also invited OMG members for a conversation after it turned out that members started to regularly visit a certain pub. The following quote reveals that this was not only to ban the visible reminder of the OMG (i.e. the colours) from the pub, but also the members themselves:

'Yes, we do not want them visible in town, in fact, when we know that they visit a pub without rockers, then we also do something, you have to be a little bit creative. Last time, four of them visited a particular pub [...] and then we have some good conversations, we invite them, those members of [name OMG, TvR], I have done numerous stop-conversations together with the police and then we say well, no way, make sure you go somewhere else, but not here' (respondent 73).

Although this strategy is generally regarded as successful (LIEC, 7 June 2016: 7), not all mayors and civil servants I interviewed are equally positive about it. Sometimes the judicial ground to actually hinder an OMG from a particular location is absent and then, so a mayor reasoned

'You actually start a conversation on the basis of bluff, and sometimes these conversations go well you know, as long as your bluff is strong enough, but when you look to the judicial ground underneath it, then it is paper-thin, and I just do not like that' (respondent 43).

A second mayor even seemed somewhat frustrated when he argued: 'yes, how can I start a stop-conversation with someone, on what grounds? What do I have to say to someone, yes stop! You are not allowed!?' There is nothing [no judicial ground, TvR]' (respondent 60). For this mayor it is principally the task of the Public Prosecution Service to prosecute and imprison OMG members or to ban an OMG altogether. Instead of doing a stop-conversation, this mayor hence preferred a conversation in which clear agreements are made on how to secure the public order and security without instantly closing the door from the start. A civil servant furthermore questioned the strategy because its effectiveness largely depends on how the mayor in question presents himself and 'whether the mayor is decisive enough to actually drive them away' (respondent 55). Finally, others reasoned that a stop-conversation does not help in actually changing the behaviour of OMG members:

‘Yes, a stop-conversation, with all due respect, but these guys start to laugh immediately after they leave the office, and they even start to laugh harder when they leave the building. Because do you really change the behaviour with such a stop-conversation? I do not think so’ (respondent 61).

### 7.9.2 *Talking to pub owners*

As said, sometimes pub owners are also invited for a talk. These conversations usually take place after the local administration or police is informed about OMG members visiting a local pub or when members are planning to organize a party in a particular venue. In short, these conversations are used to inform the owner about the risks of letting these members enter his or her venue. Owners are for instance pointed to past examples in which OMGs took over a pub and extorted the entrepreneur (for instance by controlling who enters the pub or by intentionally causing fights and disorder during open hours). Especially the venues that are having trouble making enough profit seem to be at-risk of being visited by members (LIEC, 2015b: 9). These stop-conversations, then, are used to discourage the owner from doing any business with OMGs and in this way protect him or her from any problems in the future. Respondent 20 described such a conversation as follows:

‘Then a stop-conversation is conducted with the owner of the venue and then we say, well we have heard that this and that is about to happen, do realize that this has happened in the past, so be aware what you do, you have the responsibility, but you have to know that this also attracts attention from the government to you as a person’.

One mayor explained that he even proactively contacted all the pub owners in an area to advise against letting members enter their pub. The message to the pub owners was, so the mayor recalled: ‘you should not be wanting this, because this will cause you trouble, not that we are threatening you with any trouble, but you will get yourself into trouble when you do that’ (respondent 42). To give a specific example, in December 2017, acting mayor Rein Munnikma of the municipality Slochteren requested that a restaurant no longer provide access to a supporter club of Satudarah MC. It turned out that this club used this restaurant for its monthly meetings, which was occasionally attended by members of Satudarah MC as well. A spokesperson of the mayor explained that the mayor did this on the basis of ‘national guidelines’ proscribing ‘to avert motorcycle clubs as much as possible’ (RTVnoord.nl, 8 December 2017).

On some occasions, a stop-conversation also functions to fill the gap between ‘wanting to’ and ‘being able to’. When members for instance plan to organize an event in a party

centre that already has a permanent permit, the (facilitative) role of the local government is limited. After all, in these cases the OMG actually does not need to ask permission with the local government to organize the party. A stop-conversation with the owner of the party centre then functions to nevertheless prevent the event from taking place: ‘on those occasions I find it very difficult to take action and that is why you want to take action beforehand. So by inspiring owners not to do business with them. You want to express (in Dutch: ‘uitstralen’) that you do not want them here’ (respondent 28).

Although the intentions (besides preventing the establishment of a clubhouse) are to protect the owner from trouble, it seems that owners are sometimes more or less pressed to not do any business with an OMG in the face of (possibly) losing his or her own exploitation permit. This is done by pointing owners to the idea that they are responsible for any trouble caused by the members in the venue. That is, when a mayor became aware that OMG members had plans to organize an event at a party centre, the mayor approached the owner of the venue to make clear that he knew that he/she was planning to facilitate this party and stressed that ‘if something goes wrong, that might result in you losing your permit’ (respondent 76). A civil servant of another local government was also clear in stating:

‘Then I go to such a venue and then I threaten him like, when these lads keep coming here then the question arises whether you can keep your exploitation permit [...] we say like it will go from bad to worse, and this only has to happen a few times and when you don’t take measures, we will withdraw the exploitation permit’ (respondent 73).

In the aforementioned letter sent to all pub owners in Echt-Susteren, the mayor in similar vein wrote: ‘when you nevertheless decide to support activities of an OMG in your venue it is good to know that the government will not tolerate this and that this might have far-reaching consequences for the future of your venue’ (Gemeente Echt-Susteren, 26 November 2014). Finally, a police officer described a situation where members were already visiting a pub on a regular basis and even seemed to have taken control of the pub. Therefore, the police asked the owner to make a choice: ‘we can help you to get rid of these lads but when you do not choose this option, be aware that we will take a fierce approach and will do everything we can to make it as difficult as possible for this club’ (respondent 27).

Overall, the practice of stop-conversations again shows that the approach to OMGs involves hindering the activities of OMGs by all (legal) means available. As voiced by the respondents, a stop-conversation gives meaning to this by taking steps before the legal means come into play to begin with. Stop-conversations in other words are used to literally

communicate to OMGs that they are not welcome and should ‘stop’ thinking about e.g. using a venue as their clubhouse. Besides putting this ‘stop’ to clubhouses, events and rides, one important topic that is still left undiscussed in this chapter is the role of OMG members in certain lines of work. Having OMGs at the centre of attention namely also ‘awakened’ the belief that members should be hindered from occupying particular professions.

## 7.10 RAISING BARRIERS TO LABOUR

In 2012, the Minister raised two focal points relating to members working (1) for the government and (2) for private security companies (TK 2011-2012, 29 911, nr. 71: 4). As I will show in this paragraph, for these two sectors OMG *membership* became an equal risk to be prevented: ‘in fact, it is just risk-based, out of the general observation of these motorcycle clubs, where there is the highest risk, that is where you pin your efforts [...] so that is actually also legitimizes your efforts to focus on this’ (respondent 31). Another respondent in this context noted: ‘you try to prevent that someone gets a finger in the pie within the administration or something’ (respondent 18). Note how these two statements also fit well in the statement by the Head of the National Criminal Investigation Department in relation to Satudarah MC: ‘we managed to diminish them from a force of power to a risk factor’ (Tops & Tromp, 2017: 60). In the following two subparagraphs, I will explain why OMG members are regarded as a ‘risk factor’ for these two sectors and also how the government attempted to raise barriers to this.

### 7.10.1 *The good civil servant*

Besides the general and common norm that people who work for the government should not be involved in any illegal activities, the sole membership to an OMG became an additional reason for concern: ‘when you work for the government then you have to, every civil servant has to, have an irreproachable appearance. The appearance [of an OMG, TvR] does not go along with this, so you combat this’ (respondent 69). First and foremost, this premise has a direct bearing on people who work for the police, as combining OMG membership with police work is simply a ‘no-go’ (respondent 45). In relation to this, it is noteworthy to point to the form candidates must fill in when they apply for a position at the Dutch National Police. In this form, the candidate is asked whether he was (or is) a member of a ‘motorcycle club’ and if so, whether he holds a specific function within this club (this form can be found at the following website: [www.kombijdepolitie.nl](http://www.kombijdepolitie.nl)).<sup>19</sup> As said,

<sup>19</sup> A police officer is also expected not to maintain a private relationship with an OMG member (Centrale Raad van Beroep, 6 October 2016).

the incompatibility of OMG membership however had a wider scope and included civil service in general.<sup>20</sup> Indeed, also the chief of the fire department in Amsterdam believes that ‘it is absolutely not normal that people work within governmental organizations who are members of criminal motorcycle gangs’, and hence pleaded for an equally strict policy in relation to fire fighters (Vugts, 5 May 2018). All in all, the LIEC (2014: 15) was rather straightforward in its aim: ‘to keep members of OMGs out of civil service’.<sup>21</sup> This desire particularly gained momentum after questions were raised by Members of Parliament Mr Marcouch and Mr Dijkhoff in 2013.

On 31 January 2013, the two members requested to develop a Directive to state that being part of a ‘gang of outlaw bikers’ is not compatible with being a civil servant working in the ‘Security and Justice domain’. After all, so the two justified, ‘outlaw bikers’ have ‘systematically set themselves outside the boundaries of the law’ and that there is no room in civil service for ‘gangs’ that ‘have called themselves outlaws’ and ‘want to live outside the law’ (TK 2012-2013, 29 628, nr. 364; TK 2013-2014 28 684, nr. 409: 5). Violating this Directive must, according to the two Members of Parliament, lead to a suspension of the employee. In direct response to this request, former Minister of Security and Justice Mr Opstelten followed this line by stating that ‘it goes without saying that membership with so-called outlaw motorcycle clubs, also known as 1%-MC, can be characterized as such an undesirable situation’. After all, the Minister continued, ‘these are to be characterized by the fact that they pride themselves on their members more or less structurally violating norms and laws’ (TK 2012-2013, 29 628, nr. 375: 1). To give meaning to this, the Minister for Housing and Civil Service issued the letter ‘Undesirable Private Relations Civil Servants’ in which the following position was adopted: ‘the Administration regards it as undesirable when civil servants also in private situations knowingly and willingly are in a setting with people who more or less structurally violate norms and laws’ (Minister voor Wonen en Rijksdienst, 31 July 2013).<sup>22</sup> Hence, the issue at stake here moves beyond the idea that the civil servant in question is involved in criminal activities himself (as this is problematic

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20 To investigate which OMG members worked for the government, police intelligence about individual members was combined with information provided by the National Tax Authority (TK 2014-2015, 28 684, nr. 424; RIEC-LIEC, 2014: 35). Before 2014, there were 61 OMG members known to work for the government. This number decreased to 58 members in 2015 and 50 in 2016 and 2017 (LIEC, 2014: 16; LIEC, 2017: 20; LIEC, 2018a: 20).

21 With civil service (in Dutch: ‘overheidsdienst’) one generally focused on all members who worked for the government.

22 A similar line of reasoning was adopted in the revised version of the ‘Code of Conduct Integrity Government 2015’ (in Dutch: ‘Gedragscode Integriteit Rijk 2015’). Under paragraph 4.3.2, it was noted that private contacts ‘with people of which you know or can know that they more or less structurally violate norms and law (and sometimes even glorify this)’ are undesirable. This also counts for ‘membership of associations or participating in groups with a bad reputation which are regularly in disrepute for e.g. criminality or vandalism. Even when this association or group is not prohibited’ (Minister voor Wonen en Rijksdienst, 12 October 2015).

for every civil servant). What is problematized is the idea that the employee *associates* with and openly takes part in a group or criminogenic environment ‘of which it is known that the individual members structurally reveal criminal or norm-deviating behaviour’. This guideline was also voiced in a ‘Plan of Approach for Outlaw Bikers in Civil Service’, which plan offered a framework for local governments to initiate a dialogue and take action against OMG members in civil service (LIEC, 2014: 15). Whereas membership is thus generally regarded as ‘undesirable’, the risks of OMG membership were made more explicit by the department of public order and security of the city of Amsterdam.

To begin with, the general belief was and is that the loyalty of a member lies primarily with the club. That is, the existing ‘written and unwritten rules’ and hierarchy within a club are believed to always prevail over other norms and rules within society. As an example, one pointed to the strict ‘code of silence’ within a club as well as the general belief that someone is a member for life. The department moreover reasoned that a future member must fulfil certain criminal acts in order to become a member (e.g. intimidate others or pick up drugs and weapons). Due to the ‘recruitment policy of 1%-MCs’ it was also deemed ‘unlikely that he [the member, TvR] would work somewhere when this position is not of added value to the club’. Finally, as a member takes part in an environment with ‘many criminals’, one feared ‘the merging of the under and upper world’. Precisely because a member is assumed to prevail club interests over the common interest of the public, a member of an OMG runs a ‘higher risk’ to be involved in unwanted conflicts of interest. After all, the civil servant is at the same time expected to serve the law and public interests (Gemeente Amsterdam, 10 January 2013; Gemeente Amsterdam, 21 March 2013). In relation to this ‘dual loyalty problem’, one also feared that a civil servant could disclose sensitive information to an OMG, breach his civil duty by remaining silent about crimes, or be involved in acts that are harmful to the government in general (TK 2015-2016, 1616). Having close contacts with OMGs also endangers the image of a ‘decent’ and ‘trustworthy’ government, as well as the trust of civilians in the government as a whole:

‘You can expect from a civil servant that he is irreproachable, and at the moment that the image of a motorcycle club is that they are criminals then this no longer fits together. And on the moment that it is known that someone within municipality X is also member of the Hells Angels then this can damage the image of the trustworthy civil servant, that was the underlying idea behind this’ (respondent 22).

All in all, OMG membership is believed to be in violation with the integrity that is expected from the status of a ‘good civil servant’ (in Dutch: ‘goed ambtenaarschap’).

Because of the membership of multiple serving military members within the Demons MC and the Veterans MC, this issue was also raised by the Minister of Defence. In line

with the above, the Minister stated that she did not tolerate any associations among military members with OMGs and persisted that military members should distance themselves from any OMG (TK 2015-2016, 28 684, nr. 469). This was, again, not because the members of these two clubs committed crimes per se. The starting point rather related to the general notion that both clubs, as OMGs, deliberately positioned themselves outside the law:

‘You cannot say as a serving military member that you position yourself outside the Dutch Law. That is not possible, that does not correspond with each other. This means that you, you are allowed to be in a motorcycle club, but you cannot present yourself as an OMG’ (respondent 11).

While the aim was rather straightforward, the Directive as set in 2013 did not provide straightforward judicial grounds to dismiss an employee *only* because he is an OMG member. To reveal this tension, one case in particular deserves to be discussed here. In this case the Minister of Security and Justice decided to dismiss a social therapist (hereafter: employee) who worked in a forensic psychiatric centre.<sup>23</sup> This employee had been a member of the Satudarah MC since 2002 and also fulfilled a position in the board of his chapter in the period of 2013-2014.<sup>24</sup> As a social therapist, the employee carried out the treatment plans of patients and in this capacity interacted with people who have been convicted for various criminal acts (Centrale Raad van Beroep, 29 September 2016).

Although I will not describe all the details of this case, it is clear that it started after the manager questioned the employee about his membership to Satudarah MC. When the member denied answering this question without first consulting a lawyer, the manager in response notified the member that he/she would investigate the possible consequences of his membership. Two weeks later, the employee was notified that he was being suspected of gross professional negligence. This suspicion was grounded on his initial reluctance to answer any questions about his OMG membership and his intimidating attitude towards the manager some days after this first meeting. Based on the guidelines as set in the letter about Undesirable Private Relations of Civil Servants (cited above), the Minister of Security and Justice ultimately dismissed the employee on 14 October 2014 due to ‘gross malfunctioning’. To support this decision, the Minister reasoned that the intimidating

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23 In the Netherlands, forensic psychiatrist centres fall under the responsibility of the National Agency of Correctional Institutions (in Dutch: ‘Dienst Justitiële Inrichtingen’). This agency is responsible for the implementation of penalties and custodial measures, which not only include imprisonment in ‘normal’ prisons, but also in institutions where convicts are treated for mental disorders. This institute is part of the Ministry of Security and Justice and employees are considered civil servants and therefore fall under Civil Service Regulations (in Dutch: ‘Algemeen Rijksambtenarenreglement’ or ‘APAR’).

24 At the time of this case, this particular chapter consisted of 21 members of which 14 members had a criminal record (Centrale Raad van Beroep, 29 September 2016).

behaviour towards his manager, his membership with Satudarah MC, and his persistent view that OMG membership *is* compatible with his work as a social therapist, exposed that:

‘He lacks the characteristics, mentality and attitude that are needed for an appropriate fulfilment of his occupation. He showed to be insufficiently aware of the exemplary role he has as a civil servant working for the National Agency of Correctional Institutions. As a result, he demonstrated to have a lack of understanding of the security risks that are coupled to his membership with Satudarah’ (Centrale Raad van Beroep, 29 September 2016, paragraph 1.3).

Because the employee did not take the opportunity to voluntarily give up his membership on previous occasions, he was assumed to lack the required understanding of the inappropriateness of his behaviour.<sup>25</sup> That is, since the employee has to set an example for patients that need to withdraw from their criminal past, the treatment of these patients is endangered when the therapist himself is involved with a criminal environment. Apart from this specific case, the Minister admitted that he considers membership to Satudarah MC incompatible with any position related to the Ministry of Security and Justice to begin with (Centrale Raad van Beroep, 29 September 2016, paragraph 3.4).

While the court (in Dutch: ‘Centrale Raad van Beroep’) agreed with the Minister that OMG membership gives reasons for concern, it also argued that membership in itself cannot support the dismissal of a civil servant. The general view that OMG membership is incompatible with civil service to begin with, denies, the court argued, the responsibility of the Minister to make a carefully weighed decision based on the specific circumstances of the case (e.g. duration of employment and the functioning of the employee). The revised letter cited above indeed demands a careful decision precisely not to lose sight of the Right to Freedom of Assembly (Article 11 ECHR) and the Right to Respect for Private and Family Life (Article 8 ECHR). The court also attached importance to the fact that Satudarah MC was not a prohibited organization (yet) and that the Dutch National Police reported earlier that ‘not all outlaw motorcycle gangs can be tarred with the same brush’ as it was yet unclear whether all ‘outlawbikers’ or ‘chapters’ are ‘criminally active’ to begin with (Landelijke Eenheid, 2014: 161). In short, the Minister in this case hence relied too much on the general standpoint that all OMG members are unfit for civil service, which in turn rules out a carefully weighed decision made in an ‘open atmosphere’ with the employee (paragraph 3.4-3.7).

25 Interesting to note here is the additional comment that, if he would in fact lay down his membership in the face of a dismissal, the Minister would still not have any confidence that this would lead to actually distancing himself from ‘this criminal milieu’ (Centrale Raad van Beroep, 29 September 2016, paragraph 1.3).

The latter case can be taken as an example of what I simply call here the ‘struggle’ of the approach to OMGs. Although it is generally deemed undesirable for government organizations to house OMG members, the approach reaches its limits when one aims to dismiss a member only *because* he is a member (just as a local government cannot close a clubhouse simply because it is owned by an OMG). After all, at the time of the latter case, no OMG was actually legally banned in the Netherlands. In such case, it often remains dependent on the specific circumstances of the case whether a member can actually be dismissed. Also, not every position comes with an equal risk. The trash man, to give an obvious example, does not come in contact with ‘sensitive intelligence’ in the same way as an employee of the municipal department of public order and security does. In other words, just as one needs a judicial ‘hook’ to close a clubhouse, one equally needs a ‘hook’ to dismiss a member. This does not mean that no action was taken. Former mayor of Amsterdam, for instance, described to have changed the rules of conduct by stating that working as a civil servant with the municipality is incompatible ‘with membership or support of an OMG’. Members also received a letter in which they were asked to give up their membership (Gemeente Amsterdam, 28 January 2016). In the following paragraph, I will describe how the Ministry of Security and Justice and the police coped with the ‘struggle’ of banning members from private security organizations.

#### 7.10.2 Refusing security cards

Indeed, besides the aim to limit the number of OMG members in civil service, red flags were equally raised for the private security sector (TK 2011-2012, 29 911, nr. 71: 4). It was argued that ‘the image of untouchability and the intimidation by members of OMGs is contrary to the responsibility and trustworthiness desired of a doorkeeper or other security personnel members’ (LIEC, 2015b: 11). Also to hinder the influence of OMGs in bars and pubs, the government hence similarly aimed to limit the number of members in the security sector.<sup>26</sup> This strategy, the Head of the National Criminal Investigation Department explained, provides the security branch with a ‘strong preventive approach against criminal influences’ (Miltenburg, 2017: 35). Another police officer was also very clear in his argument to ban OMG members from this specific sector:

‘It is not explainable that you hire security personnel, of which you, with all those tattoos, cannot say that they generate a very reassuring picture, but are also in contact with all sorts of criminals, that is an image you should not want

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26 In June 2015, 66 members were known to have a security card (LIEC, 2015b: 11). This number decreased to 40 members in 2016, and 39 in 2017 (LIEC, 2017: 18; LIEC, 2018a: 18).

as a security company. [...] at the start of my police career our service regulations said that if we were in contact with people that are not okay, to say it in this way, and this could be hookers or criminals, then this could be reason for resignation. Because as a police officer you lived in a glass house and you had to be correct, and although this line has been toned down a bit now, you can ask for the same glass house for security personnel' (respondent 5).

Building on the 'dual loyalty problem' raised in the previous subparagraph, respondent 30 furthermore argued:

'When you are a doorkeeper, you have to obey regulations as much as possible and of these OMG members we now know that they do not want or do not do so. Or they set the interests of the club above that of the employer, well, that leads to problems within the security sector, or at least, that could lead to problems and yes, that is just something you do not want.'

To actually limit the possibilities of OMG members working in the security sector, the police simply aimed to not provide members with the required 'security cards'.<sup>27</sup> For instance, in July 2013, the Chief of the National Police declined the application for a 'security card' by a full-colour member of the Hells Angels MC (Raad van State, 18 March 2015). The application was denied for several reasons. In general, the police generally argued that the applicant was a full-colour member of the Hells Angels and that his membership cannot be decoupled from the 'individual trustworthiness and integrity' of the applicant. The member, so the chief reasoned:

'is part of an organization that is indeed not prohibited by law, but it is common knowledge that it mainly consists of criminal networks that are guilty of various

27 Those who want to work for a private security company or private detective company in the Netherlands have to apply for a so-called 'security card' with the National Chief of the Dutch National Police. The same goes for those who already work for a private security company but would like to extend the validity of their 'security card' (Act on Private Security and Detective companies, Article 7.2). The chief of police can decide to decline such a request when the applicant is not capable (in Dutch: 'bekwaamheid') and trustworthy (in Dutch: 'betrouwbaarheid') enough to work in the security sector (Article 7.4). Until 1 May 2014, the Act provided three reasons to decline an application: (1) when the applicant has – in the past four years - been convicted irrevocably for a crime for which he or she has received a fine; (2) when the applicant has – in the past eight years - been sentenced to imprisonment; or (3) when other known and relevant facts reveal that the applicant is not trustworthy enough to work for a security or detective company or when the applicant is assumed to harm the interests of the security branch as a whole. To assess one's 'trustworthiness', a margin of discretion has been granted to the chief of police. Overall, the police may follow, as a yardstick, that the 'trustworthiness and integrity' of the applicant is 'above all suspicion' (Raad van State, 18 March 2015).

criminal acts and of which the ideology obstructs a good cooperation with the police and judiciary' (Raad van State, 18 March 2015, paragraph 3).

This belief was underpinned by an incident in which the applicant – accompanied by another member – visited a pub owner 'to get redress' (in Dutch: 'verhaal halen') after this second member was initially refused entrance to a pub. The police used this incident to show that the applicant indeed allows interests of the club to prevail over the interests of civil society. His trustworthiness was also in doubt because the applicant refused to answer some of the questions in his application form and could not (in advance) state that he will in fact offer assistance to the police during a possible incident with other OMG members. All in all, it was argued that a member of the Hells Angels will always give precedence to e.g. the code of silence present within a club like the Hells Angels, which casted too many doubts on the ability of this individual to cooperate with the police in an 'open and unbiased manner'.

The court (in Dutch: 'Raad van State') however did not follow this line of reasoning. That is, the court noted that the chief of police primarily based its decision on the general notion that the applicant was a 'full-member' of the Hells Angels and with this, had positioned himself 'in an environment where criminal offences are committed and where particular norms of behaviour apply'. However, this in itself is not enough to conclude, the court argued, that the applicant is therefore not trustworthy; 'with this the chief of police only based his assumption on possible future dangers or risks linked to membership of a club that is not prohibited'. The same goes for the assumption that the applicant will *always* let the interests of the club prevail over the interests of civil society. The judge argued that it would be unjust to take such general assumptions to underpin the refusal of a security card. After all, the court also noted that the applicant already worked as a doorkeeper for at least six years (two years of which while being a member of the Hells Angels), and during these six years, no signals were raised that this person in fact did not cooperate with the police in an upright manner (Raad van State, 18 March 2015, paragraph 3.4).

The conclusion to be drawn from this verdict is in line with the previous paragraph, namely, that OMG membership in itself cannot act as grounds to refuse someone the ability to work in the security sector. As a police officer explained:

'It turned out that there was not enough grounds to really kick someone out you know [...] the same goes for people who work in the security sector for instance, when people are just decent, have no criminal record and follow the required education [...] then you really can't do much about it. Maybe a good conversation might help, but you can't really bang your fist on the table' (respondent 8).

This is not to say that no security cards were taken away or denied. In fact, the LIEC (2015b: 11) reported in 2015 that 22 security cards were refused or taken away. To hinder OMG members from this sector even more effectively, the Minister of Security and Justice nonetheless strived to implement additional refusal grounds. That is, under new regulations, which came in effect on 1 May 2014 (Minister van Veiligheid en Justitie, 1 April 2014), the Minister gave a wider explanation of ‘trustworthiness’. Where this grounds for refusal under the former regulation mainly came into play when the applicant has shown to set aside ‘legal rules’ that actually resulted in a ‘severe violation of the legal order’, the new regulation widened the focus towards the ‘criminal environment’ (in Dutch: ‘criminele kringen’). That is, one’s ‘trustworthiness’ can now also be questioned when ‘there are signs that the applicant is in an environment in which one is not hesitant to use violence or to threaten with violence’. How these new regulations indeed offered better possibilities to refuse security cards to OMG members became clear in a second case (Raad van State, 11 November 2015).

This case equally commenced with the refusal of a ‘security card’ to a full-colour member of the Hells Angels MC by the National Chief of Police on 16 January 2014. During the judicial procedure (and *after* the new regulations of 1 May 2014), the chief altered its argument and argued that the member was not ‘only’ a member of the Hells Angels MC, but also takes part in ‘circles where criminal activities are committed’. Directly in response to the new regulations set by the Minister, the police thus changed its argument to argue that ‘the Hells Angels form a criminal environment’:

‘He identifies himself with this [the Hells Angels, TvR] and he takes the risk that the negative image of the Hells Angels equally affects him. By choosing to remain a member of the Hells Angels MC, his trustworthiness and integrity are no longer beyond any doubt’ (Raad van State, 11 November 2015, paragraph 5).

In contrast to the previous case, the court did follow this line of thought. Based on a list of criminal records of the *other* members and also by pointing to the criminal case Acroniem, the court decided that it was acceptable to conclude that the applicant ‘is in an environment in which one is not hesitant to use violence or to threaten with violence or takes part in a criminal environment’ which was, in turn, ‘reason to assume that he is not trustworthy enough to work in a security business’ (Raad van State, 11 November 2015, paragraph 6.3). In this way, the applicant’s right to Freedom of Assembly was not impaired precisely because the grounds for refusal was not based on his *membership* to an organization; it was the involvement of the applicant in a ‘criminal environment’ that was problematized.

To endorse the strategy to limit the amount of members in this sector, the Dutch Security Branch Organization also made its own contribution. On the website of the branch organization it was written: ‘in addition to the approach of the police, justice department, tax authority and other stakeholders, the Dutch Security Branch also took measures to raise an extra barrier for members of an OMG (Outlaw Motorcycle Gang) to be active in security’. For instance, under the new rules of conduct of 2015 (‘Gedragcode Nederlandse Veiligheidsbranche 2015’), a member of the branch organization became obliged to ‘not hire personnel that finds itself in criminal circles’. Under ‘criminal circles’, then, one at least counted groups that have been prosecuted as criminal organizations as well as ‘an organization that has been marked as an outlaw motorcycle gang by the Minister of Security and Justice’. Besides this, the branch organization also came up with more stringent standards and norms to obtain the so-called ‘quality mark’ (in Dutch: ‘Keurmerk Beveiliging’) of a security company. An additional requirement for a security company that wants to obtain this quality mark is that the company takes ‘preventive measures’ to hinder interference from the ‘criminal milieu’. These measures must at least include a policy to hinder personnel that are involved in severe crimes or reside in ‘criminal circles’ (Nederlandse Veiligheidsbranche, 21 October 2015).

#### 7.11 THE OMG AS THE CRIMINAL PROCESS

In 2012, the Dutch government formally launched the national and multi-agency approach to fight OMGs. In this chapter, I described that the starting point of this approach was grounded on a barrier model and the idea of ‘raising barriers’. To again recall the words of the Minister, the starting point of the approach was to call a halt to ‘norm-deviating and undermining criminality’ by ‘applying the so-called barrier model, through which – wherever possible – barriers are raised to criminal, administrative and fiscal instruments’ (TK 2011-2012, 29 911, nr. 71: 3). By doing so, this approach clearly built on the development whereby various agencies (state and non-state actors) try to hinder, or raise barriers to, the process of specific types of criminal activities. In essence, as I described in chapter two, barrier models try to find an answer to the question; what is needed to successfully complete the process of criminal activity, and how can ‘we’ intervene in this process in such a way that this process becomes more difficult to complete? By applying this model to OMGs, however, the barriers clearly developed a different and wider scope.

To start with, the legal measures as described in the barrier model in 2012 became a ‘toolbox’ not only to check whether an OMG and its members were complying with the law, but also to find legal (and new) means to hinder OMG activity before it began. One actually *looked* for ways to prevent activities besides ‘only’ correcting and responding to unlawful activities. It is moreover pivotal, however, to recognize that the barriers are not

raised to the process of one specific criminal activity, but against the various activities of a phenomenon that is *generally* involved in a *multitude* of specific criminal activities. In essence, the focus is thus not on ‘the’ criminal activity, but on ‘the’ group, or in other words, the barriers are not raised against the ‘what’, but against the ‘who’. This became clear, for instance, when the LIEC (2014: 4, emphasis added) described that ‘a considerable number of barriers has been raised against *the* OMGs. A large number of clubhouses has been closed or prevented, and events were hindered’. The following elaboration of a RIEC analyst about the barrier model to OMGs also nicely captures this line of reasoning:

‘I approached it to eventually prevent or reduce crime, because OMGs are of course not called outlaw bikers for nothing, they place themselves outside the law, they are often linked to criminal activities such as money laundering, [...] and where violence and threat making often take places, and that is what we in the Netherlands, as a society, do not want, we do not want to be intimidated, we do not want to be threatened, we want our civil servants to be able to speak out freely and feel safe. That is my interpretation, so I would say, look at it from this perspective. The barrier model has been set up to approach OMGs, in order to also approach the crimes they also commit’ (respondent 53).

While this respondent recognized that the ultimate goal is to fight criminal activities, the approach is primarily directed at OMGs. This, because criminal activities are considered inherent to the OMG; it is ‘the’ OMG that is causing criminality, it is ‘the’ OMG that intimidates citizens, it is ‘the’ OMG that causes public disorder by firing weapons, and above all, it is ‘the’ OMG that has deliberately placed itself outside the law. Another police officer argued in line with this by stating that ‘the barrier model is directed at the phenomenon because the assumption is that the phenomenon acts in a way, well with criminal activities and all’ (respondent 50).

As it is the OMG that is (held) responsible for the crimes committed, the phenomenon as such is understood as the ‘opportunity structure’ or ‘network’ that facilitates criminal activities. To take it a step further, ‘the’ OMG (the ‘who’) became the criminal logistic process to be hindered, prevented and frustrated:

‘Actually you apply it [the barrier model, TvR] to people, instead of the logistic criminal process, because what you do is that a person then becomes the criminal process, how can you approach this person, where does he come across a barrier or how can I raise a barrier to his membership’ (respondent 24).

Similar to the arguments of the former two respondents, the respondent rationalized this by arguing that the goal of fighting crime and norm-deviating behaviour is intertwined

with the goal of making sure that the activities of OMGs, and with this the OMGs themselves, cease to exist:

‘Because in my view we have already determined that they are not right, as long as you wear that jacket, yes then I will do everything I can to hinder you, you know [...] what we try to do by raising these barriers is actually to make the membership unattractive with the goal that they stop with norm-deviating behaviour, but we think that this coupled with being a Hells Angel or a Satudarah [...] we have labelled them as outlaw-biker, as norm-deviating, so all activities you perform as a member, I will try to influence it whenever I am able to’ (respondent 24).<sup>28</sup>

A RIEC analyst likewise argued that the barrier model to OMGs unravelled, just as the synthetic drugs barrier model, ‘what is necessary for you [as an OMG, TvR] to exist or to become an OMG’ (respondent 7). Building on this argument, the interventions or barriers linked to the various focal points are geared to disrupt the ‘necessary conditions’ of OMGs:

‘When you can prevent them from openly manifesting themselves to the outside world and thus from attracting new members. When you can prevent them from having a location where they can meet and make arrangements, you make it more difficult to undermine. So that, all those focal points, contribute to a higher goal, disrupting their structure’ (respondent 7).<sup>29</sup>

Hence, similar to the barriers raised against the logistic process of hemp cultivation, raising barriers to OMGs involves the possible measures various partners can take to make it more difficult for ‘the’ OMG to exist. To again recall some of the examples in this chapter, the barriers raised (aim to) take away the OMGs’ ability to get away with any type of criminality

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28 The idea that OMGs are grouped with various other criminal activities can be seen in scientific research as well. In research about the administrative approach to organized crime, instigated by the Scientific Research and Documentation Centre of the Ministry of Security and Justice (WODC), local governments were questioned about their efforts to fight different types of crime (Smits, Sibma, Roodnat & Schudde, 2013). In their first report published in 2009 (baseline measurement), the following ‘manifestations’ of organized crime were listed and questioned: human trafficking, hemp cultivation, illegal use of real estate, concentrations of power, safe havens, and money laundering. In the second report (2013), however, the researchers included two extra themes, namely environmental crime and ‘1% motorclubs’ (Smits et al., 2013: 16). This list of ‘manifestations of organized crime’ formed the backbone of many of the interview questions. Including ‘1%-MCs’ in the report of 2013 not only shows that the phenomenon became increasingly recognized as a problem, it also reveals that 1%-MCs as such are regarded as a ‘type of crime’ or ‘manifestation’ of organized crime.

29 These ‘necessary conditions’ were: ‘location’, ‘employment’, ‘image’, ‘finances’, ‘presence in the public domain’, ‘mobility and means’, and ‘the recruitment of members and clubs’ (see paragraph 7.2.2).

or deviance, to portray themselves as a club with good intentions, to lord over the road and collectively violate the Traffic Act during rides, to wear colours, to give meaning to the internal cohesion of the group via clubhouses and events, to intimidate and extort pub owners, and to criminally influence certain sectors or branches. Taking these barriers together, the government above all gave meaning to the ‘clear statement’ that every citizen or any group needs to adhere to the rules and laws of Dutch society and that no one is ‘untouchable’. Precisely by raising barriers against the various activities of the OMGs and its members, however, it became clear that the very *existence* of the phenomenon *itself* is deemed to violate and undermine the rules and laws of Dutch society. This also becomes clear through the recent successful attempts of the Public Prosecution Service to ban OMGs.

#### 7.12 A BARRIER FOR THE LONG RUN

Despite the efforts to divert OMGs away from municipalities and also despite the prosecution of (individual) members, law enforcement agencies over time increasingly raised the desire to ban OMGs altogether. This desire also found resonance with various political parties as it (again) also became a lively topic for debate in the national political arena.<sup>30</sup> Before looking into the rationale underlying this ‘desire’, it is important to remember that the Minister of Security and Justice already described in 2012 that the Public Prosecution Service was on alert for information or intelligence that could (ultimately) play a role in banning an OMG. That is, the Public Prosecution Service followed a three-step approach whereby it initially focused on the prosecution of individual members to subsequently investigate and prosecute a chapter or group of members in case criminal activities are committed in collaboration. By using the information retrieved from these first two steps, the third step would then (when feasible) involve the request of the public prosecutor to ban (using civil law) a particular OMG as a whole (TK 2013–2014, 28 684, nr. 409: 13).<sup>31</sup> In this way, the possibility of banning an OMG is considered yet another legal means in the ‘toolbox’ to raise a barrier that has ‘an effect on the long run’ (TK 2011–2012, 29 911, nr. 70: 10).

30 Of course, this is not to say that the discussion to ban OMGs did not take place before. Apart from the earlier attempts to ban the chapters of the Hells Angels MC in the 2000s, near the end of 2011 Member of Parliament Mrs Hennis-Plasschaert for instance expressed her disappointment to the Minister about the fact that ‘we’ have yet been unable to ban the Hells Angels MC (TK 2011–2012, 18-7: 104). It is clear however, that the debate on this topic became especially heated in more recent years.

31 Clearly lessons were learned from the failed civil cases in the 2000s as the court reasoned in 2007 that a civil ban must be seen as a ‘ultimum remedium’, which must first be preceded by attempts to criminally prosecute both the individual members and the club as a whole (Rechtbank Leeuwarden, 6 March 2007, paragraphs 5.9 and 5.10).

While the possibility of banning an OMG has thus always been recognized by the Public Prosecution Service, the wider discussion to actually initiate this procedure against (an) OMG(s) gained momentum in the wake of various incidents and investigations.<sup>32</sup> The turbulent arrival of the Bandidos MC in Limburg in particular led Members of Parliament to raise questions about whether the Public Prosecution Service was soon planning to ban this club by means of the civil law (TK 2013-2014, 69-3-1). By the year 2015, the same Members left little doubt about whether or not this and other OMGs needed to be legally banned. One Member for instance was clear in stating that the Hells Angels MC, Bandidos MC, Satudarah MC and No surrender MC ‘must be banned as soon as possible. For these crooks, who undermine our constitutional state, there is no place in Limburg, Noord-Brabant and the rest of the Netherlands’ (TK 2014-2015, 29 911, nr. 115: 7). A member of the political party VVD in similar words added that ‘motorgangs control the streets, intimidate complete villages and form a serious threat to the public order. The VVD would therefore prefer to see motorgangs as a whole be prohibited’ (TK 2014-2015, 29 911, nr. 115: 14). However, as I have shown in this chapter, the various partners already found numerous ways to raise barriers to the (illegal) activities of OMGs. What, then, would be the added value of a ban *besides* the barriers that have already been raised?

### 7.12.1 *The rationales for banning outlaw motorcycle gangs*

To begin with, it is generally acknowledged that a ban in itself will not withhold members from being involved in criminal activities. In other words, when members are not allowed to wear their colours, they are nevertheless considered capable of e.g. using violence or intimidating others. In fact, the Minister argued that they *will* continue doing this: ‘we do

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32 I do not wish to give a comprehensive overview of what incidents and/or criminal cases fuelled the desire for a ban on OMGs the most. It is nevertheless clear that some incidents in particular had (not least because of the direct risks these incidents involved for other citizens) an important stake in raising this discussion. Two of these incidents relate to the arrival of the Bandidos MC in the Netherlands as an explosive was detonated near the house of the Dutch president of BMC in Nieuwstadt (2014) and a group of Bandidos members violently clashed with members of the Red Devils MC in Sittard (2015) (see paragraph 7.3). Furthermore, also in 2014, members of Satudarah MC and No Surrender MC were involved in a shooting in front of a house in a living area in Eindhoven. Also not to be missed in this context is the fight and shooting between the Mongols MC and the Hells Angels MC at the Van der Valk hotel in Rotterdam in 2016. The call for a ban on OMGs by the chief of police of Rotterdam in the wake of this incident was echoed by Members of Parliament as they subsequently questioned the Minister about the possibilities to ban OMGs (TK 2015-2016, 75-26: 12). Besides the (violent) incidents that took place in the public space, the debate on banning OMGs also flared up after it turned out that mayors were threatened by an OMG (member). Indeed, the mayor of Echt-Susteren as well as the mayor of Kerkrade openly admitted to having been threatened by an OMG. Also the (deputy) mayor of Emmen had to go into hiding abroad after serious death threats were made against him. While it remains unclear from open sources whether these threats came from an OMG, the fact that this happened not long after the mayor had closed a clubhouse of No Surrender MC again raised critical questions among Members of Parliament (TK 2016-2017, 80-2: 3).

need to realize that the simple fact of banning a criminal motorcycle gang does not mean that the members will not shoot at each other anymore or start a fight when they get the chance, because that is what they *will* do regardless of what jacket they wear' (TK 2015-2016, 29 628, nr. 640, emphasis added).<sup>33</sup> The Head of the National Criminal Investigation Department argued in line with this by stating that it would be 'naïve' to think that a ban will be the 'solution to the problem' as 'there are many criminals in that club [Bandidos MC, TvR], and they will undoubtedly continue with criminal behaviour' (EenVandaag, 2 November 2016).

The notion that members will continue with illegal activities after their OMG is banned is also acknowledged by my respondents. Some even considered it a disadvantage if an OMG becomes banned. Besides that 'these guys' will not stop their activities and will look for other ways to come together, respondent 61 for instance reasoned that it is going to be more difficult 'to keep an eye' on OMGs as the clubs will move 'under the radar'. In turn, respondent 24 expected that it will require more capacity and effort to map where the prohibited OMGs and its members are settled simply because members will (in case of a ban) not be allowed to wear their colours any longer. By stirring up the debate on banning OMGs, the above cited Members of Parliament nevertheless voiced a desire felt by the majority of the mayors. For a TV broadcast, Dutch television program *EenVandaag* invited 135 Dutch mayors to fill out a questionnaire about their experiences with the approach to OMGs, and from this questionnaire it followed that almost three-quarters of the 71 mayors who responded to this request indeed longed for a ban on OMGs (Klapwijk, 2016). I will distinguish three main reasons why the various law enforcement agencies – despite the general belief that it will not stop members from being involved in crime – desire to ban OMGs.

First, a legal ban is believed to play a facilitative role in the many barriers discussed above. As we have seen in the previous paragraphs, OMGs are 'not welcome' in municipalities and mayors generally follow up on this by e.g. raising barriers to clubhouses and/or events. However, as long as OMGs are still legal organizations, law enforcement agencies can only turn to the 'normal' existing judicial means it similarly has at its disposal in relation to any other organization or citizen. This generally means that an OMG cannot be hindered *because* it is an OMG. This especially became clear with the 'struggle' of dismissing members working for the government or private security companies. Also, when it concerns clubhouses or events, the mayor always needs a 'legal hook' to be able to actually raise a successful barrier. A mayor explained in this context that despite his willingness 'to join forces with other parties', he 'always needs a local specific threat' to take action. In other words, 'only the fact that someone wears a jacket is not enough for

<sup>33</sup> In this context it is worth noting that the members of the Mongols MC and Hells Angels MC indeed did not wear their colours during the shooting at the Van der Valk Hotel in 2016.

me [to take measures, TvR]' (respondent 47). Indeed, in the case of the Brothers in Arms Run organized by the Veterans MC, the court corrected the mayor of Cuijk precisely because he did not make explicit why this particular event posed a danger to public order. It is also for this reason why the mayor of Echt-Susteren argued:

'I surely think there must be a ban. That would really help me. Without such a ban such a motorgang is the same as a billiard club. While there is most certainly a different risk to it. With such a ban I can, as a mayor, take many more measures' (Klapwijk, 2016: 3).

Hence, the legal ban of an OMG is thought to give extra possibilities to hinder OMG-related activities simply because the organization *itself* would then lose its legal right to exist (LIEC, 2016; RIEC, 2018b). A civil ban helps to, how a Member of Parliament described it, '*legally* wring the neck' of the clubs 'of which we know that they are structurally wrong' (TK 2014-2015, 29 911, nr. 115: 5, emphasis added).

Secondly, be it in close relation to the former reason, a legal ban of an OMG is also considered an *extra* tool (in Dutch: 'handvat') to pursue the overarching aim to hinder club-related activities and limit their 'room to manoeuvre' (LIEC, 2017: 12). Despite the fact that banning OMGs is not deemed to prevent members from committing crimes, it is nevertheless regarded as a means to make it more difficult. Or in other words, 'banning motorcycle gangs does not solve the problem of crime, undermining, intimidation and the nuisance that they are causing, but it can raise barriers to it' (TK 2015-2016, 28 684, nr. 469: 1). Departing from the notion that it is the 'organizing of things together' that causes and facilitates crime, Mr Meijer (mayor of Zwolle and Chairman of the National Strategic Council) indeed argued that 'we try to make that [committing crimes, TvR] impossible' by banning the organization itself (EenVandaag, 2 November 2016). Most notably, when an OMG is prohibited this is also believed to take away the ability of the members to operate in the public domain and use the power of the patch to intimidate and extort others (TK 2014-2015, 28 684, nr. 444: 2; see also RIEC, 2018b). In direct relation to this, OMGs are thought to claim their (untouchable) status and attractiveness by being present in the public domain, and banning a club is thought to take away the 'attractiveness' for others to join them (TK 2015-2016, 29 911, nr. 128). The desire to ban the organization of an OMG also stems from acts of internal violence. As I described in the previous chapter, it is clear that members of some OMGs have been mistreated and extorted (most notably after a bad standing) because they e.g. violated one of the club rules. By forbidding a club, then, the government also aims to put a stop to the acts of internal violence that come along with it. Overall, while a legal ban provides the 'legal hook' to hinder OMG-related activities (first goal), a ban in itself is also considered a measure to prevent crime. Again, as a mayor emphasized, it will not fully banish organized crime, but it can help the present

situation ‘move forward a little, I mean with my exams I had a seven, well, next time I will be happy with an eight. And then you can say but that is not a ten, no, but it is a reasonable grade’ (respondent 76).

The third goal holds a more symbolic meaning. That is, former Minister Mr Van der Steur argued that a successful ban also acts as an important ‘symbolic signal’ to mark the boundaries of society. It helps to show that ‘our society does not accept that there are organizations which place themselves outside the law and only comply with their own set of laws and regulations’. Although the Minister expected that ‘it will undoubtedly continue underground’, he did emphasize ‘that we as a society have to show that we set boundaries to this [in Dutch: ‘paal en perk stellen’]’ (TK 2015-2016, 29 911, nr. 128). Elsewhere the Minister added that this ‘symbolic signal’ also helps ‘to impair their self-conceit’ (in Dutch: ‘eigendunk aantasten’) (TK 2015-2016, 29 628, nr. 640). This ‘signal’ was equally voiced by chief public prosecutor Mr Westerbeke as he argued during a live broadcast of the daily television program *Pauw* that the Bandidos MC generally do not deserve the right to exist in the Netherlands:

‘In the Netherlands there are a lot of rules, which apply to everyone, and they fail to adhere to, and that is in short, why we say, their activities, the club, their acts are in violation with public order which means that we find that they do not deserve the right to exist here’ (Pauw, 15 November 2016).

It is no coincidence that the public prosecutor specifically mentioned the Bandidos MC here. On the day of the broadcast, the Public Prosecution Service officially followed up on the renewed desire to ban OMGs by filing a request with the court to ban the Bandidos MC (hereafter: BMC) by using Article 20, book 2 of the Civil Code.<sup>34</sup> Although more and similar cases would soon follow, I chose to zoom in on this case simply because this request resulted in the first successful ban of an OMG in the Netherlands.<sup>35</sup>

34 The first preparations by the Public Prosecution Service to build a civil case against the Bandidos MC started in autumn 2014 (LIEC, 2017: 12). In this case, the public prosecutor not only requested that the court ban the Dutch association of the Bandidos Motorcycle Club, but also the foreign cooperative Bandidos Motorcycle Club. In this subparagraph, I will refer to both organizations as ‘Bandidos MC’ or ‘BMC’.

35 Since the civil case of the Bandidos MC, the Public Prosecution Service made similar requests in relation to Satudarah MC and three of its supporter clubs (known as Supportcrew 999, Saudarah and Yellow Snakes MC), No Surrender MC, Hells Angels MC, Caloh Wagoh Main Triad, and a ‘brotherhood’ by the name of Catervarius. As of 28 August 2019, the following of these clubs have been banned by the lower court: Satudarah MC, Supportcrew 999, Saudarah MC (Rechtbank Den Haag, 18 June 2018), Catervarius (Rechtbank Midden-Nederland, 17 January 2018), Hells Angels MC (Rechtbank Midden-Nederland, 29 May 2019), and No Surrender MC (Rechtbank Noord-Nederland, 7 Juni 2019). In addition to the Bandidos MC, the court of appeal recently also banned Satudarah MC, Supportcrew 999 and Saudarah (Gerechtshof Den Haag, 18 June 2019).

7.12.2 *The Bandidos MC case*

A large part of the requisition of the public prosecutor was built on a series of serious incidents and crimes that are ‘structurally violent and socially disruptive’ (among which are murder, extortion, intimidation, drug-related offences, and the possession of rocket launchers) (Openbaar Ministerie, 2017).<sup>36</sup> The general standpoint of the public prosecutor was that these and other activities cannot be attributed to the actions of the individual members, but must be considered part of a ‘club culture’ that actively aims to distance itself from the democratic constitutional state. While cultivating a violent image, the public prosecutor argued that the club rules by a ‘subculture of lawlessness’ within which crime is ‘provoked’, ‘facilitated’, ‘expected’, ‘stimulated’, ‘encouraged’, ‘rewarded’, ‘romanticized’, and ‘treated as normal’. This not only resulted in a myriad of serious criminal activities (both in the Netherlands and abroad) but also created ‘great turmoil in society’ (field notes, 3 October 2017).

In this context, much attention was devoted to the ‘expect no mercy’ patch, which (albeit refuted by BMC) is awarded to members who have violently ‘defended’ the interests of the club. Among many other examples, the public prosecutor pointed to an incident whereby two members in Melbourne killed a drunk person for harassing one of their dogs. Not long after the incident, one of the two members was awarded with the ‘expect no mercy’ patch by the president of the respective chapter (Rechtbank Midden-Nederland, 21 April 2017, paragraph 3.28). The notion that violence is inherently part of the club culture also follows from examples whereby members who left the club in ‘bad standing’ were mistreated and seriously injured by their ‘brothers’. Police investigations revealed that members who leave the club in bad standing also run the risk of losing their motorcycle to the club. The shooting at café Dug out was moreover taken as a reminder that the BMC is involved in an open and ongoing conflict with other OMGs. The fact that members were satisfied with their actions during the latter incident again substantiated the premise that the BMC accepts and even stimulates violent behaviour. That is, wired tapped telephone conversations revealed that members reflected on this particular fight as ‘good publicity’ and as a sign to outsiders ‘that you cannot mess with the Bandidos’ (field notes, 3 October 2017). This in combination with the fact that the BMC and its members pride themselves on the ‘1%’-logo was understood as a sign that they indeed (want to) live outside society and the law.

In addition, the public prosecutor also placed significant importance to the idea that the BMC looks upon the government as a ‘nosy enemy’ and as a club actively frustrates any form of interference by governmental agencies (field notes, 3 October 2017). Besides an incident in which a member injured a police officer with a knuckle-duster, the rules

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<sup>36</sup> I attended both court days of this civil case (held on 3 and 6 October 2017 at the court of Utrecht).

within the BMC for instance prescribe that members are not allowed to talk to the police (Rechtbank Midden-Nederland, 21 April 2017, paragraph 3.32 and 3.27). Due to this pledge of secrecy, with which the club is thought to deny the ‘fundamental rights’ of its own members, ‘the club creates an environment that facilitates criminal activities and ensures that information about these criminal offences does not leave the club’ (Openbaar Ministerie, 2017). Furthermore, police investigations are also frustrated because victims, in the face of violent retaliations, often refrain from acting as witness against the BMC.

While arguing that ‘doing nothing is not an option’, the arguments to request a ban largely correspond to the three goals I described above. Starting with the symbolic signal of a ban, the public prosecutor above all argued that a ban of the BMC ‘marks what can and cannot be accepted in society’ and that ‘a club like this can not and should not be tolerated in a democratic constitutional state’ (field notes, 3 October 2017). Furthermore, banning the organization as a whole was regarded as a necessary means precisely because the various criminal activities (e.g. punishing members for talking to the police and intimidating victims) are linked to the ‘policy and culture of the club’ (Openbaar Ministerie, 2017). While it was (again) acknowledged that a ban is not a ‘panacea’ (in Dutch: ‘wondermiddel’), it does make it more difficult for the members to continue with the illegal activities that are inherent to this club (field notes, 3 October 2017). Banning the BMC was also necessary to prevent a further escalation of the feud between OMGs in the Netherlands. The public prosecutor stated in this context that it is ‘important to lock the stable door before the horse has bolted’ (in Dutch: ‘de put dempen voor het kalf verdronken is’) (field notes, 3 October 2017). Ending these activities is essential not only because they are simply forbidden by law, but also because ‘it is the task of the government’ to ‘protect the rights and freedoms of civilians’. All in all, the public prosecutor concluded that in this case ‘the right of civilians to live a safe life outweighs the right to freedom of association’ (field notes, 3 October 2017).

As I previously stated, the court followed the argument of the Public Prosecution Service. After concluding that all the different chapters and associations of the BMC operate as one worldwide motorcycle club, the court determined (in sum) that the way in which BMC and its members manifested themselves in society indeed created a ‘subculture of lawlessness’ (see paragraph 3.10-3.16). Because this ‘subculture’ stimulates, facilitates and accepts various criminal activities and large-scale violent incidents, the club was believed to cause ‘great turmoil in society’. In particular, the violent and sometimes deadly activities of the members (which often take place in the public domain) endanger the safety of people both within and outside the ‘motorcycle club domain’. The court continued by stating that the club violates the ‘fundamental rights of its members’ by forbidding them from freely turning to the government in general, and the police in particular. Also because members deliberately use the name of the club and their colours to enforce their criminal activities, the court concluded that the aforementioned activities can rightly be ascribed to the activity

(in Dutch: ‘werkzaamheid’) of the organization as a whole (paragraph 3.33). For this reason, the judge also assessed that there is a ‘reasonable chance’ that members will again commit serious violent offences that infringe ‘the physical integrity’ of citizens. All in all, ‘to guard the rights and freedoms of those residing in Dutch society’ and to ‘call a halt’ to activities that cause a ‘serious infringement’ upon the ‘principles of our legal system’, the court found it ‘necessary in a democratic society to legally declare the activities of BMC in violation with public order’ (paragraph 3.34 and 3.35). In short, this ban concluded that the presence (in whichever form) of the Bandidos MC in the Netherlands must be ended and that the club must be deprived of its assets and resources.<sup>37</sup>

However, after BMC appealed this verdict, the court of appeal recently ruled that there is no worldwide Bandidos organization that openly operates as one independent unit, which conclusion resulted in rejecting the request of the Public Prosecution Service to also ban the foreign cooperation of the Bandidos MC. The court of appeals moreover added that the ban only counts for BMC Holland, and not for any other chapters of the Bandidos MC (such as BMC Sittard). The Public Prosecution Service only filed a request to ban BMC Holland and to also ban the other chapters, the court explained, the Public Prosecution Service should have also filed requests for each of the other chapters (Gerechtshof Arnhem-Leeuwarden, 18 December 2018).

### 7.12.3 *Towards new legislation*

While the Public Prosecution Service paved the way to (successfully) ban the Bandidos MC using the Civil Code, the Dutch government in the meantime also, or nonetheless, work(ed) on a new piece of legislation that could be used to ban OMGs. Indeed, when the debate on banning OMGs became more heated, some Members of Parliament likewise uttered the desire to alter the Dutch law in order to fight OMGs more effectively (see e.g. TK 2013-2014, 28 684, nr. 409: 16; TK 2014-2015, 29 911, nr. 97: 27).

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37 In the civil case against Saudarah MC, the Public Prosecution Service and the court used similar examples and words to characterize the problem of Satudarah MC. To begin with, the civil case was built on numerous criminal investigations related to, among other things, intimidation, extortion, violence, owning and trading (automatic) firearms and drugs, shootings, and the use of violence against the police. Much attention was also devoted to cases whereby (ex-)members were urged not to talk with the police, whereas others were heavily mistreated and extorted to pay large sums of money when they left the club (in bad standing). Other cases revealed the fear of victims to file an incriminating report with the police against members of Satudarah MC. The Public Prosecution Service therefore concluded that the club lives by a ‘club culture of lawlessness and violence’ and in consequence forms a threat to ‘social life’ and undermines society at large (Openbaar Ministerie, 29 September 2017). The court in turn concluded that ‘the behaviour of members of Satudarah forms an actual encroachment on the security of society and the freedom of members to freely take part in social life. For years, members of Satudarah have infringed on the fundamental values of Dutch society. These multiple and continuing violations of the public order disrupt or can disrupt society’ (Rechtbank Den Haag, 18 June 2018, paragraph 2.20).

This desire, in short, stemmed from the idea that the aforementioned civil procedure is ‘complex and time-consuming’ and is therefore unable to provide an adequate answer to the problems at hand (LIEC, 2017).<sup>38</sup> One mayor even preferred new legislation because he did not expect that OMGs can be banned by a civil procedure to begin with:

‘I know what that is going to bring us, that will not work at all, because it is very difficult to ascribe the criminal acts of members to the association, it is going to be very difficult to prove this [...] but I do not expect much from that [...] but it is nevertheless on my wish list to say goodbye to them’ (respondent 52).

The Public Prosecution Service furthermore noted that it is only possible to criminally enforce a civil ban when there are no legal possibilities left to appeal against the ban. As this is a lengthy process, public prosecutor Mr Brouwer explained that a new law was expected to fill the ‘gap between the civil and criminal [law, TvR]’ (Nieuwsuur, 20 December 2017). Another mayor was very clear in arguing that he longed for a tougher stance on the part of the Minister as he thought that the current approach (at the time of the interview) was too ‘weak’. For this mayor, the approach thus far resulted in little more than the displacement of clubhouses and with this, ‘the pumping around of the problem’. The mayor furthermore argued that the Minister should not rely too much on the mayor to hinder an OMG enough to push them out of the municipality when he believes that OMGs are in fact criminal organizations: ‘I think, yes Minister, when you find it so important, you should also deliver, think of a law against outlaw motorcycle gangs, just like you have a Football Act, think of a ruse, that is what he is for’ (respondent 62).

Whereas former Minister of Security and Justice Mr Van der Steur stated in 2015 that he was only willing to investigate new legislation in cases where the public prosecutor would not succeed in banning OMGs with existing legislation (TK 2014-2015, 87-3: 2), the possibilities to introduce new legislation were nevertheless explored *before* the first OMG was successfully banned (see also LIEC, 2017: 12). In fact, two months before the Bandidos MC was banned by the civil court in Utrecht, the new national government that was settled in 2017 (VVD, CDA, D66 and ChristenUnie) was very straightforward in stating that ‘there will be a ban on outlaw motorcycle gangs (criminal motorgangs)’ (Kabinet Rutte III, 2017: 4). Not long after, five Members of Parliament<sup>39</sup> indeed filed a proposal to

38 It is important to realize that the demand for new legislation came at a time when no OMG in the Netherlands was banned (yet). Although this new piece of legislation does offer new possibilities for tackling ‘OMG-like’ organizations in the future, you could say that the process of writing this law was to some extent outpaced by the recent successful ban of Bandidos MC and Satudarah MC.

39 Mrs Kuiken, Mrs Van Toorenburg, Mr Van Oosten, Mrs Van der Graaf and Mr Van der Staaij.

introduce an administrative law that would enable the banning of organizations of which the activities are in violation with public order.<sup>40</sup>

Inspired by the ‘vereinsverbot’ in Germany, the primary reason for introducing the tellingly titled Administrative Ban Undermining Organizations (‘Wet Bestuurlijk Verbod Ondermijnende Organisaties’) is that it circumvents (when adopted) the lengthy process of a civil ban, as there is no need for the Public Prosecution Service to first submit a request with the civil court. Moreover, as noted by Mr Brouwer, today members of a banned organization can only be criminally prosecuted for continuing club-related activities (Article 140 Criminal Code) after a final judgment of the highest court, whereas the administrative ban is proposed to go into effect immediately (Nieuwsuur, 20 December 2017). Finally, the initiators of the act also intended to codify criteria to ascribe the (criminal) behaviour of individuals to the wider organization more easily. All in all, Article 2 of the proposal reads that the Minister for Legal Protection can ban a legal entity or any other type of organization in the interest of public order when the activities of this organization create, promote, or preserve a ‘culture of lawlessness’ (TK 2018-2019, 35 079, nr. 2: 1). The authors chose this formulation in direct response to the civil court, which ruled in 2017 that the Bandidos MC indeed lives by ‘a culture of lawlessness’ (see paragraph 7.12.2). Hence, although the initiators of the act wrote that this piece of legislation can also be used against other types of organizations, it is clear that it was particularly designed to fight outlaw motorcycle gangs. As described in the explanatory memorandum:

‘These organizations stimulate and facilitate severe forms of crime, such as among other things acts of violence and illegal drug trade. They form a serious threat to the safety of civilians and to the public authority. Besides this, they also deny the freedoms of their own members to turn to the government for help as well as the freedom to step out of the organization when they want to. As a result, fundamental rights of its own members are being violated’ (TK 2018-2019, 35 079, nr. 2: 1).

The piece of legislation was presented both as an addition to and capstone of (in Dutch: ‘sluitstuk’) the multi-agency and administrative approach that was launched in 2012. The

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40 The first proposal (‘Wet Bestuurlijk Verbod Rechtspersonen’) was published in March 2018. Various people (mostly lawyers and legal scholars) and organizations (e.g. the Council for the Judiciary) made use of the possibility to comment on the first draft of the act during an ‘internet consultation’. In response to these comments, the Members of Parliament published a new and more detailed proposal under the name Law Administrative Ban Undermining Organizations (‘Wet Bestuurlijk Verbod Ondermijnende Organisaties’) in November 2018. In this paragraph, I will only discuss the latter version of the proposal. For those interested in reading the annotations made during the ‘internet consultation’, see <https://www.internetconsultatie.nl/bestuurlijkverbodrechtspersonen/reacties> (last visited 12 December 2018). As of 28 January 2019, the proposal was still under discussion with the Second Chamber.

existing legal means, the initiators wrote, still have too little added value to structurally fight OMGs, whereas a ban is able to directly ‘inhibit the public actions of an OMG and with this the criminal or undesirable activities perpetrated in the context of that OMG’ (TK 2018-2019, 35 079, nr. 3: 2-3). These ‘public actions’ include all club-related activities, from e.g. wearing colours, organizing club-related events, using clubhouses, recruiting new members, to establishing new legal entities in response to a ban. Anyone who nonetheless decides to continue with these and other club-related activities risks imprisonment for the length of two years and a fine up to 20,750 Euros. Finally, Article 9 of the act protects the right of the organization to fight the decision of the Minister for Legal Protection with the administrative court, *after* it has been banned.

This piece of legislation not only forms the expected ‘capstone’ of the multi-agency approach, but also of this final empirical chapter. It is the latest important development where the Dutch approach to OMGs is concerned, and at the same time forms an interesting and valuable confirmation of the idea that the OMG is fought as if the phenomenon is the ‘criminal process’ to be prevented (see paragraph 8.11). In relation to this, as also expressed by the title of the act, it is above all the OMG as an organization that is deemed to have an undermining effect on society. Although this in itself is of course not an extraordinary conclusion, it did have an important influence on my quest to understand and explain the 180-degree turn in the Dutch approach to OMGs, the aim from which I departed this study. In the following and conclusive chapter, I will bring together the insights of this study in light of the pre-crime society.



## 8 RAISING MORAL BARRIERS

### 8.1 INTRODUCTION

In the very first pages of this thesis, I departed from the general observation that the Hells Angels MC have been troubling the ‘local triangle’ of Amsterdam from the 1970s onwards. At the same time, I also signalled that the way in which the same local authorities governed this outlaw motorcycle gang made a 180-degree turn. Whereas the local government of Amsterdam first actively sought out ways to give this club a clubhouse, today the Dutch government – along with many other governments abroad – goes to great lengths to prevent the settlement of OMG in clubhouses. In this way, the clubhouse can rightly be taken as symbolic for the (changing) approach towards outlaw motorcycle gangs. To describe, understand and explain this shift in approach, this study traced back the approach to outlaw motorcycle gangs in the Netherlands from present times to the 1970s. While sometimes taking great leaps through time, it is described, in sum, how the view from the state upon outlaw motorcycle gangs changed over time, and also what incidents or circumstances in turn fuelled this change in approach. While doing so, much attention is devoted to the present approach against outlaw motorcycle gangs because, as we learned, it was only in 2012 when the Dutch government formally launched a national approach to ‘raise barriers’ to OMGs. In this final chapter, I will bring together the insights of this (historical) narration to give meaning to the signalled contrast in approach by answering the general research question of this thesis: *How has the approach towards outlaw motorcycle gangs in the Netherlands developed over time, what set these changes in motion, and to what extent can this development be explained by the shift towards a pre-crime society?* This chapter will, however, not only serve to summarize my key findings; I will also reflect on the theoretical perspective chosen to explain the present approach towards OMGs. In short, I will argue that the shift to what is called a pre-crime society provides a first – albeit limited – explanation. To fully grasp today’s approach towards outlaw motorcycle gangs, it is necessary to also incorporate perspectives from other strands of literature. In doing so, I will work towards the idea that the barriers raised against OMGs can be best understood as ‘moral barriers’. Before giving insight into this learning process, however, I will first shortly recall the theoretical lens from which I started this study.

## 8.2 THE FIRST EXPLANATION

In the quest to understand and explain the described shift in approach, this study departed from a strand of literature that argues that western society has changed into a preventive or pre-crime society. In contrast to what Zedner (2007) characterized as the post-crime society, it is believed that today's society leans towards a tendency to make all sorts of interventions to prevent crime as early as possible. Along with this 'tendency' there is a strong emphasis upon controlling and forestalling those situations and/or people that pose a risk to the future. This 'risk-focused mentality' (Rose, 2000: 332) thus brings along a focus that aims to take away the 'risky elements' in society, rather than rehabilitating or punishing the offender post-crime. Today's society is, in other words, more concerned with 'governing the future rather than normatively re-ordering the past' (Crawford, 2011: 19).

In present times, outlaw motorcycle gangs around the world are also subject to all sorts of strategies, laws, and approaches that can generally be characterized by the attempt to hinder OMG-related activities in order to forestall and prevent the crimes and harms (possibly) caused by the members. Similarly to Dutch mayors, governments abroad take great lengths to e.g. prevent OMGs from settling in clubhouses, organizing events, entering particular venues, wearing club colours, and even from associating with each other to begin with. Indeed, the anti-association laws adopted by Australian authorities aim to, in short, disrupt the early associations between members in order to prevent and limit the risk that the members will commit a crime. These and other laws have led some to believe that the OMGs, at least in Australia, became the 'archetypical 21st century example' of present-day beliefs that an effective way to control crime involves the management of risks and a commitment to early intervention (McNamara & Quilter, 2016: 34). Particularly influential for me to adopt the 'pre-crime society' as my theoretical lens was Julie Ayling's thesis that the approach in Australia can be described as a 'pre-emptive strike' and that OMG membership in turn became:

'A proxy for an unacceptable level of risk of the commission of serious offences and so is taken to justify early intervention [...] Australian authorities in some states appear to be increasingly intolerant of the risks associated with the 'dangerous people' that comprise OMGs, and progressively more willing, in the interest of security, to act pre-emptively to forestall imagined harms becoming reality' (Ayling, 2011: 259).

At the start of 2012, the Dutch government similarly launched a national approach that, according to the Head of the National Crime Investigation Department of the Dutch National Police, turned OMGs from a force of power to a 'risk factor' (Tops & Tromp,

2017: 60). Pivotal in this context is that the starting point of the approach that eventually turned ‘them’ into a ‘risk factor’ was a call to halt the activities of OMGs and its members by ‘applying the so-called barrier model, through which – wherever possible – barriers are raised with criminal, administrative and fiscal instruments’ (TK 2011-2012, 29 911, nr. 71: 3; LIEC, 2014: 5). These ‘barriers’ not only relate to the ways in which mayors aim and aimed to prevent the settlement of clubhouses, but also to the way members are hindered from e.g. wearing colours at festivals, working for private security companies, and from entering pubs. All in all, the LIEC described that ‘on many aspects barriers are raised *which make it harder for* OMGs to commit undermining and criminal activities’ (LIEC, 2016: 2, emphasis added).

Hence, as a first explanation for the signalled shift in approach, the Dutch approach towards OMGs seems to build on the temporal shift towards a pre-crime mentality by which law enforcement agencies aim to take early and preventive interventions to forestall the dangers and risks (criminal activities or public disorder) linked to outlaw motorcycle gangs. This argument becomes even more persuasive when one realizes that the concept ‘barrier’ itself symbolizes a longer and broader development whereby the Dutch government increasingly problematized the post-crime orientation of a criminal justice approach to instead focus on the ‘risky’ criminogenic situation *pre-crime*.

### 8.3 BARRIERS, SITUATIONAL CRIME PREVENTION AND RISKS

Chapter two indeed revealed that it is no coincidence that Dutch law enforcement agencies use the word ‘barrier’ in relation to the approach to outlaw motorcycle gangs. In a direct way, the national and multi-agency approach that was ‘implemented’ against OMGs in the course of 2012 built upon the various criminological insights, experiences, and rationales that accumulated roughly from the 1980s onwards.

I explained that the Dutch government during the 1980s began to adopt the position that crime cannot be fought effectively when one only reacts to wrongs done by means of the police and Public Prosecution Service. Society at large was increasingly recognized for its responsibility in providing as little opportunity for crime and thus, to prevent crime. This focus on prevention also gained a strong foothold in relation to the more serious and organized crimes after it was recognized that the social structures of society equally offers opportunities for these types of crime to flourish. The idea was raised that criminals in their endeavour to commit crimes are always, in some way or another, dependent on the goods, services, or lack of rule enforcement present in the ‘licit society’. Of particular importance for fuelling this perspective were the insights from Dutch criminological research concluding that organized crime (in the Netherlands) is committed by a changing network of individuals and groups. Indeed, while disregarding the idea that organized

crime is the result of some external, clear-cut, and pyramid-like or hierarchical structured criminal organization (an 'alien-conspiracy'), criminologists that form part of the Dutch Organized Crime Monitor stressed the 'fluid' character of criminal networks and the idea that criminals are always dependent on the opportunities and facilitators in society that (both consciously and unconsciously) facilitate crime. Organized crime, as worded by Kleemans et al. (1998: 61), does not exist 'despite' but 'thanks to' the licit society.

The Dutch government translated this rationale into their policy plans to focus especially on a multi-agency approach geared at preventing organized crime. After all, when the thesis prescribes that (organized) crime exists 'thanks to' the licit society, it is also the same licit society that is able and responsible to remove these opportunities. Fuelled by the experiences of the 'Amsterdam Project' and through concepts such as 'Tegenhouden' and a program-based approach, the national government – in addition to the prosecution of *criminals* (the 'who') – emphasized more and more the need to proactively 'block', 'stop', 'disrupt' or 'discourage' the 'system', 'life-cycle', or the 'illegal production process' of *criminal activities* (the 'what'). This goal came to fruition more concretely by means of the development of various crime-specific 'barrier models'. In these models, the logistic process of a criminal activity is mapped in order to unravel the opportunities for various partners (most notably, the police, Public Prosecution Service, local government, citizens, private companies, and RIEC-LIEC) to hinder, or 'raise barriers', in the process of this particular crime. I explained in paragraph 2.4 that these models can be regarded as a 'situational project' because the focus is on the 'situations' or 'opportunities' of the illicit activity (which are different for every type of crime), and not primarily on the actual perpetrators of the crime(s).

This shift away from the criminal towards the situational can be ascribed to a strand of criminological literature that emerged in the 1970s. Due to a loss of faith in the rehabilitative ideal of penal-welfarism, various researchers lost interest in dispositional theories that (tried to) explain the offender's motivations to commit crimes (focusing on social, economic and/or psychological factors). As a result, authors such as Ronald Clarke, Derek Cornish, Lawrence Cohen, and Marcus Felson took more interest in focusing on how, in short, situational factors and opportunities can be influenced to control crime. For these and other authors, it is not the unique dispositions of the abnormal offender (the 'other') that explains crime, but the normal structures of life and the 'routine activities' of the everyday citizen (the 'self'). These 'criminologies of everyday life' thus depart from the idea that the criminal is no different from those who are not involved in crime. Everyone is considered equally capable of committing crimes, or to put it differently, it is the opportunity that makes the thief. Situational crime prevention (SCP), which perspective underpins the present-day 'raising of barriers', in turn builds on these propositions by listing numerous techniques on how to change the criminogenic situation and take away the opportunity (Cornish & Clarke, 2003).

In the same way as it is proposed with barrier models, the aim of SCP is thus ‘not to change people’ but to ‘redesign things and reshape situations’ (Garland, 2001: 129). After all, as every individual is deemed a capable (future) offender there is no logic in changing or rehabilitating the criminal. To recall from the barrier model for illegal hemp cultivation (paragraph 2.7.2), making it more difficult to ‘acquire goods and materials’ indeed does not change the offender as much as it limits the opportunity to be involved in hemp cultivation to begin with. It is for this reason why Ruppert (2006: 60) argued that situational crime prevention is ‘not concerned with peoples deviations from a norm, nor does it intervene directly in their lives to normalize them’ and that ‘the objective is not moral regulation or reform of the offender, but reduction of the risk that this person will offend’. Crime, in other words, became a ‘risk to be calculated rather than a moral aberration’. All in all, situational crime prevention can be viewed as a risk-based and technical approach that is geared towards governing risky conditions and ‘criminogenic situations’, rather than that it tries to exclude a risky category of persons.

As shown, however, in the present case, the barriers *are* raised to a risky category of persons (i.e. members of outlaw motorcycle gangs) and *not* to the unique ‘criminogenic situations’ of specific criminal activities. At the same time, it is one of my key findings that the problem of outlaw motorcycle gangs as currently viewed by the Dutch national government goes beyond the idea that OMG membership became, in the words of Ayling (2011: 259), ‘a proxy for an unacceptable level of risk of the commission of serious offences’. Albeit fuelled by various (serious) criminal activities, the ‘risky’ outlaw motorcycle gangs above all turned into a phenomenon deemed inherently and morally wrong and undesirable; not just for the dangers they pose to the security of the future, but also for what the OMG symbolizes in the present. In the next paragraph, I will work towards the idea that the outlaw motorcycle gang over the years turned into an ‘enemy deviant’.

#### 8.4 TOWARDS THE ‘OUTLAW MOTORCYCLE GANG’ AS AN ENEMY DEVIANT

To build my argument, it must first be acknowledged that the problems caused by the Hells Angels MC and other OMGs of course are not fixed over time. Although focusing almost primarily on the *approach* used towards OMGs, it is safe to conclude from this thesis that the actual problem itself evolved as well. Also, not all OMGs that are currently present in the Netherlands have always been existent, and to make things somewhat more complicated, we have also seen that outlaw motorcycle gangs do not exist by themselves. OMGs in the first place exist as a result of a rational decision of the Dutch national government to adopt this term to mark the line between the motorcycle clubs that are subject to the national approach and which clubs are not, or as I described in paragraph 6.8.1, between the clubs that are deemed ‘good’ and ‘bad’.

In times where members of clubs such as the Hells Angels MC became increasingly recognized by U.S. law enforcement agencies for their involvement in severe forms of (organized) crime and as a 'gang' that challenges 'dominant features of American society' and openly 'break with the value system of society' (chapter three), the phenomenon still had to make its first entry in the Netherlands. I concluded in chapter four, however, that it is false to suggest that the U.S.-based Hells Angels MC travelled to the Netherlands as part of some deliberate plan to 'conquer' the Netherlands. Essentially, the occurrence of the Hells Angels MC in the Netherlands can be explained by the emergence of youth culture, whereby Dutch youngsters looked for ways to express themselves and spend their leisure time. At the start of the 1970s, working class youngsters in Amsterdam were drawn to the images of the older American members of the Hells Angels MC, and decided to literally adopt the symbols and appearances of this particular group. Whereas the American Hells Angels MC at that time were more and more problematized for being an organization geared towards involvement in illicit activities, the rowdy and violent behaviour of the working class youngsters was explained by social and psychological factors, as well as by the failings of social cultural work that until then had paid little attention to the youngsters from the working class. In short, the behaviour of the Dutch Hells Angels was understood as an expression of their own (disadvantaged) social position. For this reason, I also concluded that the problem of the Hells Angels was not (yet) deemed as a problem inherent to the Hells Angels MC phenomenon, but rather as a problem part of and resulting from the (failing) social structures in Dutch society. This rationale was clearly in line with the sentiments of penal-welfarism, in which time crime was perceived as a social problem, or as a symptom of 'underlying dispositions that were typically found in poorly socialized or maladjusted individuals' (Garland, 2001: 41-42). This changed, however, not long after the Hells Angels were officially recognized by the international network of the Hells Angels MC in 1978.

Although this thesis lacks a more in-depth view into how the 'actual' behaviour of the Hells Angels MC changed over time, it is safe to conclude that the (new) members of the Hells Angels MC became involved in more serious (organized) crimes as they became older, which activities in turn were also increasingly understood as part of the modus operandi of 'the' Hells Angels MC. Without downgrading the impact of the disorderly and violent behaviour of the youngsters that initially 'only' called themselves the Hells Angels, police investigations unravelled that members also became involved in (trading) firearms and drug-related offences. Especially from the start of the nineties – in no small part due to the growing interest of the Dutch government in the threat of organized crime in general – the members as a group were deemed by the Dutch police to be built around organized crime activities (e.g. racketeering, money laundering, and the trade in drugs and firearms). As shown in chapter five, the findings of the 'Research group Fijnaut' in 1996 moreover marked a pivotal moment in time because the researchers directly linked the Dutch group

to its American counterpart by stating that ‘one is now doing on a small scale what has already been going on on a large scale in North America for a longer period’ (TK 1995-1996, 24 072, nr. 17: 46-48).

From the turn of the millennium, the Hells Angels however were not only problematized because of the involvement in various forms of crime. It was not only what the members did in the ‘underworld’ that caused concern, but also the ‘apparent untouchable’ position the club openly aimed to obtain in the ‘upper world’ that was an eyesore for the government. Specifically the way in which members of the Hells Angels MC violently voiced their discontent vis-à-vis journalists and temporarily took over the inner city of Amsterdam during Sam Klepper’s funeral fuelled the image of a ‘criminal motorcycle gang’ that, in the words of the police, ‘rides roughshod over the norms that exist in this society and get the things done they want, both in the criminal milieu as in the upper world’. While generally recognizing the involvement of members in various severe forms of crime, the police above all problematized the idea that there is a group that distances itself from society by being involved in both severe and petty crimes while at the same time setting its own rules. Indeed, the Hells Angels MC were e.g. known to set strict rules with regard to membership and also played a leading and decisive role in the Dutch ‘biker scene’. The idea that ‘the problem’ as viewed by the government moves beyond the criminal activities alone, as equally recognized in chapter three by McBee (2015) and Syder (2002) (see paragraph 3.3.3 and 3.4.3), became even more vibrant when the Dutch government started to problematize additional motorcycle clubs.

Indeed, while the attention of the Dutch government has long been geared towards the Hells Angels MC, the scope got wider since the start of the national approach in 2012. Instigated by ‘serious signals’ for a ‘biker war’ between Satudarah MC and the Hells Angels MC, the police shifted its attention to the 1%-MCs that were part of the Council of eight, to include in this ‘focus group’ similar (in terms of e.g. organizational structure, criminal records of members, clothing, or symbols) clubs not long after.<sup>1</sup> The decision of the former Minister of Security and Justice to adopt the term ‘outlaw motorcycle gang’ to mark the clubs under discussion was a significant one (paragraph 5.10.4). In an attempt not to criminalize what the Minister called the ‘normal’ or ‘non-norm deviating’ motorcycle clubs, the Minister instantly set the stage to contrast and essentialize the other type of motorcycle club, the ‘outlaw motorcycle gang’, as ‘not-normal’, ‘deviating’, ‘criminal’, ‘problematic’, ‘bad’, ‘wrong’, ‘different’, ‘outlaw’, ‘evil’, or indeed, as ‘the other’. It created a category of clubs that, in the words of Jock Young (2007: 113), ‘is a product of some deviant essence *inherent* in the individual or group’. Indeed, as worded by the LIEC (2015: 3, emphasis added): ‘undermining, intimidation, threats and criminal activities are

<sup>1</sup> To be able to set a clear benchmark, I commonly referred in this thesis to the fifteen ‘outlaw motorcycle gangs’ as listed by the Dutch National Police in 2014 (Landelijk Eenheid, 2014: 19).

*inherently* linked to existing OMGs'. As a result, 'the' OMG, besides (and in contrast to) specific forms of (organized) crime activities, is deemed to have in many ways a disruptive, threatening or undermining effect on society as a whole (paragraph 6.7.2).

To be sure, this undermining effect towards OMGs of course relates, to begin with, to various acts of severe public disorder in the Netherlands and abroad (mostly related to the Hells Angels MC, the Bandidos MC, Satudarah MC and No Surrender MC), which in turn undermined feelings of safety and security among citizens. It is moreover clear that members, whether or not in close cooperation with each other, are and have been involved in various forms of serious and/or organized criminal activities (e.g. intimidation, drug- and weapon-related offences, acts of violence and extortion), which acts are described as having their own specific undermining effect on society (the production of drugs for instance comes with public health issues and serious environmental risks). What generally sets the criminal OMG member (that is e.g. involved in the production of drugs) apart from the criminal who is not a member of an OMG (but equally involved in drugs), however, is that some members – while openly presenting themselves to the outside world – have also shown to (ab)use the power of the patch to intimidate and threaten others (both in the licit and illicit worlds). Like the *Barend & Van Dorp* incident in 2000, more recent incidents with mayors, ex-members, pub owners and other victims display – in the eyes of the government – a 'cloak of untouchability' in the sense that members feel 'authorized' to do whatever suits them best while reinforcing their will with violence. In this way, OMG members do not 'only' violate the letter of the law, but also undermine the very foundations on which society is built. For instance, besides that threatening mayors of course has a serious impact on a mayor's personal life, disrespects the standard judicial route to complain about administrative measures and violates the criminal law, it is also deemed to undermine the legitimacy and authority of the local administration as a whole.

About the problem with combining all sorts of serious or organized criminal activities to 'the' outlaw motorcycle gang, is that it builds or has built an image of 'the' outlaw motorcycle gang that is involved in *all* these activities. My respondents, openly available documents of the Dutch National Police, and recent research by Blokland, Van der Leest et al. (2017) gave reason to suggest that this is not the case. While the conclusion that 'not all OMGs can be tarred with the same brush' (Landelijke Eenheid, 2014: 161) in my view gives reasons to doubt the all-encompassing use of the 'gang' label, the latter insights at the same time reveal that it is not only the involvement in severe or organized crime that was and is under discussion by law enforcement agencies. The same study by Blokland and colleagues also revealed that just over 85% of OMG members has a criminal record (including e.g. traffic violations), which number was used by governmental agencies to stress and substantiate the more *general* deviant characteristics of OMGs (although 15% of the members in the data set thus did not have a known criminal record). Indeed, the authority, integrity, and legitimacy of the state, as well as feelings of safety and justice

among citizens, are also undermined through acts that are – looking strictly at the maximum penalty coded in the criminal law – less serious. I explained in paragraph 6.6 that it is also the way OMGs have shown to e.g. walk the streets and ride the roads as if they are ‘the boss’ that has strengthened the image of a *group* that generally, to use the tone of some of my respondents, ‘do not give a shit’ about the government and the rest of society. Taking over the road with tens or hundreds of bikers not only causes immediate disturbance to other road users and violates the Traffic Act, it is also understood as a way ‘to raise the middle finger’ to the democratic constitutional state at large. The idea that OMGs have distanced themselves from the ‘rules and norms’ of society was also coupled to some of the more club-related rules and mores ascribed to this ‘subculture’. Exemplary here is the fact that members have been beaten up and extorted when kicked out of the club in bad standing. For the government, this practice again reveals the idea that one has set its own internal and state undermining rules or norms (e.g. not to cooperate with the government), to subsequently appropriate itself with the power to punish the ‘violator’ with violence (which in turn denies and undermines the state monopoly of legitimate physical violence).

Although it is again unclear whether the above examples can be rightly applied to all OMGs, all OMG members were at least deemed part of this ‘undesirable’ phenomenon (paragraph 6.8). In fact, ‘the’ OMG member is taken as someone who actually *wants* to be different and deliberately placed itself ‘above and besides’ the laws and norms of conventional society by becoming a member in the first place. Indeed, in contrast to the criminal that is ‘only’ involved in producing or selling drugs to benefit from the illicit gains, the OMG member is understood as someone whose actual goal it is to live according to different rules and thus, to undermine society and the government. The notion that they are believed to (have) call(ed) themselves ‘1%-MCs’, ‘one-percenters’, or ‘outlaws’ was and is taken as ‘evidence’ for this belief.

To describe and understand today’s outlaw motorcycle gangs and its members in terms of ‘risks’ or ‘dangerousness’ hence does not fully capture the problem as it is viewed by the Dutch government. The OMGs and its members are, again, not only problematized for the actual criminal activities or public disorder they are or might be involved in in the (near) future, but also for the more general notion that ‘the’ OMG as a group willingly took distance from (the rules and norms of) Dutch society, and by doing so, in many ways undermines the democratic constitutional society at large. To better characterize the troubled position of OMGs in today’s Dutch society, then, it is tempting to immediately follow up on Cohen (2002: 2), Katz (2011a), Morgan, Dagistanli and Martin (2010) and Barker (2014), who all described outlaw motorcycle gangs as ‘folk devils’. Morgan, Dagistanli and Martin (2010: 592) even qualified the Australian ‘bikie gangs’ to ‘seamlessly fit normative descriptions of morally threatening folk devils’. As famously coined by Cohen (1972), the author found that the youngsters from the conflicting youth groups the Mods

and Rockers were indeed identified by the press, the general public and law enforcement agencies:

‘Not just in terms of particular events (such as demonstrations) or particular disapproved forms of behaviour (such as drug-taking or violence) but as distinguishable social types. In the gallery of types that society erects to show its members which roles should be avoided and which should be emulated, these groups have occupied a constant position as folk devils: visible reminders of what we should not be’ (Cohen, 2002: 2).

As described by Goode and Ben-Yehuda (2009: 28), folk devils are thus not only involved in ‘wrongdoing’ but are also considered to ‘undermine and subvert the moral order and harm the society’. In similar words, Mary deYoung (2011: 119) explained that the Mods and Rockers became problematized because ‘they threatened prevailing norms and blurred the moral boundary between conventional and deviant society’. To defend and maintain the status quo, the folk devil, as the personification of the ‘bad’ or ‘evil’, is strictly opposed to the ‘good’ – a dichotomy I showed to be present in relation to the present case as well (paragraph 6.8.1).

Although I do agree with Morgan, Dagistanli and Martin (2010) that the portrayal of the undermining OMG nicely fits these general descriptions of the folk devil, I do remain reluctant to likewise adopt this specific concept to describe and understand the problem of OMGs as it has occurred in the Netherlands. While inherently coupled with the concept of moral panic, Cohen’s original argument was, as analysed by Garland (2010: 15) and Bouabid (2018: 20-22), that a folk devil is a ‘cultural scapegoat’ for broader underlying anxieties experienced among the general public. That is to say, the societal reaction to the Mods and Rockers came forth from resentment to the upcoming teenage culture which – through their increased spending power, sexual freedoms, and different work and leisure ethic – threatened the value system and way of living of the hard-working adults. They, as Cohen (2002: 218) put it, ‘touched the delicate and ambivalent nerves through which post-war social change in Britain was experienced’. Young (2009: 13) in his own yet similar words explained that the moral panic over the Mods and Rockers ‘involved the disintegration of a consensus around the relationships between discipline and reward that was slipping away to make way for late-modern consumer societies where there is an emphasis on immediacy and short-term hedonism’. The folk devil is, Young (2009: 14) continued, a ‘symptom of the underlying moral uneasiness’. In his recent thesis on the moral panic over Moroccans in the Netherlands, Bouabid (2018: 141) also argued that today’s widely spread negative portrayal of ‘the’ Moroccan in Dutch society can be understood as a ‘misplaced overreaction’ to underlying anxieties about socio-cultural

changes related to globalization, migration, pluralism, and the general demise of Dutch culture.

In the case of this thesis, however, I tend to recognize the approach towards OMGs as an expression of a more direct and exclusive response of the state to the phenomenon itself. The outlaw motorcycle gang as it occurred and was ‘constructed’ at the start of the 2010s was not so much a ‘devil’ of the ‘folk’ at large, but more like a ‘devil’ or ‘enemy’ of the ‘state’ as the ruling body in the Netherlands. After all, it was the Dutch government that felt the need to launch a media communication strategy to *inform* and *warn* the rest of society about the dangers and wrongness of OMGs, to subsequently tear down the romantic image of OMGs alive among the general public as well as to responsabilize society to tag along with the government in its fight against OMGs (paragraph 7.5). Recall again in this context the many people standing in awe along the sidewalk when Hells Angels member Sam Klepper was escorted to his final resting place, which event was experienced as an eyesore by the national government. A concept that in my view better reflects both the core of my argument and the core of the Dutch problem of outlaw motorcycle gangs is Joseph Gusfield’s (1963: 66-68; 1967; 1968) understanding of the ‘enemy deviant’.

The author made a distinction between different types of deviants who differ in the way they threaten the status of the norm and, in turn, likewise trigger a different response from ‘the designators of deviant behaviour’ (Gusfield, 1967: 179). Whereas the ‘repentant deviant’ does violate the norm and can therefore be considered a norm-violator, it does not threaten the norm itself. Those crossing the street despite a red traffic light, for instance, would normally agree with the police officer that he was wrong for ignoring the stop sign. He or she will, albeit with some lack of enthusiasm, realize that paying a fine is the natural consequence of his or her transgression. The fact that he or she regrets ignoring the stop sign ratifies the norm and rule that one is expected to wait for the traffic light to turn green. As a result, the rule itself stays intact, or how Gusfield himself put it, ‘the norm they have violated is itself unquestioned’ (Gusfield, 1967: 179). The ‘sick deviant’ also does not threaten the norm. A good example of this is the deviant who e.g. physically abuses another person but is nevertheless found not guilty by reason of some mental disorder. Although a norm has indeed been violated, it does not threaten what Gusfield termed ‘the legitimacy of the normative order’ as the wrongdoer cannot be held responsible for his behaviour. I would like to similarly think of the first Dutch Hells Angels youngsters as ‘sick deviants’, not because they actually suffered from some mental disorder, but because the explanation for their behaviour was sought within the (lacking) social structures of society. In consequence, the deviant Hells Angel was deemed less responsible for his own behaviour and became ‘an object of welfare, a person to be helped rather punished’ (Gusfield, 1967: 180). Even the ‘professional criminal’ or the ‘cynical deviant’, Gusfield continued, does not threaten this legitimacy since its goal is to *secretly* ‘get around the rules’ for ‘self-seeking’

only. Here I think about the criminal who is involved in illegal hemp cultivation solely as a way to make money.

For Gusfield, the 'enemy deviant', however, not only violates the norm, but also openly threatens the validity of the norm *itself*: '[T]he publicly defined deviant is neither repentant nor sick, but is instead an upholder of an opposite norm'. Different from the former three types of deviants, the 'enemy deviant' in other words 'accepts his own behaviour as proper and derogates the public norm as illegitimate' (Gusfield, 1967: 181). Because this deviant does not, as is the case with the 'repentant deviant', acknowledge the 'rightness' of the law and norms of the dominant society, a conflict emerges between the 'norms-proscribers' and 'norms-violators' (Gusfield, 1963: 66-67; see also Cohen, 2002: 10-11). Interesting in the context of the present case is that the author also added that 'it is when the deviant is also an enemy and his deviance is an aspect of group culture that the conventional norm is most explicitly and energetically attacked' (Gusfield, 1967: 181). Following this line of thought, the Dutch government in present times not only defines OMG members as deviants involved in a wide variety of illegal activities, but also as a group (culture) that openly and willingly (e.g. by wearing 1%-patches or collectively denying stop signs) upholds a different norm, which in turn makes them a threat or 'enemy' to the validity of the existing rules and laws of conventional society. Indeed, as it was described in internal documentation, it is 'the combination of characteristics, attitude and behaviour' of OMGs that 'forms a serious undermining of our constitutional state' (internal documentation).

To use this concept here is a way for me to give insight into how my understanding of the way in which the Dutch government changed its view of outlaw motorcycle gangs as well. I came to realize, as has been stressed many times before now (see paragraph 6.8 in particular), that it is the existence of the phenomenon itself that became the problem, which moves beyond the criminal activities of the members alone. The threat or problem is not only that members will (again) be involved in crime but also that the dominant laws, rules, and norms of the state are under attack. This insight, in turn, also helps to explain the (changed) approach towards OMGs. As I will argue below, the described preventive turn in (Dutch) crime policies expressed itself through the idea that it is 'the' outlaw motorcycle gang that needs to be prevented, and not only the crimes in which the members might be involved.

## 8.5 FROM INCLUSION TO EXCLUSION

I suggested above that the first Hells Angels in the Netherlands were looked upon, in the words of Gusfield, as 'sick deviants'. As shown in chapter four, the aggressive and deviant behaviour of the youngsters was not something deemed unique to the Hells Angels, but rather expressed the disadvantaged social position of the working class youth in general.

However, since these youngsters did cause serious problems particularly with violent offences and by violently disrupting and damaging youth work facilities – and thus also caused a risk for the secure future – the local government had to take action. The decision to subsequently provide this group with its own clubhouse can and must be understood in the spirit of that time. Following up on the premise that social cultural facilities have not been responsive to the needs of the working class, a new clubhouse can be seen as a way to, in the words of Young (2007: 60) ‘swallow’, ‘absorb’, or simply include the Hells Angels in society. Unique for this rationale was that the project was coined as a ‘multi-agency experiment’ whereby parties other than the police and public prosecutor were recognized for their ability and responsibility to help and guide the troubled youth. Although I also noted that the remote location of the clubhouse served to physically move the youngsters away from the city centre (and thus to prevent a further escalation of the problem), the facilitative role of the local government and Streetcornerwork above all can be taken as a ‘penal-welfarism’-like rationale to facilitate the youngsters in finding their own spot in society. It is interesting to see how the local administration along the way – in stark contrast to present times – declined giving interviews to the media, made an exception to the local development plan to make the clubhouse possible, waved aside the concerns and risks raised by neighbours about the establishment of the clubhouse, and also maintained the Hells Angels as ‘trusted discussion partners’ when it was clear that the clubhouse itself developed new problems (paragraph 4.4.2-4.4.7).

While the members indeed did not stop their involvement in criminal activities, to say the least, the group was nevertheless allowed to keep their clubhouse. Moreover, in a time period where the Hells Angels MC was recognized for its (suspected) involvement in serious crimes such as drug trafficking, money laundering, possession of firearms and racketeering, the group long remained a discussion partner with the local police of Amsterdam (paragraph 5.4). Indeed, as we have seen with the 20th anniversary of the club in 1998, the police and local administration still tolerated the presence of the Hells Angels as it actively sought for ways to manage the risk of public order by, as I wrote, ‘collaborating, making agreements, escorting, and sometimes by making compromises’ (paragraph 5.5). It was precisely this facilitative stance vis-à-vis the Hells Angels MC that was problematized from the turn of the millennium. The more focused approach that followed the ‘turning of the tide’ was first and foremost geared to put a stop to the ‘public image’ of the Hells Angels MC and to make clear that there is no room in the Netherlands for groups who try to distance themselves from the rules of Dutch society.

It is essential to recognize that the local police of Amsterdam – in its attempt to give meaning to this goal – was influenced by the at that time well-established belief that (effective) crime prevention involves the cooperation between various partners. The approach to the Hells Angels MC was built around a combination of conducting criminal investigations (in Dutch: ‘opsporen’) and the at that time recently developed concept of

Tegenhouden. In this context, the plan to fight the Hells Angels MC was also described as a 'pilot to develop a model in order to approach specific individuals/groups that are involved in organized crime more adequately by means of an integrated approach' (paragraph 5.6.3). While this more coordinated plan to fight the Hells Angels MC was thus evidently influenced by the described shift in Dutch crime polices towards 'pre-crime', it equally formed a break from this development. Whereas the insights that led to the adoption of the concept of Tegenhouden involved the idea that organized crime in the Netherlands is not the result of some clear-cut and hierarchical structured criminal organization as well as the belief that it is more effective to focus on the situation or opportunities *preceding* the criminal activity, the attention in present day focuses precisely on a clear-cut group of people that *have been involved* in various criminal activities and above all, forms an 'enemy' to society at large. The Hells Angels have thus been subject to two multi-agency or integrated 'pilots' or 'experiments', it is clear that the latter 'pilot' heralded an approach that eventually led to an attempt to achieve the exact opposite of 'inclusion'.

When it was clear that the Public Prosecution Service launched a large-scale criminal investigation to prosecute the club as a criminal organization (Article 140 Criminal Code), the local government abruptly decided to stop the negotiations it was having with the club as regarded the relocation of the clubhouse at the Wenckebachweg in Amsterdam (paragraph 5.7.2). Departing from the belief that various governmental agencies must operate as 'one government', it was regarded as highly undesirable for the local government to collaborate in any way with a club that was under criminal investigation. In the meantime, a national political debate was sparked that more generally problematized the clubhouse of the Hells Angels MC. While 'the' clubhouse in the 1970s symbolized and was appreciated as a means to offer the members a place to be themselves, the clubhouse became problematized as a safe haven precisely because it offered a way for the Hells Angels MC to be themselves and (literally) distance themselves from society. In this context it was stressed by the national government that it should not be tolerated that any group or individual is able to structurally deviate from the rules and laws of 'our' society. Members of the Hells Angels MC were thus required, so it was reasoned, to pay its e.g. parking fees just as any other citizen has to (paragraph 5.8). It is clear however that the Public Prosecution Service by 2006 deemed the mere existence of the phenomenon itself as undesirable as it filed multiple civil cases to ban the various chapters of the club altogether. Echoing the image of the Hells Angels MC as an 'enemy deviant', the public prosecutor reasoned that 'the Hells Angels do not belong in our society and that there is or should be no room for them and the criminal activities they commit in our legal system'. Hence, it was not only the criminal activities that needed be excluded from 'our' society – as *criminal* activities are by (legal) definition illegal – but also the Hells Angels MC phenomenon as such (paragraph 5.9).

Because the public prosecutor failed in its attempt to (legally) exclude the Hells Angels MC from society, the national approach as launched by the Dutch government in January 2012 aimed to ‘raise barriers to a wide variety of clubs’ that were not legally banned. Although labelled as ‘outlaw motorcycle gangs’ or ‘criminal motorcycle gangs’, the clubs were thus legally speaking neither *criminal* nor operating *outside the law*. As shown above, the OMG nevertheless turned into an undesirable phenomenon in Dutch society. At the same time, the described and ongoing shift towards preventive or ‘pre-crime’-like crime policies again had a direct influence on the policy that was developed for the national approach in 2012. While again building on the concept of Tegenhouden, the approach now also followed up on the rationale underlying ‘barrier models’ and ‘raising barriers’. I already reasoned above that this was a ‘break’ from the rationale to focus on specific criminal activities in the sense that the ‘OMG barriers’ centred on the ‘who’ and not the ‘what’. Indeed, I showed that the policy to fight OMGs in practice resulted in a multi-agency approach to hinder the activities of what Cohen called a ‘social type’ and not necessarily the situations or opportunities preceding a specific criminal activity (which insight also has, as I will show in the next paragraph, important consequences on how to interpret the barriers raised).

To begin with, it is significant to recall that the approach in 2012 was erected to act as a ‘front’ and ‘united offensive’ against OMGs. Influenced by the general thought that crime fighting is the combined responsibility of all governmental and private agencies as well as of the citizenry, the use of these words immediately set the image of a conflict between two opposing sides, the OMGs on one side of the ‘front’ and the rest of society on the other. I explained in paragraph 7.2.2 that the barrier model developed was little more than an overview of the various available legal means for the multi-agency partners to raise against the OMGs *and* its members. I stress the word ‘and’ here, because part of the approach was to take a zero-tolerance to any form of crime or law violation by individual members, which was given meaning through (the priority for) the criminal prosecution of members as well as by what is known as an ‘individual-focused approach’ or PGA-approach (paragraph 7.3 and 7.4). After all, the bottom line was, as worded by many of my respondents and the Minister, that ‘they just have to follow the rules’ and must be faced with the legal consequences when ‘they’ do not. However, it is clear that the more club-related barriers in practice moved beyond what is commonly understood as a zero-tolerance approach. Whereas a zero-tolerance stance to crime holds that one strictly enforces any transgression of the law (post-crime), the present approach attempts to take away the possibility of the OMG to violate the law to begin with. One could argue that the approach did turn into a zero-tolerance approach, but as a zero-tolerance for the *existence* of OMGs altogether.

Without recalling all the examples I provided in chapter seven, it is clear that the OMGs were indeed approached as if they were the ‘logistic’ or ‘criminal process’ to be prevented,

whereas the barriers focused on the ‘necessary conditions’ for this ‘process’ to exist. This becomes clear, to begin with, through the use of focused criminal investigations directed specifically at the leading chapter or ‘key figures’ of an OMG. In this way, the police hope to frustrate and imbalance the OMG as a structure to facilitate crime, which is in turn thought to prevent crime in the future (paragraph 7.3). Precisely because OMGs were not *legally* outlawed, the barrier model or intervention matrix also served as a judicial ‘toolbox’ for respondents to look for ‘legal hooks’ to nonetheless raise barriers to club-related activities. Indeed, besides closing *existing* clubhouses that were not settled according to (local) regulations, I have shown that mayors in close cooperation with the RIECs largely followed up on the rationale that OMGs should not be able to settle at a particular location to begin with (paragraph 7.6). Whereas the local government of Amsterdam in 1974 used the local development plan to include the Hells Angels MC in society, this plan is now used as a ‘legal hook’ to exclude the OMG from this place in society. The term ‘clubhouse’ is used broadly, as OMG members were not only hindered from directly hiring a building, but also from using regular pubs or homes to come together. Furthermore, it is safe to state that mayors (and other public agencies) are similarly unwilling to facilitate events that are organized by OMGs. After all, the starting point here was to disallow events ‘whereby members of an OMG are clearly involved’ (LIEC, 2014: 12). Some mayors have shown to go as far as also preventing events of which the government has little to do with the facilitation to begin with. Here you can think about the way in which local governments made an appeal to owners of party centres or pubs to not facilitate an OMG event in their venue. I moreover illustrated how colours were banned from events that were not organized by members per se (paragraph 7.7). Although it is important not to ignore cases whereby mayors and police officers personally gave preference to ‘regulating’ instead of ‘hindering’, these instances did turn out to be exceptions to the ‘rule’ strived for on a national level. After all, as the LIEC prescribed in relation to ‘stop-conversations’, the general message is that the OMG ‘is not welcome and that the local government will try to prevent the establishment by all legal measures possible’ (LIEC, 2017: 16; paragraph 7.9). Furthermore, various governmental agencies in cooperation with private organizations also looked for ways to exclude OMG members from working in the private security sector and governmental agencies. Yet, until an OMG is legally forbidden, it turned out to be unlawful to dismiss someone *only* because he is an OMG member. By altering directives, rules of conduct, or simply by requesting an employee to give up his membership, one nonetheless looked for ways to exclude and hinder OMG members from these two sectors (paragraph 7.10). The idea that the approach to OMGs can be regarded as a zero-tolerance approach to the existence of the phenomenon became most evidently clear in the national coalition agreement of 2017, in which the coalition parties quite resolutely stated: ‘there will be a ban on Outlaw Motorcycle Gangs’. The strategy to legally ban OMGs – which has since been successfully deployed in civil cases against the Bandidos MC, Satudarah MC and the

Hells Angels MC – was described (already in 2012) as yet another legal means in the ‘toolbox’ to raising a barrier that has ‘an effect on the long run’. Moreover, a legal ban in itself is also thought to offer the ‘legal hook’ longed for to hinder the activities of OMGs (paragraph 7.12). All in all, apart from the fact that the criminality and problem with OMGs changed as well, it is clear to see that the approach to OMGs indeed followed the movement from an inclusive to an exclusive society: ‘that is from a society whose accent was on assimilation and incorporation to one that separates and excludes’ (Young, 2007: 7). The next paragraph will serve to give extra meaning to these exclusion practices.

## 8.6 BEYOND RISK-THINKING

It has been argued by various authors that we live in a pre-crime society that is increasingly concerned with removing the ‘risky’ elements from society in order to prevent crime in the future; or as Crawford put it, we are more concerned with ‘governing the future rather than normatively re-ordering the past’ (Crawford, 2011: 19). In turn, I have long followed up on the idea that the various barriers raised are used as a means to ‘make it harder for OMGs to commit undermining and criminal activities’ (LIEC, 2016: 2). It is my key argument that today’s excluding barriers raised to OMGs – albeit directly influenced by policies built on pre-crime rationalities – cannot only be accounted for by ‘risk-thinking’ (Rose, 2000: 32). Just beneath the surface of the various specific physical or (in the tradition of situational crime prevention) technical ways in which law enforcement agencies attempted to halt the (criminal) activities of OMGs also lies a clear moral dimension. I will reveal this duality in the following two subparagraphs.

### 8.6.1 *A pre-crime approach*

To be sure, the above has shown that some outlaw motorcycle gangs clearly come with serious risks for public disorder and criminal activities. Just as the Hells Angels youngsters at the start of the 1970s caused tumult in the city centre of Amsterdam, the Hells Angels MC in recent times, similar to clubs such as Satudarah MC, Bandidos MC, and No Surrender MC, endangered citizens and have been involved in serious crimes. For this reason, it is important to first recognize that much of the measures taken by law enforcement agencies came in direct response to incidents, which in consequence caused rather specific risks for the near future. For instance, the explosive arrival of the Bandidos MC in the Netherlands in 2014, as well as various other recent and violent incidents relating to the rivalry with the Hells Angels MC, pushed the mayor of Echt-Susteren to the conclusion that there is ‘a serious fear of a disturbance of the public order’. This ‘fear’ was then translated into an emergency ordinance in the municipality (Gemeente Echt-Susteren,

15 June 2014). More or less the same circumstances led the police in the region 'Oost-Brabant' to discourage all motorcycle-related events in April and May 2014, which among other events led to the cancellation of Harley Day in Valkenswaard (paragraph 7.7). Also, the decision of the mayor of Sittard-Geleen to withdraw the exploitation permits of the owner of café Dug Out due to risks of severe public disorder was first and foremost instigated by the earlier violent confrontation at this particular café between members of the Bandidos MC and the Red Devils MC (Rechtbank Limburg, 1 October 2015).

At the same time, we have also seen that the intention to prevent the activities of an OMG (member) was not always grounded on specific risks tied to a specific activity of an OMG in the (recent) past, but also on the aggregate level of 'the' OMG as a risky category of subjects. To follow up on my 'first explanation', the OMG hence indeed became what Ayling (2011: 259) described as 'a proxy for an unacceptable level of risk of the commission of serious offences' and the Dutch government in turn became 'intolerant of the risks associated with the 'dangerous people' that comprise OMGs'. Recall in this context how one mayor explained that the risks of an OMG event organized in a party centre were 'nihil' but nonetheless deemed the event undesirable: 'Let me make one thing clear, it is not desirable that they come here you know, I mean if I was able to prohibit this with a good argument I would have done so, but the argument was not there' (respondent 28). This also became clear for instance when respondent 43, a mayor of a relatively small municipality, argued that he was not necessarily interested in countering this 'party' because of the risks tied to this specific event, but more generally because the phenomenon as a whole inherently comes with risks: 'it is not about that party you know, it is about whether we find the phenomenon OMG desirable or undesirable you know. I believe we all agree that it is undesirable'. The mayor of Cuijk followed the same rationale when he wanted to forbid the 'Brothers in Arms Run' organized by the Veterans MC. Indeed, the court hearing revealed that the police assessed the risk of this particular event as 'low' and that the mayor's refusal was not, according to the court, supported by specific indications that this 'Brothers in Arms Run' would cause serious problems to public order (paragraph 7.7). It is also telling that the mayor of 's-Hertogenbosch made it 'forbidden for an owner to permit a gathering of an Outlaw Motor Gang in its venue' not because the city centre was actually confronted with troubling OMGs, but because *an* 'Outlaw Motor Gang' is generally deemed to come with 'risks for escalation, threats, intimidation and public disorder'. Furthermore, respondent 76 was clear in stating that he regarded 'everything they do' as part of an 'organized criminal process', which led to the premise that preventing clubhouses eventually also helps to frustrate and prevent the criminal activities of OMGs altogether. Others likewise argued that it is important to dismantle the ties, cohesion, or opportunity structure of a club (the 'who' as 'the criminal process') as this was deemed to make it more difficult for the club to organize itself around criminal activities in the future (paragraph 7.6.3). The strategy of limiting the number of OMG members in the security sector, as a final

example, is equally described to have a ‘strong preventive approach against criminal influences’ (paragraph 7.10.2). Whereas the National Police warned that not all OMGs ‘can be tarred with the same brush’, ‘the’ OMG in other words *is* generally tarred with the same brush in terms of its overall ‘riskiness’.

However, the notion that OMGs (and their activities) are generally ‘undesirable’ goes beyond the idea that e.g. an event, clubhouse, or occupation could lead to public disorder or crimes. It is precisely because ‘the problem of outlaw motorcycle gangs’ not only relates to, as I concluded above, ‘the dangers they pose for the secure future, but also to what the OMG is deemed to stand for in the present’ that today’s excluding barriers also hold a moral and norm-setting meaning.

#### 8.6.2 *A moral approach*

Building on the pre-crime-like tradition of disrupting the ‘logistic processes’ of criminal activities, the OMG itself became the process to be disrupted. At the same time, the above also illustrated that the ‘outlaw motorcycle gang’ as such is not simply thought of as a morally neutral risk category, but even more so as ‘not-normal’, ‘bad’, ‘wrong’, ‘different’ and ‘evil’. Although it is acknowledged by most of my respondents that not every member of an OMG is necessarily involved in criminal activities himself, it is nonetheless deemed a ‘wrong’ and undesirable ‘subculture’ of which ‘we say’, respondent 7 reasoned, ‘is not the normal way of acting that we accept in this society’ (paragraph 6.5.1). Whereas situational crime prevention departs from the premise that crime is an accepted part of ‘normal everyday life’ and is thus not the result of abnormal and morally irresponsible behaviour – which in consequence leads to the premise that the offender and victim are essentially equal to each other – OMG members *are* deemed to be ‘abnormal’ and ‘different’ from the everyday citizen. In fact, I showed that members are rendered ‘enemy deviants’ because they *want* to distance themselves from (the rules of) society. The OMG is thus simultaneously typified as a source of risk *and* as an ‘other’ (Garland, 2001: 135). It is for this reason that the approach towards OMGs can also be recognized for what Alan Hunt (2013: 55-56) summarized as ‘moral politics’, which involves that ‘some agents act to problematize the conduct, values, or culture of others and seek to act upon them through moralizing discourses, moralizing practices, and regulation’, whereas ‘moralization’ generally ‘involves imposing judgments about the rightness or wrongness of the conduct or values of others’.

This relates, to begin with, to the PGA-approach and the priority to prosecute members. By strictly enforcing the law, the Dutch government aimed to ‘make a clear statement’ and normalize the idea that OMG members are held accountable to the rules and laws just like any other ‘normal’ citizen. The same goes for club-related activities as the barrier model

also summed up several means to check whether e.g. a clubhouse was settled according to local regulations or whether members abide by the Traffic Act during ride-outs. It is easy to see why these barriers hold a moral character. After all, it is about reacting to wrongs done and about enforcing 'disapproved' conduct as objectified in the law (Boutellier, 2008: 12). These barriers by definition also have little to do with situational crime prevention and 'pre-crime' since they are about enforcing the law 'post-crime', or about 'normatively re-ordering the past' (Crawford, 2011: 19). As shown, however, the approach goes beyond reacting to crimes.

Whereas Ruppert (2006: 60) argued that SCP as a future-oriented risk strategy is 'not concerned with people deviating from a norm' and also does not 'intervene directly' in the lives of people 'to normalize them', it is clear that the OMG approach does express a message about how people and organizations are expected to give meaning to a 'normal' life. I showed for instance that the Veterans MC – a club that according to Blokland, Van der Leest et al. (2017: 109) revealed little involvement in organized crime – was asked and expected to distance themselves from the phenomenon by letting go of the '1%' logo, three piece back patches and the general organizational structure of their group, as these traits were understood to signify that the club had nonetheless positioned itself outside the laws and rules of society (paragraph 6.8.2). This was also why some of its members were not allowed to wear their colours during National Veterans Day. In the context of this case, I concluded that the members were only allowed to violate the traffic regulations just as any other 'normal' veterans when they left their colours home. For soldiers who serve (or have served) the interests of Dutch society, it is discouraged to (openly) identify with a phenomenon that distances itself from society's interests (paragraph 7.8.2). It is moreover telling that it has been noted that the attention would have shifted away from this particular club if the Veterans MC would distance themselves from characteristics of a '1%-MC' and eliminated any link with being a 'full-colour club'.

More generally, OMGs were described as clubs you should not want to be part of, especially not when you are a 'normal' and 'social' motorcycle enthusiast. In the words of Cohen (2002: 2), the OMG member became – in the eyes of state agencies - a 'visible reminder of what we should not be'. Member of Parliament Mrs Van Toorenburg, for instance, argued that members who want to join an OMG 'should realize that what they are doing is wrong'. Recall also how a mayor (respondent 76) waved aside possible differences between members in terms of their involvement in crime by arguing that they are all 'good-for-nothing': 'yes, probably there are people without a criminal record, yes interesting, but what then are you doing in this club?' (paragraph 6.8.1). The clubs were, in turn, similarly called upon to bear the moral responsibility to disallow members with a criminal record. In response to a statement made by a member of Satudarah MC that having served time in prison is no reason not to be allowed as a member, Minister Mr Van der Steur for instance argued:

‘When you want to prove that you are not a criminal motorcycle gang, it seems to me that it would be a very good first step to say: We say goodbye to each member of our organization that violates the law. That would be a nice contribution’ (TK 2015-2016, 29 911, nr. 128: 14).

Hence, you could say that Mrs Van Toorenborg, Mr Van der Steur and the mayor in these examples adopted the role of a ‘moral crusader’ who is ‘seeing to it that other people do what he thinks is right’ (Becker, 1963: 148).

The same ‘moralization’ can be recognized in the way the multi-agency partners – in contrast to the local government of Amsterdam in the 1970s – actively used the media to inform the ‘rest of society’ about the criminality and ‘wrongness’ of OMGs as a means to strengthen the earlier described ‘front’ and boundary between what and who is deemed ‘good’ and ‘bad’. While taking down the image that OMGs are ‘good and helpful to society’, the aim was to convince the police officer, the mayor, as well as the citizen that there is ‘in fact something *wrong* with these clubs’ and that it is not *right* to cooperate with or join an OMG in any way (paragraph 7.5). Recall in this context how owners of cafes and restaurants are urged – in the face of possibly losing their own venue – to act as responsible citizens by not facilitating an OMG-related event (paragraph 7.9.2). Some mayors in the same way felt somewhat ‘pressured’ by the national policy to act upon an OMG e.g. by prohibiting events.

Furthermore, while it is generally expected of the civil servant to not be involved in criminal activities (as it is, of course, for every citizen), OMG membership in itself became an additional quality that does not comply with what is expected (as worded in the circular letter ‘Undesirable Private Relations Civil Servants’) of the ‘good civil servant’ (in Dutch: ‘goed ambtenaarschap’). Telling in this context are the words of the chief of the fire department in Amsterdam who stated that it is ‘absolutely not normal that people work within governmental organizations who are [also] members of criminal motorcycle gangs’. Besides the risk argument, it was noted that the OMG member damages the image of the government as a decent, honest, and trustworthy organization. In some occasions, the OMG member was consequently put on the spot to choose between losing their job and giving up membership, again clearly moralizing the role of an OMG member (paragraph 7.10.1).

Besides moralizing OMG membership and problematizing any form of cooperation with an OMG, the barriers also served to hinder and exclude the general activities (e.g. wearing colours and organizing parties) of the clubs. From the above it becomes clear that these exclusion efforts, besides preventing crime, also serve as a device to show that OMGs are in themselves not acceptable and do not deserve to have a place in ‘normal everyday life’. Telling in this context are the words of respondent 56 who opposed the idea of offering an OMG the possibility of organizing an open day: ‘when these guys open their doors then

this could be a good thing right? You become part of society. Well, no, that is precisely what the Minister said, don't do that.' Following the same rationale, a mayor (respondent 42) reasoned that preventing OMG-related events prevents OMGs from becoming accepted and integrated into a 'normal part of social life' (paragraph 7.7). In this context, it is worth citing once more former Minister of Security and Justice Mr Van der Steur when he discussed the benefit of banning OMGs. While this strategy will, to his understanding, not prevent members from continuing their criminal career 'underground', he did emphasize the benefit of making what he called the 'symbolic signal' that 'our society does not accept that there are organizations which place themselves outside the law and only comply with their own set of laws and regulations' and 'that we as a society have to show that we set boundaries to this'. Again, marking the frontier between 'we as a society' and the OMGs, the Minister expressed the need to (re)affirm the boundary between what groups of people are to be accepted as 'good' and the groups that are 'bad' (paragraph 8.12.1). Because OMGs are seen as 'enemy deviants' whose existence undermines the 'good society' (Hallsworth & Young, 2008: 184-185), it is indeed not only the 'what' (i.e. future public disorder or crime) that needs to be hindered, but also the (legal) right of the 'bad' phenomenon to exist in the present. Members of Parliament, along with the majority of the mayors, were clear in voicing the same message for clubs such as the Hells Angels, Satudarah MC and No Surrender MC: 'for these crooks, who undermine our constitutional state, there is no place in Limburg, Noord-Brabant and the rest of the Netherlands' (paragraph 7.12). I have shown that the same discourse can more or less be recognized in the civil case against the Bandidos MC. Although a civil ban was also deemed to prevent a further escalation of the ongoing feud between OMGs in the Netherlands and could also hinder club-related activities (e.g. punishing members for violating club rules and the abuse of the 'power of the patch'), the public prosecutor in court argued above all that the ban 'marks what can and cannot be accepted in society' and that 'a club like this can and should not be tolerated in a democratic constitutional state' (paragraph 8.12.2). Hence, when the LIEC explained that OMGs had turned into a 'risk factor', this, I conclude, at the same time articulated a negative moral judgment about the club itself.

## 8.7 RISK AND MORALITY

As this chapter also serves to reflect on my 'first explanation', I argue that the depiction and interpretation of the pre-crime society is, in itself, too much driven by a risk-focused mentality. Although today's approach towards OMGs can indeed be characterized by preventive strategies raised to a 'risky category of subjects', risk-oriented governance must not be taken as a technical, neutral and amoral undertaking to begin with. Sparks argued that 'while risk calculation and expressive politics may be *logically* in contradiction, they

are nevertheless folded together in the same rhetorical package' (Sparks, 2001: 170, emphasis in original). While many authors put emphasis on the concept of risk calculation as the guiding technique or principle in present criminal justice systems, such 'instrumental rationality' ignores, so the author argued, the 'empirical reality' of expressiveness, emotions, and morality equally found in crime policies. O'Malley (2004a: 336) in the same way raised the idea that 'concerns about crime-risk' often related 'to more complex articulations of anxieties relating to such matter as unwanted social change and the weakening of familiar social boundaries'. Risk, then, 'is inevitably a moral, ethical and social judgment about security' and inherently holds a judgment about what is to be avoided and what is to be achieved. Finally, in their book *Policing the Risk Society*, Ericson and Haggerty (1997: 123) likewise concluded that 'morality is embedded in risk technologies and systems of risk management'.

Alan Hunt in particular went to great lengths to explain that studies of risk indeed tend to overlook the moralization that accompanies risk practices. Although it is beyond my scope to unfold in depth the literature on moral regulation, Hunt (2003: 167) described that 'projects articulated and justified in terms of 'risk' that invoke 'harm' are frequently also projects of moral regulation'. In fact, the author argued that judgments about right or wrong in more recent times find expression *through* configurations of risk. To put it the other way around, while risk analysis is often described as a technical procedure, such procedures 'do not eliminate moral and normative judgments' (Hunt, 2011: 64).<sup>2</sup> Whereas the consumption of alcohol, the author explained, used to be 'wrong' for religious reasons 'or some other moral reason', the same moral message is now wrapped combined with the risks and possible harms linked to alcohol consumption. The citizen is – in the face of possible risks – pointed to his or her responsibility to do the right thing. Following the same line of reasoning, O'Malley and Mugford wrote an article about the upsurge of Random Drug Testing (RDT) in the workplace in the United States, which was at first glance portrayed as an amoral risk management technique designed to reduce accidents and improve productivity. Whereas one 'cluster of reasons' indeed appeared to be geared to the prevention of risks, the other 'external' cluster of reasons were embedded in a discourse typified by the authors as a 'moral crusade' against drug use. RDT reflects, in short, the image of the good or 'acceptable' American as one who is 'sober, reliable, conforming to Middle American views of drugs, supporting a traditionalist pro-family, pro-nation view of the world' (O'Malley & Mugford, 1991: 140). As a result, behind the 'façade' of a risk management technique, RDT 'owes more to disciplinary tactics such as exclusion and moral condemnation than to actuarialism' (O'Malley & Mugford, 1991:

2 In this context it is worth citing Mary Douglas (1992: 31) who wrote that 'a risk is not only the probability of an event but also the probable magnitude of its outcome, and everything depends on the value that is set on the outcome. The evaluation is a political, aesthetic, and moral matter.'

141). More in the context of crime, Hunt likewise argued that the shift from coercive and disciplinary strategies to risk-based crime control strategies is ultimately similar in the sense that they both 'constitute deviant types so as to provide legitimations for intervention' (Hunt, 2003: 183).

In his revised chapter on sex offenders, Simon (2003; first published in 1998) recognized that the design and implementation of Megan's Laws similarly reflected a combination of what he together with Feeley (1992) coined as the 'New Penology' with 'populist punitiveness'. The author showed that Megan's Laws – in its quest to protect society from the danger of recidivism by sex offenders – depart from statistical information stating that it is a 'realistic risk' for sex offenders to re-offend after they have reintegrated into a community, and that knowledge among residents offers a 'realistic protection' against this. The role of 'risk' becomes even clearer knowing that sex offenders (at least in the law discussed by the author) are assigned to one of the three grades of risk using a Registrant Risk Assessment Scale. This law can thus be taken as a result of the 'nothing works' attitude described in chapter two, however, Simon noted that these laws at the same time also give meaning to 'popular emotions, including fear, and the desire for vengeance' (Simon, 2003: 306). In this context, it is telling that the sex offender is not portrayed as some neutral risk category, but as 'monstrous' and as a 'sexual predator' (see e.g. 'Kansas Sexually Violent Predator Act'). Hence, whereas Megan's Laws, similar to other risk strategies such as situational prevention strategies, are indeed 'mobilized in the name of potential victims taking 'rational' and 'reasonable' steps to protect themselves', the Laws are at the same time aimed at a 'category of subjects who are politically and governmentally demonized and excluded' (O'Malley, 2004b: 147-148). As pointed out by O'Malley (2009), the above is used to show that the technical and risk (prevention) focused mentality characterized by Garland as a 'criminology of the self' can coincide with the rationale underlying the 'criminology of the other', also described as:

'The upholding of order and authority, the assertion of absolute moral standards, the affirmation of tradition and common sense. It is also deeply illiberal in its assumption that certain criminals are 'simply wicked' and in this respect intrinsically different from the rest of us [...] they are dangerous others who threaten our safety and have no calls on our fellow feeling. The appropriate reaction for society is one of social defence: we should defend ourselves against these dangerous enemies' (Garland, 2001: 184).

To be more precise, while Garland depicted the two 'criminologies' and the strategies that follow from them as distinct and contradicting (e.g. prevention on the one hand and repression on the other), it is argued that the moral and normative judgments coupled

with the latter can nonetheless be engrained in the risk-based and forward-looking strategies of the former.

A Dutch case that serves as an interesting example of the latter conclusion (and in itself also bears some interesting resemblances with the case of this thesis) is provided by Van Bochove and Burgers (2009; 2010) in their case study about Dutch policies dealing with travellers or ‘caravan-dwellers’. In this study, the authors departed from Garland’s general premise that the Culture of Control can be characterized by strategies that are ‘acting out’ on the ‘other’ (via repression) and by the more ‘adaptive’ and preventive strategies geared to the neutral, rational or situational offender (the offender who is ‘like us’). They found, however, that the latter type of strategies can nonetheless be deployed to control ‘the other’. That is, while the Dutch traveller community is generally conceived of as being involved in theft, violence, drugs and indeed, as ‘the other’ – which in itself also became clear through the fierce repressive actions of the police – the government at the same time developed a more preventive and multi-agency approach to, in the words of the authors, ‘restrict the playing ground’ of the travellers (Van Bochove & Burgers, 2009: 79-82). After large caravan camps (which basically had turned into ‘no-go areas’ or ‘safe havens’) were decentralised, the idea was to limit the opportunities to violate the law by increasing social and formal control and other strategies specifically tied to the travellers. All in all, the authors concluded that ‘the other’ can also be approached in a more pragmatic way’ and that ‘Garland thus too exclusively tied repression to deviant cultural groups and prevention too exclusively with the dominant cultural group’ (Van Bochove & Burgers, 2009: 83). The latter insights clearly align with the case of this thesis and help to come to a closing appraisal of the approach to OMGs.

## 8.8 RAISING MORAL BARRIERS

This study revealed that the preventive turn in Dutch crime policies also had a direct influence on the approach to OMGs, and can thus partly explain for the 180-degree turn as signalled in the first pages of this book. However, while the preventive turn in Dutch crime policies evolved and built on the underlying premise that (organized) crime is the result of the everyday citizen taking advantage of criminal opportunities, outlaw motorcycle gangs along the way developed into a problem rendered as the exact opposite of this premise. Moreover, in times where a broad spectrum of criminal activities is deemed to have an undermining effect on society, ‘the’ outlaw motorcycle gang is clearly viewed as the very personification of the problem of undermining. It is my key argument to suggest that the approach in consequence can and must also be characterized as a ‘moral happening’ (Young, 2009: 13). That is to say, while the starting point as set in 2012 was to hinder and raise barriers to ‘norm-deviating and undermining criminality’, the approach also turned

into a 'united' and 'offensive' against the *existence* of a phenomenon that is said to undermine the democratic foundations of Dutch society. Beyond fighting and preventing criminal activities, the approach hence also turned into a conflict between the 'norms-proscribers' and the 'norms-violators', or basically, into a conflict over *who* sets and enforces the rules in the Netherlands (Gusfield, 1963: 66-67). All in all, preventing clubhouses, the symbolic case with which I started this thesis, is believed to frustrate in a practical and technical way the opportunity structure for crime in the same way as it reflects the government's assumptions about the 'good society'. To put it simply, the government wants to prevent the clubhouse to prevent crime, but also because it believes that the phenomenon as such does not deserve, both literally and figuratively, a place in our society. To characterize the Dutch policy towards OMGs, then, I believe it is useful to think of today's approach in terms of 'moral barriers'. The word *barrier* represents the idea that the Dutch approach towards OMGs over the years indeed built on the development towards a society that is increasingly geared to risk management and the technical prevention of crime, whereas the word *moral* expresses the effort to simultaneously mark the moral boundaries within society of what is 'good' and what is 'bad'.

## 8.9 REFLECTING AND RAISING QUESTIONS

While the previous paragraphs served to summarize my key findings and give meaning to the approach used to deal with OMGs, this paragraph will be used to take another step back and reflect on some of the findings of this research on a more abstract level. To put it simply, what can we – besides what is already written above – also learn from this study and what are possible, important, or interesting directions for future research?

### 8.9.1 *The preventive gaze*

In the introduction of this thesis, it was stressed that in this research, 'theory' is used to understand the Dutch approach to OMGs, and not the other way around. My interest is to understand and explain the Dutch approach to outlaw motorcycle gangs and not to in some way 'test' the pre-crime society. This does not mean, however, that it is not possible to generally reflect on the pre-crime thesis.

In his dissertation about how prevention has transformed and continues to transform our understanding of the state, Peeters spoke of a 'preventive gaze' to point to the idea that social reality becomes understood and acted upon as 'a world filled with avoidable risks', whereas prevention was operationalized 'to refer to intentionally taking measures with the objective of avoiding certain future events or to avert certain future developments', or simply as 'the activity undertaken to avert a risk'. While a 'gaze' was explained by the author

as the perspective ‘we use for the production and justification of our interventions in social reality’, the ‘preventive gaze’ thus involves the idea that:

‘Once social phenomena have been identified as determinants of future harm, a state of blissful ignorance almost inevitably gives away to a state of prevention. In the case of known or conceivable future harm, something must be done, and prevention emerges as the logical course of action’ (Peeters, 2013: 26-27).

The same picture is sketched with the pre-crime society as I cited (in paragraph 1.5) various authors who all signalled a strong emphasis of today’s western governments to control the future by ‘managing’, ‘controlling’, ‘anticipating’, ‘forestalling’, ‘pre-empting’ or ‘preventing’ risks. In the context of crime control, this development is reflected (as shown in chapter two) through the emergence and implementation of a wide-range of situational crime prevention strategies, which strategies are theorized as technical and rational efforts to prevent the everyday risk of crime. Indeed, Garland (2001: 128) wrote that under SCP ‘crime comes to be viewed as a routine risk to be calculated or an accident to be avoided, rather than a moral aberration that needs to be specially explained’, and Ruppert (2006: 60) in similar words argued that ‘the objective is not moral regulation or reform of the offender, but reduction of the risk that this person will offend’. Various authors in the Netherlands, as I did myself, departed from this development to understand how the (Dutch) government has shifted its focus on preventing organized crime (see for instance Van der Schoot, 2006; Van de Bunt & Kleemans, 2011; Bullock et al., 2010; Van de Bunt, 2004; Fijnaut, 2002; Prins, 2016; Van Ruitenburg, 2016 and Nelen, 2010).

Although the pre-crime thesis undoubtedly offers a valuable starting point to characterize and explain today’s fight against crime, I believe it is important for researchers – in their own endeavour to understand, explain and describe crime control strategies – to not be fully seized by a preventive gaze themselves. I would like to follow up on Hunt (2003: 164) who stressed that it is important not to ‘overlook the moralization that accompanies the way in which the invocation of risk intervenes in social life’. Indeed, as I intend to stress by coining the term ‘moral barriers’, the various efforts to prevent the outlaw motorcycle gang cannot only be understood by the attempt to manage or prevent the risk of outlaw motorcycle gangs, but also to mark the moral boundaries of society. In turn, I think it is important to reject our own ‘gaze’ of the pre-crime society as a rational, logical or technical operating society involved in making early interventions to prevent the neutral risk of crime, as the empirical reality of (situational) crime prevention or risk-oriented governance in general also reveals itself as a moralizing practice.

While the present case involved the approach to a ‘risky’ group (the ‘who’), I would like to pave the way for future research to also shed more light on the morality ingrained in the preventive strategies, or barriers, raised to the ‘risk’ of specific forms of organized

crime (the ‘what’). In doing so, I propose that an interesting starting point to come to such an understanding can be found with the fact that organized crime in present times is understood and framed by Dutch law enforcement agencies as a problem of undermining or as ‘undermining criminal activities’. I described in paragraph 6.7.1 that organized crime is viewed as an ‘insidious poison that slowly but surely leads to the demise of the roots of the democratic constitutional state’ and in consequence threatens the sociocultural, economic, political, technological and ecological foundations of our society. In the context of undermining, the national government moreover wrote that ‘due to the influence and pressure criminals exercise on our societal norms are blurred, and feelings of safety and liveability diminish’.<sup>3</sup> Also telling in this context is the message posted on the website of the National Police in relation to illegal hemp cultivation:

‘Some forms of crime you cannot see when you do not look close enough. What people do not know, cannot hurt them? On the contrary! When the neighbour cultivates hemp in his attic, this might cause fire and water damage. The whole street is in danger. And we all have to bear the costs of the stolen electricity. This is how your neighbour undermines our society.’

This text was accompanied by a picture of a terraced house and a slogan stating: “My tenants? Surely right and decent people” Drugs? Stop undermining’.<sup>4</sup> From this description alone, it follows that (organized) crime – just as outlaw motorcycle gangs – is clearly not taken as something that is accepted as part of ‘normal everyday life’ and thus as an amoral risk to be prevented. In fact, it is framed as a threat to the very foundations of ‘right’, ‘decent’, ‘safe’, ‘liveable’ and normal everyday life itself. To use again the words of Goode and Ben-Yehuda (2009: 28), illegal hemp cultivation not only creates an ‘accident to be avoided’, but is also held to ‘undermines(s) and subvert(s) the moral order and harm(s) the society’. For this reason, it might be fruitful to, as just one example, also study and interpret the preventive barriers raised against illegal hemp cultivation (as described in chapter two) in terms of ‘moral barriers’.

### 8.9.2 *Guarding against an undermining government*

While the previous paragraph warned against a biased theoretical depiction of the pre-crime society, I believe it is equally important to ‘warn’ against the far-reaching practices of a ‘pre-crime government’ itself. Barbara Hudson (2003: 225) generally signalled that ‘the

3 <https://www.rijksoverheid.nl/onderwerpen/ondermijning> (last visited 13 December 2018).

4 <https://www.politie.nl/themas/ondermijning.html#alinea-title-rijtjeswoning> (last visited 13 December 2018).

fearfulness of risk society is leading western societies to respond to dangers in ways that undermine the basic values honed to guard against the dangers of repression and inhumanity as well as to express commitment to democratic governance'. In this context, Hudson noted, among other things, that the increasing emphasis on 'risk control' and the forward-looking gaze of the criminal justice system endangers the 'beyond reasonable doubt' standard and also reduces the distinction between the suspect and the offender:

'At the margins of criminal justice, in the wider control system, the distinction between suspect and offender has been erased altogether for some sorts of people. The surveillance gaze operates on the basis of suspicion, but categorical suspicion can have consequences beyond (mere) surveillance. People can be and are excluded from shopping malls, made subject to curfews, coercively forced into behavioural programs, all because of who they are and what they look like' (Hudson, 2003: 69).

Consequently, the protection of the rights of offenders in the strive for security became far less important than 'protecting the right of potential victims not to be harmed' (Hudson, 2003: 219). Following up on these general observations, I believe there is a task for (legal) scholars to always keep a critical eye on the practices of the government and to make sure that the government in its fight against undermining does not undermine its very own laws and values. In times where it was far from clear to what extent all clubs were in fact, as a club, involved in criminal activities, the Dutch government revealed little restraint to nonetheless label a list of fifteen clubs as 'outlaw motorcycle gangs', which term is often used interchangeably with the term 'criminal motorcycle gangs'. Considering the fact that these clubs were not (yet) banned and were thus, legally speaking, not illegal, the Dutch government clearly anticipated on a conclusion to be made exclusively by the Dutch court. To follow up on Hudson's observation, the term 'criminal motorcycle gang' in consequence removed a clear distinction between the OMG member as a 'suspect' and the OMG member as an 'offender'. After all, the term '*criminal* motorcycle gang' already draws conclusions about the *criminal* status of its members. In other words, members of these fifteen 'criminal motorcycle gangs' were rendered wrong and criminal not because of their behaviour as an individual, but because of the groups to which they belong. This is important because, as noted by Hudson, the label is real in its (legal) consequences, meaning that the various collaborating partners consequently approached the clubs *as if* they are illegal and in fact (already) banned by the court.

Indeed, whereas many of my respondents as well as the Minister of Security and Justice at the start of 2012 stressed the idea that OMGs and their members should be treated as 'normal' citizens (in terms of rule enforcement), it is clear that OMGs *are* treated differently. After all, the idea of planning 'stop-conversations' was to discourage and make the OMG

‘clear that it is not welcome and that the local government will try to prevent the establishment by all legal measures possible’ (LIEC, 2017: 16). Precisely because OMGs were essentially legal organizations one can raise critical (legal) questions about the general message voiced through these stop-conversations. That is to say, although the LIEC stressed the use of ‘legal means’, also described by some of the respondents as ‘judicial hooks’, one can generally question whether the ultimate goal strived for with these legal means is (or was) legally tenable to begin with. I have quoted numerous respondents who argued – all in their own way – that the goal is to make it more difficult for a club to organize activities, and basically, to make it more difficult for the club to exist. The mayor especially is put on the spot to take administrative measures to divert the OMG away from the municipality. To give just one example, the local development plan, which is basically an administrative tool to spatially organize and plan a municipality, now also functions as a legal tool to prevent the establishment of an OMG. However, as we saw in the case of the ‘Brothers in Arms Run’ of the Veterans MC and in the cases where the Minister of Security and Justice and the Chief of Police tried to dismiss OMG members, the court generally ruled that it is unlawful to hinder an event or fire a member solely on the basis of his membership to an OMG. After all, the OMGs in these cases were not legally banned. You could therefore argue that the respondents and agencies in their attempt to raise barriers to the existence of an OMG to some extent took the judge’s seat and decided in advance that the club in question does not deserve the right to exist in the Netherlands, which, in turn, is possibly in violation with the right to Freedom of Assembly and Association. The risk in all this is also that ‘hindering by all legal means available’ can, in practice, easily take shape in ‘hindering at all costs’, which also involves a possible violation of the Principles of Good Governance. In this context, I quoted a mayor (respondent 69) who explained that they took a strict stance to hinder any OMG-related event, even when he is not sure whether this decision would stand up in court: ‘I think let them whistle me back in court, I am willing to be overthrown by the court, I do not care about that, as long as this [event, TvR] does not take place’.

There has also been a tendency to reverse the burden of proof vis-à-vis outlaw motorcycle gang. OMGs are pointed to their own responsibility to prove to society that they are not criminal or ‘wrong’ by dismissing criminal members and by taking distance from the phenomenon as a whole, and ‘normal’ motorcyclists are in turn expected not to join an OMG to begin with. You are, in other words, ‘wrong’ by association. This tendency is most apparent with the recent draft of the law Administrative Ban Undermining Organizations. This initiative came in response to the idea that the existing civil route (Article 2.20 Civil Code) to ban an organization is too slow and thus cannot form a decisive answer to the problems at hand. Inspired by the ‘Vereinsverbot’ in Germany, the administrative ban is thought to circumvent this lengthy process by authorizing the Minister for Legal Protection to directly – and thus without first consulting the court – ban an

organization. Besides the consequence that banning organizations, under this piece of legislation, is at risk of becoming a political discussion, the banned organization itself is also burdened with the responsibility to fight the decision of the Minister in court. Indeed, it is for the OMG to argue in court why the ban *was* unlawful, instead of the task of the Public Prosecution Service to provide arguments as to why the respective OMG *should* be banned.

### 8.9.3 *Reflections on a key question*

Following up on the above discussion, it is also possible to raise questions about the ability of the barriers to actually prevent and fight crime. I have been asked multiple times by respondents and others (e.g. after a presentation or an interview) whether the approach is effective or not, and some readers might wonder the same after reading this book. Albeit a relevant question, this thesis obviously does not provide a clear answer to this question. In fact, it was not my goal to learn whether the approach is and has been effective to begin with as I was first and foremost interested in *understanding* and *explaining* the approach. Although a good question about the success of the approach to OMGs would also first require some further specifications about what parts of the approach need to be evaluated (after all, 'the' approach falls apart in many different strategies), it is nonetheless possible to use this thesis to generally reflect on the (possible) effectiveness of the approach.

My usual and first response to the latter question is that it depends on what it is one wants to achieve. The added value of the approach, as a general starting point, is that it prompted the Dutch government to *start* to zoom in more on this phenomenon. Before 2012, apart from the Hells Angels MC, there had been little systematic and national attention paid to the 'biker scene' and particularly to the wrongs done in some of these clubs. Precisely by combining the efforts, means, and information or intelligence of the collaborating partners, knowledge about this phenomenon improved for the better and the various clubs and members are – as a result of a zero-tolerance approach – stressed and forced to adhere to the rules and laws of society. In this context, the various state agencies indeed also started to work and cooperate more as what is described as 'one government'. Furthermore, considering the serious acts of crime and public disorder, the need for a stringent focus of (especially) the police and Public Prosecution Service was (and is) beyond any doubt. This focus of course translated into the successful prosecution of criminal members, but also in monitoring the tensions between OMGs as a way to safeguard public order. Besides these more incident-related efforts, however, it has also been argued that the barriers raised 'make it harder for OMGs to commit undermining and criminal activities' (LIEC, 2016: 2). This statement in my view deserves some critical thoughts.

As shown, the barriers raised are earmarked not to a specific criminal activity (the 'what') but first and foremost to groups of people (the 'who') that are generally assumed to be involved in various criminal activities. Strictly speaking, the barriers are thus not geared to prevent, hinder or frustrate the process of specific criminal activities but to make sure that a club cannot pursue its club-related (criminal) activities. In this way, the aim was and is, in short, to frustrate the OMG as an 'opportunity structure' for crime (including, for instance, the internal violent club rules) and to hinder the intimidating and aggressive power (or the power of the patch) of an OMG. In this context, public prosecutor Mr Van de Ven drew the 'careful conclusion' that the ban on the Bandidos MC 'works' (1Limburg, 28 August 2018). According to the public prosecutor, the number of (serious) violent incidents related to members of the Bandidos MC decreased since the ban in 2017 and there have also not been confrontations with other OMGs since.<sup>5</sup> However, based on the collected data as well as the findings of Blokland, Van der Leest et al. (2017), I believe it is possible to question the general premise that hindering the establishment of the outlaw motorcycle gang makes it harder 'to commit undermining and criminal activities', simply because not *all* OMGs revealed to be similarly used as an 'opportunity structure' for crime to begin with. To put it differently, raising barriers to 'the' OMG as a way to hinder crime departs from the assumption that all OMGs are indeed used as an 'opportunity structure' for crime, but this and other recent studies at least raised serious questions about this assumption. The key finding of this thesis is that this practice can nevertheless be explained and justified by the idea that the approach must also be understood as a moral approach against the mere existence of the phenomenon as a whole. In this way, as was concluded above, the approach is not only geared to technically prevent crime, but also to defend the validity of the laws and norms of conventional society. The conclusion that the barriers are linked to a phenomenon and not yet linked to a specific criminal activity also has important implications for the scope of the barriers raised against the more 'radical' clubs.

To come right to the point, I argue that the conclusion that it became 'harder for OMGs to commit undermining and criminal activities', cannot be equated with the conclusion that it, in consequence, also became harder for *members* to be involved in crime. That is to say, when an OMG and its members are hindered from owning a clubhouse, from organizing parties, from wearing colours, or have even been successfully banned altogether, the members (or ex-members) are of course still able to partake in the various 'logistics processes' of criminal activities *outside* the context of an OMG. In fact, as I described in paragraph 7.12.1, it is generally expected that criminal members 'will undoubtedly continue' with their criminal activities underground 'regardless of what jacket they wear'. Members

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5 It would be interesting to see to what extent the number of confrontations between OMGs that were not (yet) banned decreased as well. In such cases, the decrease of confrontations could also be ascribed to reasons other than the legal ban (for instance to a more general tranquillity of the rivalry between OMGs).

in other words are expected to continue being involved in e.g. drug-related offences or intimidation when they are not a member of an OMG (anymore). For the same reason, I also reckon that the new local ordinance in 's-Hertogenbosch (2017) in its attempt to keep 'OMGs outside the door' is not able to keep the individual '*members* outside the door' when he is actually not a member of an OMG anymore or simply does not wear his colours. In other words, one can question whether the barrier to hinder OMGs from entering cafés is a decisive barrier to actually hindering the ill-intentioned individual (ex-member) from entering cafés and thus from e.g. intimidating or extorting the owner or other visitors. In fact, one could argue in a somewhat more philosophical way that the demise of the OMGs as a visible expression and 'form' of undermining might be replaced by less visible activities of undermining as criminals are no longer allowed to *visibly* associate (i.e. by wearing colours) with an OMG.

At the same time, it is clear that the colours will not disappear from the Dutch streets any time soon. In its yearly report, the LIEC (2018a: 3) noticed a small increase of OMG members (from 1940 members in 2017 to 1980 members in 2018) while new 'supportclubs', 'brotherhoods', and 'boxingclubs' established and similarly adopted the outlook and organizational structure commonly associated with the 'original' OMGs. An interesting and telling example of this development is the transformation of the 'East Side Main Triad Rollin 200 Neighborhood Crips' in The Hague into the 'Caloh Wagoh MC Main Triad' (see Roks & Densley, 2019 and Roks & Van Ruitenburch, 2018). I suggested together with Roks that the latter development might be an unforeseen side effect of 'Dutch gang talk'. We noticed that the Dutch government on the one hand expressed its concerns about the attractiveness, intimidating and untouchable image of outlaw motorcycle gangs, while the government on the other hand and simultaneously strengthens this image precisely by using the 'gang' label (and e.g. by problematizing the phenomenon in the media). This endorsed, so we proposed, the dangerous image these clubs are assumed to look for and also might have enhanced, in a paradoxical way, the attractiveness for some people to actually join or form an 'OMG-like' group (Roks & Van Ruitenburch, 2018: 84). Not least because of the idea that the 'OMG landscape' became more scattered, I think it is moreover important for law enforcement agencies and scholars to realize that 'the' outlaw motorcycle gang does not exist.

#### 8.9.4 *'The' outlaw motorcycle gang does not exist*

In the past couple of years, law enforcement agencies, politicians, and the media have all been captured by the 'outlaw motorcycle gang' phenomenon. Furthermore, after the national approach that started in 2012 Dutch criminologists also started to catch on to the theme that until then had received only little attention in Dutch academia. All in all, it is

safe to conclude that the label of 'outlaw motorcycle gang' is now generally accepted and turned into common 'property'. This is of course, as I emphasized before, not for nothing. Many clubs that are currently described as outlaw motorcycle gangs worldwide have unquestionably been proven to be involved in (organized) crime. At the same time, however, I believe it is important (as I similarly argued together with Roks) to always remain wary about simply reproducing the 'gang' label and to not take the label 'outlaw motorcycle gang' as an unproblematic starting point of analysis (Roks & Van Ruitenbunrg, 2018: 70). Although the goal of this study was not to understand the organization and (criminal) practices of outlaw motorcycle gangs, it nonetheless provided enough reasons to conclude that *the* outlaw motorcycle gang does not exist.

That is to say, the term 'outlaw motorcycle gang' is essentially a label adopted (in 2013) by the Minister of Security and Justice and law enforcement agencies to bring to life a dichotomy of the 'good' and the 'bad' motorcycle clubs. The adoption of this label, however, as I learned in particular through my interviews with police officers, was accompanied by various assumptions and masked important differences between the various clubs. That is, some of these 'bad' motorcycle clubs are clearly less 'bad' than others in terms of their involvement in criminal activities and public disorder, and they also differ in terms of their size (members and chapters) and history. Hence, while similarly listed as 'outlaw motorcycle gangs', the outlaw motorcycle gangs are most definitely not similar to each other. This conclusion is also made visible in quantitative terms by Blokland, Van der Leest et al. (2017: 107) as they concluded, among other things, that there are important differences in the extent to which members of Dutch OMGs are convicted for crimes and that their involvement in organized crimes seems to be concentrated in a limited amount of OMGs. Indeed, 'six out of thirteen OMGs in the sample have members who have not been or have barely been convicted of organized crimes' (Blokland, Van der Leest et al., 2017: 110). Although these differences are acknowledged by the Dutch National Police and are also cited in openly available documents by the LIEC, they are, I argue, largely obscured by the all-encompassing use of the OMG label. Not least due to the described media communication strategy of the Dutch government, 'the' outlaw motorcycle gang in present times is portrayed as and turned into an uncontested synonym for severe forms of crime.

This is problematic because it has created an image of the outlaw motorcycle gang that is lacking distinction and is discriminatory and has little, if any, explanatory power of the problem at hand. Indeed, the word 'gang' brings into play the imagery of a group whose sole purpose is involvement in crime; a conclusion that thus far cannot be upheld for many of the outlaw motorcycle gangs listed by the Dutch National Police in 2014. Moreover, the label is also real and absolute in its consequences in the sense that it legitimizes the deployment of various far-reaching strategies as mayors and other non-state agencies are expected to raise barriers to 'the' outlaw motorcycle gang. Indeed, it is 'the' OMG that is hindered from entering pubs (e.g. 's-Hertogenbosch), it is 'the' OMG member that should

not work for e.g. a private security company, it is 'the' OMG that should not be able to organize an event, and above all, it is 'the' OMG that needs to be banned (as worded in the National Coalition Agreement of 2017). Although many of my respondents have been clear in stating that outlaw motorcycle gangs are 'wrong' and do not deserve a place in society, I believe there is an important task for researchers (as well as for the police and other law enforcement agencies) to look beyond the image of 'the' outlaw motorcycle gang and to zoom in on the unique characteristics of specific clubs. In this context it is also, as pointed out by Morselli (2009; 2010), vital that the hierarchy of an OMG that is visible from the outside is not taken at face value as a means to explain for the crimes committed by its members. Furthermore, it is also deemed important not to simply equate the assembly of criminals with a criminal organization, as criminal members also cooperate in a more fluid way with criminals who are not members of an OMG. There is, in other words, a task for criminologists to provide a clearer insight into the extent and the way in which the club itself plays a role in the criminal behaviour of its members. This would not only add to our general knowledge about the phenomenon but could also direct a more focused approach. Finally, whereas today's criminological research into the activities of OMG members largely depends on data retrieved from criminal investigations, our knowledge on this phenomenon would also highly benefit from studies that explain the phenomenon by actually taking the perspective of the various clubs that are labelled as 'outlaw motorcycle gangs'.

#### 8.9.5 *The autonomous and vulnerable mayor*

Because 'the' mayor formed an important respondent in this study, I would like to end this paragraph with some general thoughts on the role of the mayor in the fight of (organized) crime. As I described in chapter two, the increased emphasis on the prevention of crime accompanied a similar increasing role of the mayor to raise administrative barriers to crime. Described more extensively by Prins (2016: 155), 'the' mayor developed into a constant and equal partner of the police and Public Prosecution Service to intervene 'on the front side of the problem' and to break through the opportunity structures that precede organized crime. It has even been argued that the mayor developed into a 'crime-fighter' (Mein, 2010; Sackers, 2010).

The present-day approach to outlaw motorcycle gangs serves as yet another telling example of how the mayor is made responsible to use his or her legal tools for the benefit of tackling crime. Indeed, mayors are and have been regularly invited by the LIEC and the National Police to attend national meetings, during which they are informed about the phenomenon itself and about the available administrative measures to counter these clubs. The novelty of the role of the mayor in the context of outlaw motorcycle gangs must, at

the same time, not be exaggerated. After all, an important part of the problem of outlaw motorcycle gangs relates to (the risk of) public disorder and it is precisely the mayor who has the legal obligation to maintain public order (Article 172 Municipalities Act). It is also for this reason that the local administration of Amsterdam already played an important role in dealing with the Hells Angels MC in the 1970s. The mayor at that time also used its legal means (e.g. the local development plan) to tackle public disorder, only that time it was used to facilitate and 'include' the Hells Angels MC. This leaves unimpeded the fact that the mayor, in present times, increasingly joined forces with the police, the Public Prosecution Service, and other (private) agencies to prevent and fight criminal activities not strictly related to public order. Indeed, to recall from chapter two, the ten 'regional mayors' proposed in 2017 to empower the administrative approach to (organized) crime by codifying the responsibility of the mayor to prevent and fight (organized) criminal activities. Hence, those interested in studying and describing the shapes of the pre-crime society would do well by zooming in on the (changing) role of the mayor.

In doing so, I would like to suggest not to ignore the individual mayor who prefers to *not* immediately tag along with a national policy to 'hinder by all legal means possible'. Although most of the mayors I spoke to during my fieldwork were convinced that diverting the OMG out of the municipality is a benefit to the community, I also spoke to some mayors who preferred to deal with an OMG in their own particular way. Indeed, in the two paragraphs called 'between hindering and regulating' (paragraph 7.8.3 and 7.7.2) and in the paragraph 'exceptions to the rule' (paragraph 7.6.5), I cited a couple of mayors who preferred 'regulating' (of e.g. a ride-out, an event or clubhouse) over 'hindering'. Such a regulative stance often means that the OMG *is* allowed to do something, be it under the strict conditions set by the mayor. To support this stance, the mayors referred to their autonomous position to decide on how to cope with a particular problem independent from what is 'expected' from the side of the Ministry of Security and Justice, the police, or the Public Prosecution Service. The following quote, which I also adopted in paragraph 7.8.3, is telling:

'In the public sphere I am the boss [...] that is how I want it; they have to know that I am here and that it takes place under my conditions, and these activities, events, or how you want to name it, are allowed to take place. And I talked about this on the department level as well, but do not tell me that I have to ban it, because I do not believe in that' (respondent 70).

It is interesting to focus on these somewhat atypical cases not only because it reveals how today's national emphasis to work as 'one government' might challenge the vision of the local and autonomous mayor, but also because it shows that 'the' preventive or pre-crime society as such does not exist. Although it is clear beyond doubt that the Dutch national

government (like other western governments) increasingly followed upon a pre-crime rationale, it is important not to overstate the all-encompassing 'pre-crime thesis' by overlooking the different and diverging paths taken on the local level.

There is yet another, possibly even more pressing, reason to focus on today's role of the mayor. At the time of writing, it seems as if the mayor becomes more and more subject to serious threats and intimidations. The most recent example of this involves the mayor of Haarlem who was forced to live at a different address and is now guarded by heavily armed security personnel (Veldhuizen, 18 October 2018). In a research conducted by Pro Facto (2017: 21), 24% of Dutch mayors in this study (N=225) revealed to be threatened during their current position. As we saw in paragraph 6.4.2, mayors have also been faced with threats and intimidations coming from the side of an outlaw motorcycle gang, which in turn forced the respective mayors to take far-reaching security measures. This troubling development might be explained as a side effect of the fact that 'the' mayor over the years gained a much more central role in the fight against (organized) crime. After all, there is only one mayor in a municipality who is often also highly visible and approachable. In direct relation to this, whereas the criminal is faced with the organization of 'the' police and 'the' Public Prosecution Service, the administrative approach often takes shape through the legal powers of this one specific individual. To give an example, it is only the mayor who is legally authorized to close a building when it is used to store drugs (Article 13b of the Opium Act). Since it is the mayor who is thus literally the face of the administrative approach, it is easy to argue that he or she is also exposed and vulnerable to reactions from those affected by these (administrative) measures. It is both interesting and important to study this development as a possible effect of the wider responsabilization strategy (Garland, 2001: 124), as it is well possible that other (private) agencies and civilians (think for instance about the pub owner who is made responsible for averting OMG members from his or her venue) likewise become more vulnerable to the repercussions of criminals.

#### 8.10 CLOSING REMARKS

When I started this research, I was very much influenced by the somewhat simplistic idea that the present approach to outlaw motorcycle gangs can be explained by an attempt to fight and prevent crime. After all, listening to the words of the Minister of Security and Justice once more, the starting point of the approach was to call a halt to 'norm-deviating and undermining criminality' by 'applying the so-called barrier model, through which – wherever possible – barriers are raised with criminal, administrative and fiscal instruments' (TK 2011-2012, 29 911, nr. 71: 3). Although this premise is of course still very much true, I learned and described that underneath this more instrumental goal lies a moral and personal fight between the state and those deemed an enemy of the state. Besides raising

barriers to criminal activities, the government at the same time follows up on the more general notion that the phenomenon as such does not deserve a place in this society and must therefore be excluded from society. While the importance of prioritizing the problem of outlaw motorcycle gangs is recognized, I hope this research helps to also act as a 'mirror' to law enforcement agencies and to fuel critical questions about 'raising barriers' to outlaw motorcycle gangs.

First, it is important to always remain critical of the use of all-encompassing terms such as 'the' outlaw motorcycle gang. Realizing that *the* outlaw motorcycle gang does not exist could not only help to prioritize the most problematic clubs, it is also important in guarding the principles of a democratic state. After all, as discussed, it brings into play among the public and law enforcement agencies the image of a well-organized criminal organization, which image might not always capture justly the problem at hand. This is possibly even more important since the responsibility of fighting crime is increasingly in the hands of other (private) agencies that do not have access to the same information and intelligence as the police and Public Prosecution Service. Mayors, for instance, were expected to use administrative measures against some outlaw motorcycle gangs of which the involvement of its members in serious and organized crimes was still very much contested. In this context, it is also important to keep a critical eye on the legal grounds of the sometimes far-reaching measures of these 'other' agencies. In this thesis, numerous examples were described whereby mayors and private organizations sought alternative ways to divert OMG members from e.g. events or municipalities altogether, while it is formally the task of the Public Prosecution Service and ultimately the court to first and legally inhibit the Right to Freedom of Assembly of an association. Furthermore, one can also problematize the idea that the government, by raising 'excluding barriers', to some extent widens the distance between society and the groups of people that are blamed and problematized for taking distance from society in the first place, as this might in turn act as a breeding ground for further estrangement and criminal behaviour.

Above all, it is vital to realize that 'raising barriers to outlaw motorcycle gangs' is not *necessarily* the same as 'raising barriers to norm-deviating and undermining criminality'. Although the flocking together of criminals and e.g. the described power of the patch of an OMG in some cases undoubtedly facilitated criminal processes, these same criminals are nonetheless dependent on the 'opportunities' and 'facilitators' present outside the context of the respective OMG. In other words, the logistic and criminal processes of e.g. hemp cultivation, ecstasy production or money laundering do not fully coincide with the existence of an OMG. To commit the aforementioned crimes, criminal OMG members also depend on, to list a few examples, the raw ingredients and equipment to furnish grow rooms and labs, the expertise of electricians and financial experts, the legal practices of notaries and lawyers, the absence of capable guardians in the form of malafide security personnel, licit sectors such as the transport sector, banking sector, money exchange sector

and the real estate sector, and sellers of expensive and luxurious goods accepting large payments in cash. Hence, setting your sights high on the facilitating and criminal role of 'the' outlaw motorcycle gang brings along the risk of paying less attention to the other important facilitators and crime facilitating circumstances that simultaneously serve the criminal that is *not* a member of an OMG. In relation to this, the danger of fighting 'the' OMG is that it plays into the practice of simply accumulating the number of e.g. events or clubhouses averted, without considering whether this actually hinders members from taking part in the criminal processes of various criminal activities. It would be both interesting and important for the LIEC and RIECs to not only measure the effectiveness of the approach in terms of the number of e.g. clubhouses or events hindered and closed, but also to research in what way the closing of a clubhouse prevented and prevents members from committing crimes. The same advice goes for the recent successful civil bans of outlaw motorcycle gangs as it is generally expected that criminal members will continue with their illicit activities, in the words of former Minister of Security and Justice, 'regardless of what jacket they wear'. Following up on these closing remarks, I believe it is important for the Dutch government to always take time to reflect on what has been achieved and what has not been achieved, and I hope this thesis in some way contributes to this process. Certainly, the time has come for me to do the same.



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- Rechtbank Amsterdam (20 December, 2007); ECLI:NL:RBAMS:2007:BC0685.
- Rechtbank Amsterdam (11 April, 2007); ECLI:NL:RBAMS:2007:BA2747.
- Rechtbank Amsterdam (11 April, 2007); ECLI:NL:RBAMS:2007:BA2761.
- Rechtbank Amsterdam (17 March, 2005); ECLI:NL:RBAMS:2005:AT0873.
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- Rechtbank Den Haag (18 June, 2018); ECLI:NL:RBDHA:2018:7183.
- Rechtbank Den Haag (20 February, 2013); ECLI:NL:RBDHA:2013:BZ1603.
- Rechtbank Den Haag (10 January, 2013); ECLI:NL:RBDHA:2013:BY8953.
- Rechtbank Haarlem (24 November, 2006); ECLI:NL:RBHAA:2006:AZ3072.
- Rechtbank Haarlem (24 November, 2006); ECLI:NL:RBHAA:2006:AZ3070.
- Rechtbank Leeuwarden (6 March, 2007); ECLI:NL:RBLEE:2007:AZ9940.
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- Raad van State (11 November 2015); ECLI:NL:RVS:2015:3462.
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- Raad van State (8 August, 2007); ECLI:NL:RVS:2007:BB1271.
- Centrale Raad van Beroep (6 October, 2016); ECLI:NL:CRVB:2016:3723.
- Centrale Raad van Beroep (29 September, 2016); ECLI:NL:CRVB:2016:3448.



APPENDIX A DOCUMENTS ARCHIVE CITY OF AMSTERDAM

- Archive:** 5320.B – Archief van de Secretarie; Afdeling Jeugdzaken en Volksontwikkeling
- Inventory number:** 1.856.113 – Verenigingslokalen  
144 – Hell’s Angels, huisvesting
- Page numbers:** 5320.B/144 KLAD03630000001 – 5320.B/144  
KLAD03630000008
- 
- Archive:** 5320.B – Archief van de Secretarie; Afdeling Jeugdzaken en Volksontwikkeling
- Inventory number:** 1.856.113 – Verenigingslokalen  
120 – Hell’s Angels, accommodatie
- Page numbers:** 5320.B/120 KLAD03665000001 –  
5320.B/120KLAD03665000067
- 
- Archive:** 5320.B – Archief van de Secretarie; Afdeling Jeugdzaken en Volksontwikkeling
- Inventory number:** 1.856.113 – Verenigingslokalen  
137 – Hell’s Angels, problemen
- Page numbers:** 5320.B/137 KLAD03678000001 – 5320.B/137  
KLAD03678000037
- 
- Archive:** 5320.B – Archief van de Secretarie; Afdeling Jeugdzaken en Volksontwikkeling
- Inventory number:** 1.856.14 - Jeugdvorming  
156 - Jongeren, hulpverlening, discussiestuk
- Page numbers:** A27362000001 – A27362000028
- 
- Archive:** 5320.B – Archief van de Secretarie; Afdeling Jeugdzaken en Volksontwikkeling
- Inventory number:** 1.8444 – Asocialen  
106 – Jeugdbendes, problemen
- Page numbers:** A29140000001 – A29140000092

## **APPENDIX B GENERAL TOPIC LIST**

This topic list provides a general overview of the topics discussed during the interviews. However, as I explained in paragraph 1.7, the list of topics and questions to be raised were always adapted to the specific respondent prior to the interview. It is thus important to note that I never conducted an interview where all the topics below were discussed at length. Not least depended on the personal experiences of the respondent, some topics were discussed in greater detail than others, and some other topics were not discussed at all. Still, this topic list does provide a general overview of the various issues discussed during the interviews and can thus be understood as the standard topic list from which I prepared most of my interviews.

### **1. Introduction to the research and interview**

- introducing the researcher
- inform respondent about the goals of the research
- inform respondent about the structure and goal of the interview and about how the data from this interview will be used and processed
- answer possible questions of the respondent

### **2. Introducing the respondent**

- ask the respondent to introduce him- or herself
  - general background career
  - role in current position/organization
  - role and experience with the topic of outlaw motorcycle gangs

### **3. General introduction about the approach to outlaw motorcycle gangs**

- issues related to the approach to OMGs in general:
  - the extent to which the respondent actually recognized or experienced the start of a national approach to OMGs in 2012
  - the amount of attention paid to OMGs before 2012
  - the circumstances that fuelled the attention for OMGs on a national level
  - how this attention generally changed (or not) the approach/view towards OMGs
  - how the respondent experienced these changes in his/her own organization
  - how the policy or approach itself was developed (possible international influences or use of theories)

#### **4. The problem of outlaw motorcycle gangs**

- issues related to the problem of OMGs:
  - what is the problem of OMGs/the reason for launching a national approach (ask for examples and personal view)?
  - how the view or understanding of the respondent vis-à-vis OMG changed over the years
  - characterize the involvement of OMGs in criminal activities (group versus individual)
  - the meaning of the 'apparent untouchable' image of OMGs
  - the problem of OMGs in relation to the problem of undermining (examples)
  - development of these problems (nature and scale) over the years
  - current insights and (lacking) knowledge about the phenomenon (in terms of number of members/chapters, organization, and involvement in criminal activities)
  - possible differences between OMGs in terms of involvement in crime and organization
  - possible new developments related to the (criminal) activities or organization of OMGs (the arrival of new OMGs)
  
- issues related to the 'outlaw motorcycle gang'-label:
  - When was the label adopted?
  - the reason for adopting this particular label
  - the decision to include/exclude a particular club on this list
  - possible problems related to adopting the label

#### **5. The approach to outlaw motorcycle gangs**

- issues related to the general aim of the approach:
  - Ask the respondent to generally describe the approach
  - the role of prevention in the approach to OMGs
  - the situation strived for/aim of the approach
  - the (criminal) activities to be tackled with this approach
  - when is the approach successful?
  - the general meaning of 'not facilitating' and 'not giving a podium' to OMGs
  
- issues related to the multi-agency approach:
  - how various partners cooperate in the fight of OMGs
  - how this cooperation changed over the years
  - the importance of this cooperation in relation to the problem

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- the successes and/or failings of this cooperation
- sharing information/intelligence
  
- issues related to the barrier model against OMG:
  - the reason for choosing this framework
  - how this model was developed
  - the various components of the model
  - raising barriers in relation to prevention
  - the goals of the barriers raised (the individual versus the group)
  - personal experience/view about this model
  
- issues related to the approach in practice and particularly in relation to the following focal points set by the Minister of Security and Justice in 2012:
  1. the priority to prosecute OMG members (including banning OMGs)
  2. clubhouses
  3. OMG-related events (including ride-outs)
  4. Members working for the government and private security companies
  5. OMGs and tax evasion
  6. OMGs in cafes and restaurants
  7. OMGs and football hooliganism
  
- The aim of these focal points
  - how do these focal points contribute to the fight and/or prevention of crimes committed by OMGs or OMG members
  - discuss why and how the respondent or his/her organization in general give or gave meaning to the various focal points (ask for examples)
  - the legal means available to do so
  - the (legal) grounds to take measures
  - the problems related to these focal points (why has it not been possible to tackle a particular problem/issue)
  - the extent to which all local governments or other state agencies give meaning to this approach in the same way
  - the positive and negative effects of the measures taken (e.g. possible displacement effects)
  - reactions from the side of the OMGs
  - possible reactions from other colleagues and/or partners when it is decided not to take action on one of these focal points
  - personal view/experiences about these strategies

- issues related to stop-conversations:
  - aim of stop-conversations
  - the practice of stop-conversations (with OMGs and pub owners)
  - the reactions of OMGs to these stop-conversations
  
- issues related to the media communication strategy:
  - the aim of the media communication strategy
  - the practice and development of this strategy
  - the effects of this strategy
  
- issues related to the individual-focused approach:
  - aim of the individual-focused approach
  - the practice of individual-focused approach
  
- issues related to banning colours (from the streets or events):
  - aim of banning colours
  - discuss possible examples experiences of the respondent with banning colours

## **6. Rounding off**

- Ask the respondent to generally reflect on the importance and effectiveness of the approach towards OMGs
- Ask the respondent whether he or she wants to discuss any other topics that have not been discussed yet

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APPENDIX C OVERVIEW OF INTERVIEWS

Respondent number	Organization/department	Position in organization	Type of conversation	Recorded	Transcript/summary	Date of interview
-	National Police	-	meeting to discuss research	no	-	03-03-2015
-	LIEC	-	meeting to discuss research	no	-	06-05-2015
1	Ministry of Justice and Security	senior policy officer	interview	yes	transcript	29-06-2015
2	National Police	police officer	interview	yes	transcript	02-07-2015
3, 4	Europol	police officer, police officer	exploratory meeting	no	summary	30-07-2015
5	National Police	sector chief	interview	yes	transcript	18-08-2015
6	National Police	police officer	exploratory meeting	no	summary	19-09-2015
7	RIEC	analyst	interview	yes	transcript	02-10-2015
8	National Police	operational expert	interview	yes	transcript	06-10-2015
9, 10	National Police, OMG-infocel	team leader, OMG-expert	interview	yes	transcript	08-10-2015
11	Public Prosecution Service	policy officer	interview	yes	transcript	20-10-2015
12	-	crime journalist	exploratory meeting	no	summary	28-10-2015
13	National Police	policy officer	interview	yes	transcript	04-10-2015
-	LIEC/RIEC	-	meeting to discuss research/share documents	no	-	10-11-2015
14	municipality, department of public order and security	policy officer	interview	yes	transcript	13-11-2015
15	Public Prosecution Service	public prosecutor OMGs	interview	yes	transcript	18-11-2015

<b>Respondent number</b>	<b>Organization/department</b>	<b>Position in organization</b>	<b>Type of conversation</b>	<b>Recorded</b>	<b>Transcript/summary</b>	<b>Date of interview</b>
16	National Police, OMG-infocel	OMG-expert	interview	yes	transcript	02-12-2015
17	National Police	deputy sector chief	interview	yes	transcript	13-01-2016
18	National Police	strategic analyst	interview	yes	transcript	29-01-2016
19	Public Prosecution Service	policy advisor	exploratory meeting	no	summary	30-01-2016
20	National Police	operational expert	interview	yes	transcript	02-02-2016
21	National Police	unit coordinator OMGs	interview	yes	transcript	01-03-2016
22	National Police	police officer	interview	yes	transcript	03-03-2016
23	National Police	policy advisor	interview	yes	transcript	11-03-2016
24	National Police, national unit	project leader	interview	yes	transcript	16-03-2016
25	National Police	police officer	interview	yes	transcript	17-03-2016
26	municipality	mayor	interview	yes	transcript	21-03-2016
7	RIEC	analyst	interview	no	summary	24-03-2016
27	National Police	police officer, OMG-expert	interview	yes	transcript	30-03-2016
28, 29	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	14-04-2016
30, 31	municipality, department of public order and security	policy advisor, policy advisor	interview	yes	transcript	20-04-2016
32	National Police	policy advisor	interview	yes	transcript	25-04-2016
33, 34	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	29-04-2016

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<b>Respondent number</b>	<b>Organization/ department</b>	<b>Position in organization</b>	<b>Type of conversation</b>	<b>Recorded</b>	<b>Transcript/ summary</b>	<b>Date of interview</b>
35	National Police	district chief	interview	yes	transcript	03-05-2016
36, 37	National Police, OMG-infocel	police officer, police officer	interview	yes	transcript	24-05-2016
38, 39	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	01-06-2016
40, 41	National Police	district chief, police officer	interview	yes	summary	08-06-2016
42	municipality	mayor	interview	yes	transcript	16-06-2016
43, 44	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	21-06-2016
45, 46	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	30-06-2016
47, 48	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	06-07-2016
49	RIEC	analyst	interview	yes	transcript	08-07-2016
50	National Police	OMG-expert	interview	yes	transcript	16-07-2016
51, 52	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	20-07-2016
53	RIEC	analyst	interview	yes	transcript	27-07-2016
54, 55	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	12-09-2016
56	municipality, department of public order and security	civil servant	interview	yes	transcript	19-09-2016

<b>Respondent number</b>	<b>Organization/department</b>	<b>Position in organization</b>	<b>Type of conversation</b>	<b>Recorded</b>	<b>Transcript/summary</b>	<b>Date of interview</b>
57, 58	RIEC	policy advisor, analyst	interview	yes	transcript	26-09-2016
59	-	youth worker	interview	yes	transcript	10-09-2016
60, 61	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	06-10-2016
62	municipality	mayor	interview	yes	transcript	14-10-2016
63	municipality, department of public order and security	civil servant	telephone interview	no	summary	02-11-2016
64	National Police, OMG-infocel	information coordinator OMGs	interview	yes	summary	10-11-2016
65	municipality	mayor	interview	yes	transcript	02-12-2016
66	municipality	mayor	interview	yes	transcript	07-12-2016
67, 68	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	13-12-2016
69	municipality	mayor	interview	yes	transcript	21-12-2016
70	municipality	mayor	interview	yes	transcript	22-12-2016
2	National police	police officer	interview	yes	transcript	05-01-2017
71	National Police	operational expert	interview	yes	summary	11-01-2017
72, 73	municipality, department of public order and security	mayor, civil servant	interview	yes	transcript	15-03-2017
74, 75	Public Prosecution Service	public prosecutor, case secretary	interview	no	summary	11-07-2017
76	municipality	mayor	interview	yes	transcript	16-08-2017



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Dit onderzoek komt voort uit een interessante verandering in het Nederlandse beleid rondom de clubs die tegenwoordig beter bekend staan als ‘outlaw motorcycle gangs’ (hierna: OMG’s). Om deze verandering zichtbaar te maken laat ik in de eerste pagina’s van dit boek zien dat de ‘lokale driehoek’ (de Nationale Politie, het Openbaar Ministerie en de gemeente) in Amsterdam al sinds de jaren zeventig op zoek is naar manieren om de criminele activiteiten van leden van de Hells Angels Motorcycle Club (MC) te controleren. Sprekend daarvoor zijn de woorden van een gemeentelijk ambtenaar in 1973. In een brief naar een wethouder van Amsterdam beschreef hij dat Amsterdam-Oost steeds meer in de greep van zwerfgroepen is gekomen, waarbij ‘de top van de mafia-hiërarchie’ gevormd werd door de Hells Angels. Daarbij omschreef de ambtenaar de Hells Angels als ‘een niet of nauwelijks meer te vangen groep van 30 jongelui die het eenvoudige hand- en vuistwerk al lang verwisseld hebben voor slag-, steek- en schietwapens’. Datzelfde jaar stelde een officier van justitie tijdens een zitting dat het opsluiten van de leden het enige beschikbare middel zou zijn om de leden van deze groep aan te kunnen pakken. Desondanks opperde het gemeentebestuur één jaar later de mogelijkheid om de Hells Angels MC een eigen clubhuis aan te bieden. Dit clubhuis, wat onder meer moest fungeren als een werkplaats waar de leden aan hun motoren konden sleutelen, werd door de gemeente gezien als een alternatieve strategie om de problemen rondom de Hells Angels MC op te lossen.

In de huidige tijd vormt het deviante en criminele gedrag van de Hells Angels MC nog steeds een probleem voor zowel de lokale driehoek van Amsterdam als voor verschillende andere gemeenten. Tegenwoordig lijkt de overheidsaanpak van deze en andere OMG’s echter 180 graden te zijn gedraaid. Waar de gemeente Amsterdam destijds probeerde om het problematische gedrag van de Hells Angels te controleren middels het faciliteren van een clubhuis, probeert de burgemeester tegenwoordig, in nauwe samenwerking met andere overheidspartners, de vestiging van OMG’s in gemeenten te voorkomen. Zo stelde de burgemeester van Amsterdam in 2012 dat de gemeente al haar beschikbare bestuurlijke middelen zal aanwenden om de vestiging van de Hells Angels MC in een clubhuis te voorkomen. Ook gaf de politiechef van de eenheid Zeeland-West-Brabant aan dat ze ‘blij’ en ‘heel tevreden’ was dat ‘het gelukt is’ om de Yellow Snakes MC ‘uit de provincie te houden’ (De Telegraaf, 1 december 2012; Omroep Zeeland, 31 januari 2018).

Met andere woorden, waar ‘het’ clubhuis ongeveer veertig jaar geleden nog gezien werd als een middel om criminaliteit te voorkomen, wordt het probleem van OMG’s tegenwoordig aangepakt door het voorkomen van het clubhuis zelf. Nog algemener gesteld: waar problematische groepen in eerste instantie letterlijk een plek in de samenleving kregen, lijkt het huidige beleid voor te schrijven om deze groepen van deze plek uit te sluiten. Deze

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180 graden wending in de Nederlandse aanpak van OMG's vormt zowel de aanleiding als de kern van dit proefschrift. Het doel van dit onderzoek is dan ook het begrijpen, verklaren en beschrijven van de verandering in het overheidsbeleid rondom OMG's. In de volgende paragraaf zal ik beschrijven hoe ik in het eerste hoofdstuk van dit proefschrift de wetenschappelijke literatuur heb gebruikt om tot een meer specifieke onderzoeksvraag te komen.

## HOOFDSTUK 1 (INTRODUCTION)

Om richting te geven aan het doel van dit onderzoek heb ik in het vervolg van hoofdstuk één allereerst opgemerkt dat het huidige streven van overheidsinstanties om OMG's uit gemeenten te weren moet worden begrepen als een direct gevolg van een nationale en integrale aanpak van OMG's in Nederland. In januari 2012 gaf voormalig minister van Veiligheid en Justitie middels een kamerbrief uiting aan de wens om zowel de individuele leden als de clubs in zijn geheel aan te pakken (TK 2011-2012, 29 911, nr. 59). Deze aanpak ziet niet alleen op het voorkomen van clubhuizen, maar bijvoorbeeld ook op het weren van 'colours' (de leren vesten gedragen door de leden) tijdens evenementen, het beperken van de invloed van OMG's in de horeca en het weren van leden in overheidsdienst. Een belangrijk aanknopingspunt om deze aanpak beter te kunnen duiden is gevonden bij de keuze van de overheid voor het toepassen van een barrièremodel:

'Uitgangspunt van het barrièremodel is dat daar waar mogelijk drempels worden opgeworpen door inzet van bestuurlijk, fiscaal en strafrechtelijk instrumentarium. Aan de hand van het barrièremodel worden op geprioriteerde focusgebieden geïntegreerde interventies gepleegd. Voor de problematiek van de outlawbikers is een specifiek barrièremodel ontwikkeld, waarbij barrières worden ontwikkeld op focusgebieden zoals aanwezigheid in het publieke domein, financiën en mobiliteit en middelen' (TK 2011-2012, 29 911, nr. 71: 3).

Het is duidelijk dat het 'opwerpen van barrières' inderdaad een belangrijke rol heeft gespeeld bij de aanpak van OMG's. Zo beschreef het Landelijk Informatie en Expertise Centrum (LIEC) in twee van haar jaarlijkse integrale voortgangsrapportages dat 'een flink aantal barrières tegen de OMG's is opgeworpen. Zo is een groot aantal clubhuizen gesloten of voorkomen, evenementen zijn geweerd en leden van OMG's die wetten en regels overtreden worden met persoonsgerichte interventies integraal aangepakt' en dat er 'op vele aspecten barrières' zijn opgeworpen 'die het OMG's lastiger maken ondermijnende en criminele activiteiten te verrichten' (LIEC, 2014: 4; LIEC, 2016: 2).

Daarnaast laat ik in dit hoofdstuk zien dat de aanpak van OMG's niet alleen prioriteit heeft gekregen in Nederland. Om deze internationale context te kenschetsen is achtereenvolgens aandacht besteed aan het overheidsbeleid van OMG's in Noorwegen, Denemarken, Duitsland, Canada en Australië. Deze beschrijving heeft duidelijk gemaakt dat ook deze landen er al geruime tijd naar streven om de verschillende activiteiten van OMG's te frustreren. Zo proberen overheden onder meer de vestiging van clubhuizen te voorkomen, colours te weren uit cafés en clubs te verbieden. Sprekend daarbij zijn de op terrorismewetgeving gestoelde 'anti-association laws' in Australië, welke het onder meer mogelijk maken om leden van OMG's te verbieden om te gaan met andere leden of in de buurt te komen van bepaalde gebouwen (bijvoorbeeld clubhuizen). Met name de wetenschappelijk literatuur rondom de aanpak van OMG's in Australië heeft een belangrijke invloed gehad op de focus van dit onderzoek. Meer in het bijzonder heeft de analyse van Ayling (2011) geleid tot een eerste theoretische duiding van de eerder beschreven 180 graden wending in het Nederlandse OMG-beleid.

In haar artikel beschrijft Ayling de Australische aanpak namelijk als een 'pre-emptive strike', waarmee de auteur simpel gesteld doelt op het streven van de overheid om OMG-leden te beperken in hun vrijheid, en zo mogelijk strafrechtelijk te vervolgen voor feiten die mogelijk in de toekomst plaatsvinden. De 'anti-association laws', ook wel bekend als de 'anti-bikie laws', zijn in andere woorden toekomstgericht. Ze acteren op basis van wat Ayling (2011: 262) 'imagined future harms' noemt en beogen toekomstige gevaren en risico's (lees: criminele activiteiten) in het heden te voorkomen. Daarmee is het OMG-lidmaatschap en de OMG-gerelateerde activiteiten verworden tot een risico dat vroegtijdig moet worden voorkomen:

'The fact of membership acts as a proxy for an unacceptable level of risk of the commission of serious offences and so is taken to justify early intervention [...] Australian authorities in some states appear to be increasingly intolerant of the risks associated with the 'dangerous people' that comprise OMGs, and progressively more willing, in the interest of security, to act pre-emptively to forestall imagined harms becoming reality' (Ayling, 2011: 259).

Julie Ayling bouwt met haar analyse van de aanpak van OMG's voort op de meer algemene stelling van Zedner (2007) dat de huidige samenleving langzaam maar zeker verandert in een 'pre-crime society'. Zedner beschrijft in dit verband dat de aanpak van criminaliteit kan worden gekarakteriseerd door een focus op berekening, risico's, onzekerheid, preventie, en voorzorg. Met andere woorden: waar het justitiële systeem in de 'post-crime' samenleving voornamelijk gericht was op het *reageren* op criminele feiten en feitelijke daders, probeert de 'pre-crime' samenleving op allerlei verschillende manieren criminaliteit vroegtijdig te voorkomen:

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'In important respects we are on the cusp of a shift from a post- to a pre-crime society, a society in which the possibility of forestalling risks competes with and even takes precedence over responding to wrongs done. In consequence, the post-crime orientation of criminal justice is increasingly overshadowed by the pre-crime logic of security' (Zedner, 2011: 262).

In een nadere verkenning van de kenmerken van de 'pre-crime' samenleving wordt duidelijk dat deze inzichten geenszins als nieuw moeten worden beschouwd. Ook Zedner bouwt op haar beurt voort op de beschrijvingen en analyses van andere auteurs. Zo heb ik onder meer beschreven dat Feeley en Simon reeds in 1992 spraken over een verschuiving van een samenleving waarin het justitieel beleid gebaseerd is op regels, naar een samenleving waarin criminaliteit wordt aangepakt op basis van risicoprofielen. Waar de 'old penology' zich richtte op het corrigeren van 'morally irresponsible persons', kenmerkt de 'new penology' zich door 'techniques to identify, classify, and manage groupings sorted by dangerousness' (Feeley & Simon, 1992: 452). Deze verandering wordt door Hudson (2003: 41-42) beschreven als een verschuiving tussen 'individualising', waarbij men zich richt op de (behoeften van de) individuele dader, en 'aggregating', waarbij het gaat over het controleren van grotere groepen potentiële daders. Het huidige denken in termen van risico's, ook wel omschreven als de 'risk-based mentality' (Shearing, 2001: 212), is ook uitgebreid beschreven door Ulrich Beck (1992). In zijn boek *Risk Society* laat de auteur zien hoe de westerse samenleving zich minder is gaan bezighouden met het verdelen van welvaart en meer met het verdelen en indammen van risico's. Als laatste voorbeeld verwijst ik hier naar Garland (2001) die in zijn bekende boek *The Culture of Control* onder meer schrijft over de invloed van situationele criminaliteitspreventie binnen het hedendaagse criminaliteitsbeleid. Deze vorm van criminaliteitspreventie beoogt in plaats van het straffen of veranderen van de dader (post-crime), de alledaagse risico's, situaties en gelegenheden voorafgaand aan het delict te beïnvloeden (pre-crime).

De verschuiving naar een 'pre-crime' samenleving resulteerde zoals gezegd in een eerste (theoretische) duiding van de manier waarop de Nederlandse aanpak van OMG's zich heeft ontwikkeld. Interessant in dit verband is de conclusie van het LIEC (2017: 3) dat de huidige nationale aanpak 'ertoe heeft geleid dat de OMG's van machtsfactor naar risicofactor zijn teruggebracht'. Concreet lijkt het hedendaags streven om barrières op te werpen tegen de activiteiten van OMG's dus een exponent te zijn van een overheid die in toenemende mate geënt is op het managen van gevaarlijke groepen en het voorkomen van risicovolle activiteiten. Recent stelden McNamara en Quilter (2016) in dit verband dat de aanpak van OMG's als een 'archetypical' voorbeeld moet worden beschouwd van risicomanagement en van het idee dat effectieve criminaliteitspreventie 'vroeg interventies' behoeft. Om nader invulling te geven aan het doel om de beschreven 180 graden wending in het Nederlandse overheidsbeleid van OMG's te begrijpen, verklaren en beschrijven, is de

volgende onderzoeksvraag geformuleerd: *Hoe heeft de aanpak van outlaw motorcycle gangs in Nederland zich over de jaren ontwikkeld, wat heeft deze ontwikkeling in gang gezet en in hoeverre kan deze ontwikkeling worden verklaard door de verschuiving naar een pre-crime samenleving?*

Om deze onderzoeksvraag te beantwoorden is de bewuste keuze gemaakt om onderzoek te doen naar de visie en activiteiten van de Nederlandse overheid (in het bijzonder het Ministerie van Justitie en Veiligheid, de Nationale Politie, het Openbaar Ministerie, de Belastingdienst, RIEC's, het LIEC, en gemeenten). Ik was tijdens dit onderzoek voornamelijk geïnteresseerd in de manier waarop de overheid betekenis gaf en geeft aan (de criminele activiteiten van) OMG's en minder in de 'werkelijke' activiteiten van OMG's. Met deze sociaal-constructivistische aanpak ontken ik geenszins dat de criminele activiteiten van OMG's een objectieve realiteit hebben, maar ik ben wel vertrokken vanuit de gedachte dat de (veranderde) aanpak van OMG's op de eerste plaats verband houdt met hoe de overheid deze groepen begreep en begrijpt. De keuze om mij in dit onderzoek te beperken tot de overheid volgt ook uit de overweging dat het (methodologisch) problematisch is om tegelijkertijd zowel binnen de overheid als binnen een OMG onderzoek te doen.

Om de aanpak van OMG's vanaf de jaren zeventig tot nu in kaart te brengen, is gebruik gemaakt van verschillende soorten (empirische) data en kwalitatieve onderzoeksmethoden. Allereerst is gebruik gemaakt van archiefmateriaal dat (online) beschikbaar is gesteld via het Stadsarchief van Amsterdam. Dit materiaal bestaat uit verschillende en unieke gemeentelijke documenten die uitgebreid inzicht geven in de overwegingen van de gemeente Amsterdam om de Hells Angels MC in 1974 een clubhuis aan te bieden. Dit archiefmateriaal is nader aangevuld met de meer recente beleidsdocumenten van de gemeente Amsterdam. Daarnaast is via het internet op systematische wijze gezocht naar relevante openbare beleidsdocumenten van de Rijksoverheid. Deze zoektocht resulteerde in een selectie van 231 documenten die inzicht geven in de ontwikkelingen van het nationale OMG-beleid. Naast openbare beleidsdocumenten zijn voor dit onderzoek ook verschillende interne en vertrouwelijke documenten geanalyseerd. Deze 42 documenten zijn beschikbaar gesteld door het Landelijk Informatie en Expertise Centrum (LIEC) en geven inzicht in het nationale OMG-beleidsplan vanaf het jaar 2012. Vervolgens zijn er in totaal 56 interviews afgenomen met onder andere medewerkers van de Nationale Politie, het Openbaar Ministerie, RIEC's, gemeenteambtenaren en burgemeesters (voor een volledig overzicht van de respondenten zie Appendix C). Omdat tijdens enkele van deze interviews twee respondenten tegelijkertijd zijn geïnterviewd, waren er in totaal 76 respondenten bij dit onderzoek betrokken. Deze groep bestaat zowel uit respondenten die nauw betrokken zijn geweest bij het ontwikkelen van de huidige aanpak van OMG's als uit personen die aan deze aanpak uitvoering hebben gegeven. Tot slot is er ook gebruik gemaakt van informatie uit rechtszaken en mediaberichtgeving. Zo bieden strafrechtelijke en civiele rechtszaken

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inzicht in de (criminele) activiteiten van OMG-leden en leveren bestuurlijke rechtszaken informatie over de wijze waarop gemeenten OMG's proberen aan te pakken. De online zoekmachine Delpher is systematisch doorzocht om krantenartikelen over de Hells Angels MC uit de jaren zeventig te vinden. Dit heeft geresulteerd in 81 relevante artikelen, welke veelal zijn gebruikt om context en voorbeelden te kunnen geven.

De empirische hoofdstukken (hoofdstukken vier, vijf, zes en zeven) van dit proefschrift zijn overwegend beschrijvend van aard en nemen de lezer mee in een historisch en chronologisch overzicht van hoe de Nederlandse aanpak van OMG's zich vanaf de jaren zeventig heeft ontwikkeld. Hoofdstuk vier (Facilitating the Hells Angels MC) gaat over de lokale aanpak van de Hells Angels MC in Amsterdam, hoofdstuk vijf (Towards a national priority on outlaw motorcycle gangs) over de gebeurtenissen en ontwikkelingen van de aanpak in de jaren tussen 1980 en 2010 en hoofdstukken zes (The problem of outlaw motorcycle gangs) en zeven (Raising barriers to outlaw motorcycle gangs) over de nationale aanpak van OMGs vanaf het jaar 2012. Het laatste hoofdstuk van dit proefschrift, hoofdstuk acht (Raising moral barriers), is meer analytisch van aard en grijpt terug op het hierboven beschreven theoretische perspectief. Om te kunnen onderzoeken in hoeverre de verschuivingen in het (preventieve) criminaliteitsbeleid van invloed zijn geweest op de aanpak van OMG's, gaat hoofdstuk twee (Raising barriers to crime) allereerst in op de betekenis van 'pre-crime' in Nederland. Vervolgens gaat hoofdstuk drie (The history of the outlaw motorcycle gang) nog in op het ontstaan van OMG's in Noord-Amerika. Dit hoofdstuk biedt een eerste introductie op het fenomeen en het begrip 'outlaw motorcycle gang', en fungeert tegelijkertijd als springplank voor het eerste empirische hoofdstuk van dit boek. Waar hoofdstuk drie grofweg eindigt bij de jaren zeventig van de Verenigde Staten, start hoofdstuk vier namelijk bij opkomst van het fenomeen in de jaren zeventig van Nederland.

## HOOFDSTUK 2 (RAISING BARRIERS TO CRIME)

In hoofdstuk twee heb ik opgemerkt dat het geen toeval is dat de Nederlandse overheid tegenwoordig spreekt over het 'opwerpen van barrières' tegen outlaw motorcycle gangs. Achter het veelvuldige gebruik door overheidsinstanties van het woord 'barrière' gaat namelijk een ontwikkeling schuil die aansluit bij de eerder besproken verschuiving naar een 'pre-crime' samenleving.

Om deze ontwikkeling te kenschetsen gaat hoofdstuk twee terug tot de jaren tachtig. In deze periode beargumenteerde de Commissie Roethof (1985) namelijk dat criminaliteit niet effectief aangepakt kan worden door hier enkel op te reageren middels het vervolgen en straffen van daders. In plaats daarvan ontstond het idee dat de samenleving als geheel verantwoordelijkheid draagt voor het *voorkomen* van criminaliteit. Met andere woorden,

ook burger en private organisaties zouden verschillende mogelijkheden hebben om de gelegenheden voorafgaand aan het delict te beïnvloeden. Voor deze ideeën putte de commissie inspiratie uit het recent ontwikkelde criminologische perspectief van situationele criminaliteitspreventie (SCP). Beïnvloed door de gelegenheidstheorie (zie bijvoorbeeld Clarke & Mayhew, 1988), de routine activiteiten theorie (Cohen & Felson, 1979) en het rationele keuze perspectief (Cornish & Clarke, 1985), ontstond met SCP het beeld van criminaliteit als het gevolg van de rationele dader die gebruik (of misbruik) maakt van de gelegenheden in de samenleving (bijvoorbeeld de aanwezigheid van luxe goederen en de afwezigheid van formele of informele controle). Met dit perspectief werd de dader niet meer beschouwd als ‘de ander’ of als iemand met specifieke psychologische en/of sociale problematiek. In plaats daarvan werd criminaliteit gezien als het gevolg van de alledaagse structuren in de samenleving. Met situationele criminaliteitspreventie verschoof de aandacht vervolgens ook van het straffen, behandelen en re-integreren van de dader (post-crime), naar het beïnvloeden van de situaties en gelegenheden voorafgaand aan het delict (pre-crime). In dit verband is door verschillende auteurs beargumenteerd dat situationele criminaliteitspreventie beschouwd kan worden als een voorbeeld van het hierboven aangehaalde risico-denken. Volgens Ruppert (2006: 60) is SCP inderdaad ‘not concerned with people deviations from a norm, nor does it intervene directly in their lives to normalize them’ en is ‘the objective is not moral regulation or reform of the offender, but reduction of the risk that this person will offend’. Oftewel, criminaliteit is verworden tot een ‘risk to be calculated rather than a moral aberration’. Ook volgens Garland (2001: 129) is het doel van SCP niet het veranderen van mensen, maar het veranderen en herinrichten van criminogene situaties.

Terwijl deze ideeën in Nederland in eerste instantie enkel van invloed waren op de (preventieve) aanpak van ‘kleine criminaliteit’ kreeg dit perspectief in de jaren negentig ook in toenemende mate voeten aan de grond in relatie tot de aanpak van meer ernstige en georganiseerde vormen van criminaliteit. In het bijzonder door de bevindingen van de parlementaire enquêtecommissie opsporingsmethoden, ook wel bekend als de Commissie Van Traa, ontstond er meer aandacht voor de kwetsbaarheden en gelegheidsstructuren binnen de legale sectoren van de samenleving. Daarbij was ook het inzicht van belang dat (georganiseerde) criminaliteit niet zozeer gepleegd werd door afgebakende en hiërarchisch opgebouwde criminele groepen, maar door fluïde en dynamische netwerken van criminelen. Mede gesterkt door de latere onderzoeken van de Monitor Georganiseerde Criminaliteit (1998, 2002, 2007, 2012 en 2018) ontstond het geloof dat ook de georganiseerde criminaliteit niet effectief aangepakt kan worden door hier enkel middels het strafrecht op te reageren. Omdat criminelen voor het plegen van criminaliteit altijd afhankelijk zijn van de diensten en gelegenheden in de ‘legale bovenwereld’, is het ook aan deze ‘legale bovenwereld’ om deze mogelijkheden weg te nemen. Denk hierbij bijvoorbeeld aan de crimineel die voor het verplaatsen van illegale goederen afhankelijk is van de transportsector, voor het

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witwassen van geld afhankelijk is van de bankensector en de expertise van financieel adviseurs, en voor het verkrijgen van panden afhankelijk is van de vastgoedsector en gemeenten. Om deze reden heeft ook het bestuursrecht en de burgemeester een steeds belangrijkere rol gekregen in de aanpak van (georganiseerde) criminaliteit. Immers, waar het strafrecht vaak pas kan worden ingezet wanneer het delict reeds heeft plaatsgevonden, heeft de gemeente bestuurlijke middelen in handen om aan de 'voorkant' van het probleem te interveniëren. In dit verband kan bijvoorbeeld gewezen worden op de Wet Bevordering Integriteitsbeoordelingen door het Openbaar Bestuur (Wet BIBOB). Deze wet heeft het voor gemeenten mogelijk gemaakt om vergunningen of subsidies te weigeren wanneer het 'ernstige gevaar' bestaat dat deze misbruikt zullen worden voor criminele doeleinden.

Nadat deze ideeën in eerste instantie zijn toegepast op de bestuurlijk aanpak van (georganiseerde) criminaliteit in Amsterdam kreeg de rol van situationele criminaliteitspreventie bij de aanpak van georganiseerde criminaliteit landelijke aandacht via onder meer het concept 'Tegenhouden' en de 'programmatische aanpak'. Wederom is hier niet het voornaamste doel om daders op te sporen en te vervolgen, maar om (toekomstig) crimineel gedrag te voorkomen. Dit laatste doel werd onder meer beschreven in het Programma Versterking Aanpak Georganiseerde Criminaliteit (2007):

'De focus op de gelegenheidsstructuur ligt aan de basis van de bestuurlijke en preventieve aanpak in Nederland. Het gaat hierbij om het zodanig scheppen en veranderen van condities, dat er geen of in ieder geval aanzienlijk minder mogelijkheden zijn voor de georganiseerde misdaad, of dat het uitvoeren van criminele activiteiten minder aantrekkelijk wordt gemaakt. Deze situationele aanpak wordt ook wel aangeduid als 'tegenhouden', 'logistieke, preventieve aanpak' of 'opwerpen van bestuurlijke blokkades ("gewapend bestuursrecht") / drempels / barrières' (PVAGM, 2007: 6).

In het laatste deel van hoofdstuk twee sta ik uitgebreid stil bij de manier waarop de focus op gelegenheidsstructuren door verschillende overheidsinstanties is vertaald in het ontwikkelen van barrièremodellen en het 'opwerpen van barrières'. In een barrièremodel wordt een specifieke vorm van criminaliteit beschreven als een script of een logistiek proces, waarmee inzichtelijk wordt gemaakt welke stappen een dader moet nemen om een criminele activiteit met 'succes' te kunnen voltooien. Als voorbeeld heb ik laten zien dat het logistieke proces van illegale hennepcultuur uiteenvalt in zeven stappen, bestaande uit onder meer het vinden van een geschikte locatie, het verkrijgen van de benodigde middelen, het oogsten en het witwassen van het crimineel verkregen vermogen. Door deze technische beschrijving van illegale hennepcultuur (en andere vormen van criminaliteit) wordt niet alleen duidelijk wat de dader moet doen om het delict te plegen, maar ook wat overheidsinstanties, private

organisaties, gemeenten en burgers via een integrale aanpak kunnen doen om 'barrières op te werpen' in het logistieke proces van deze vorm van criminaliteit.

### HOOFDSTUK 3 (THE HISTORY OF THE OUTLAW MOTORCYCLE GANG)

In hoofdstuk drie beschrijf ik hoe het fenomeen 'outlaw motorcycle gangs' in de Verenigde Staten is ontstaan. De beschrijvingen in dit hoofdstuk gaan terug tot het begin van de vorige eeuw, in welke periode de bouw en verkoop van de eerste motoren hand in hand gingen met het ontstaan van de eerste motorclubs. Waar motorliefhebbers zich verenigden in clubs, ontstonden ook verschillende belangenorganisaties, zoals de American Motorcycle Association (A.M.A.). Deze organisatie organiseerde (en organiseert) onder meer verschillende soorten motorraces, evenementen en toertochten. Echter, enkel de motorclubs die zich aan bepaalde regels hielden (bijvoorbeeld het dragen van nette en veilige kleding) werden door de A.M.A. erkend en mochten aan de zogenoemde 'gypsy tours' deelnemen. De motorclubs die niet officieel door de A.M.A. werden erkend stonden ook wel bekend als de 'outlaw' motorcycle clubs. Alhoewel de leden van deze laatste clubs er vaak ook een meer deviante levensstijl op na hielden, verwees de toevoeging 'outlaw' in eerste instantie dus niet naar het criminele karakter van deze clubs.

Dit veranderde na de gypsy tour in het stadje Hollister in de zomer van 1947. Tijdens dit evenement veroorzaakten leden van enkele outlaw motorcycle clubs voor ongeregeldheden en openbare ordeverstoringen. Ondanks dat er nog steeds onduidelijkheid bestaat over de aard en ernst van deze ongeregeldheden, heeft de aandacht van de media voor deze gebeurtenis wel geleid tot het beeld van outlaw motorcycle clubs als deviant, waarbij de 'outlaw biker' gezien wordt als een bedreiging voor de normen en waarden van de nette, hardwerkende en 'goede' samenleving. Op zijn beurt stond het deviante beeld van de 'outlaw biker' garant voor vele bekende films, met als bekendste voorbeeld de film *The Wild One* (1953) met filmster Marlon Brando. In een poging om het imago van de nette motorrijder te redden, zou de A.M.A. een verklaring hebben afgelegd waarin werd gesteld dat slechts 1% van alle motorclubs betrokken was bij openbare ordeverstoringen en slecht gedrag. Alhoewel geen bewijs is gevonden voor deze specifieke uitspraak, omarmden verschillende outlaw motorcycle clubs deze stelling door een 1%-logo op hun leren vesten te naaien. Hiermee onderscheidden de leden van deze clubs zich als de 'one-percenters' en de '1%-motorclubs'. De meest bekende 1%-motorclub is de Hells Angels MC, welke club is opgericht in 1948 in San Bernardino (Californië). Onder leiding van Ralph Barger heeft de Hells Angels MC zich vanaf eind jaren vijftig ontwikkeld tot een hiërarchische en meer strikte organisatie, waarbinnen nieuwe leden zich eerst moesten bewijzen in de zogenoemde hangaround en prospect-fase.

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De Hells Angels MC worden landelijk berucht als gevolg van een intern politie rapport in 1965. Hierin worden leden van de Hells Angels MC onder meer verdacht van diefstal, verkrachting en andere geweldsdelicten. De aandacht van de overheid voor deze en andere clubs zou vanaf dat moment alleen maar toenemen. Mede ingegeven door de betrokkenheid van leden van de Hells Angels MC bij drugshandel en moord, beschrijven de politiediensten de 1%-motorclubs in de loop van de jaren zeventig ook wel als 'outlaw motorcycle gangs' of 'OMGs'. De Federal Bureau of Investigation (FBI) signaleerde vervolgens in de jaren tachtig dat deze OMG's zich nog beter en professioneler zijn gaan organiseren en om die reden ook wel omschreven konden worden als criminele organisaties. Het probleem van de OMG's, zo stelde de FBI, was niet alleen dat de leden betrokken waren bij afpersingen en wapen- en drugshandel, maar ook dat de OMG's 'challenge dominant features of American society' en 'break with the value system of society' (Davis, 1982b: 17). De term 'outlaw motorcycle gang' is dus op de eerste plaats een label dat door Amerikaanse overheidsinstanties werd gebruikt om verschillende soorten clubs te beschrijven en te duiden. Andere voorbeelden van in de Verenigde Staten groot geworden OMG's zijn Pagans MC (opgericht in 1959), Bandidos MC (opgericht in 1966), Outlaws MC (opgericht in de vroege jaren vijftig) en Sons of Silence MC (opgericht in 1966).

## HOOFDSTUK 4 (FACILITATING THE HELLS ANGELS MC)

In het eerste empirische hoofdstuk van dit proefschrift beschrijf ik hoe de Hells Angels MC in Nederland zijn ontstaan en sta ik uitgebreid stil bij de overwegingen van de gemeente Amsterdam om deze club in 1974 een eigen clubhuis aan te bieden. De Hells Angels MC in Amsterdam kwam oorspronkelijk voort uit een groep jongeren uit de arbeidersklasse, die in eerste instantie bekend stond als 'Kreidlerploeg-oost'. Deze groep, die later ook wel 'Knokploeg-oost' werd genoemd, reed in de jaren zestig rond op brommers en was niet zelden betrokken bij openbare ordeverstoringen en geweldsdelicten. Geïnspireerd door de verhalen, beelden en films over de Amerikaanse Hells Angels MC, besloten de jongeren (18-20 jaar oud) zich tegen het einde van de jaren zestig voortaan 'Hells Angels' te noemen.

De opkomst van deze groep is echter niet uniek en moet worden begrepen in de tijd van de nozems, provo's, pleiners, dijkers en de door Cohen (1972) beschreven Mods en Rockers in Engeland. Deze periode kan kort samengevat worden als een periode waarin de jeugd meer vrijheden kreeg (en nam) om een eigen identiteit te verwerven, welke zoektocht niet zelden gepaard ging met confrontaties met de politie. Het was ook in deze tijd dat jongeren in jeugdcentra en jeugdhonken de mogelijkheid kregen om zich te ontwikkelen via het open jongerenwerk. Echter, als gevolg van het dikwijls gewelddadige en verstorende optreden van de zelfbenoemde Hells Angels, moesten veel van deze jeugdcentra haar deuren (tijdelijk) sluiten. Dit heeft de gemeente van Amsterdam

uiteindelijk in 1974 doen besluiten om de Hells Angels een eigen clubhuis (later beter bekend als Angel Place) aan te bieden aan de H.J.E. Wenckebachweg. Om deze keuze beter te kunnen begrijpen, laat ik zien dat de gemeente deze groep (nog) niet zag als onderdeel van een internationaal en crimineel netwerk van de Hells Angels MC.

Samengevat werd de oorzaak van het gewelddadige gedrag van deze groep jongeren gevonden bij het idee dat jongeren uit de arbeidersklasse geen aansluiting konden vinden bij het aanbod van het sociaal-cultureel jongerenwerk. Daarbij zou het deviante gedrag van de groep tevens voortkomen uit de nadelige sociale positie waar deze 'randgroepjongeren' zich in zouden bevinden. Door het faciliteren van een eigen clubhuis probeerde de gemeente dus beter aan de behoeften van de jongeren te voldoen. Tegelijkertijd werd de afgelegen ligging van het clubhuis gezien als een manier om de problematische leden buiten de stad te houden, waardoor andere jeugdcentra haar deuren weer konden openen. Het verzamelde archiefmateriaal maakte het mogelijk om gedetailleerd te beschrijven hoe het clubhuis tot stand is gekomen. Zo werd het Hells Angels project, waarvoor de burgemeester destijds een uitzondering maakte in het bestemmingsplan, ook wel gezien als een 'experiment' om via een preventieve en integrale aanpak ervaring op te doen met het begeleiden van jongeren uit de arbeidersklasse. Opvallend daarbij is dat de gemeente Amsterdam probeerde om de Hells Angels uit de media te houden, omdat deze negatieve aandacht een nadelig effect zou hebben op het leven van de jongeren. Daarbij heb ik opgemerkt dat de leden altijd een gelijke discussiepartner voor de gemeente vormden, zelfs nadat de leden in 1978 werden verdacht van het verkrachten van een 19-jarige vrouw in Angel Place. Ik ben het hoofdstuk geëindigd met de vaststelling dat de Nederlandse Hells Angels pas in oktober 1978 zijn erkend door de Amerikaanse Hells Angels MC en zich ook pas vanaf dat moment officieel een chapter van de Hells Angels MC mochten noemen (chapter 'Hells Angels Holland').

#### HOOFDSTUK 5 (TOWARDS A NATIONAL PRIORITY ON OUTLAW MOTORCYCLE GANGS)

Hoofdstuk vijf beschrijft de gebeurtenissen die ertoe hebben geleid dat zowel de lokale overheid van Amsterdam als de nationale overheid vanaf de jaren tachtig anders naar de Hells Angels MC zijn gaan kijken. Om te beginnen beschrijf ik dat er tegen het einde van de jaren zeventig niet veel meer over was van de eerder beschreven sociale begeleiding door de gemeente. Naarmate de leden ouder werden bleken ze minder ontvankelijk voor enige vorm van hulp en ontwikkelde het clubhuis Angel Place zich in toenemende mate als een plek waar de leden zich aan het zicht van de overheid konden onttrekken. Daarbij werd ook duidelijk dat leden, tezamen met leden van andere in Nederland opgerichte chapters, onder meer betrokken waren bij mishandelingen en diefstal en in het bezit waren van vuurwapens, munitie en drugs. Terwijl naburige landen mede onder aanvoering van

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Europol in de jaren tachtig het offensief openden tegen de Hells Angels MC (Duitsland verbood een chapter in Hamburg in 1983), werd de aanwezigheid van de club in Nederland nog lang 'getolereerd'. Het beeld dat ook de leden van de Nederlandse Hells Angels betrokken waren bij verschillende vormen van georganiseerde criminaliteit werd versterkt door het onderzoek van de Van Traa Commissie en onderzoeksgroep Fijnaut (1996). In dit uitgebreide onderzoek werd onder meer gewezen op de betrokkenheid van leden bij wapen- en drugshandel en afpersingen, en werd geconcludeerd dat het clubhuis zich had ontwikkeld tot een 'vrijplaats' voor criminaliteit. Vervolgens sta ik stil bij de manier waarop de lokale politie in 1998 is omgegaan met een groot internationaal evenement in Angel Place ter ere van het 20-jarige bestaan van de Hells Angels MC. Ondanks dat de politie bekend was met de risico's rondom dit feest, besloot de lokale driehoek om dit evenement te tolereren – onder de voorwaarden van de politie – om verdere problemen te voorkomen.

Kort na de eeuwwisseling kreeg de aanpak van de Hells Angels MC een duidelijke wending. Een belangrijk moment voor dit omslagpunt was de manier waarop de politie in Amsterdam de begrafenis van een lid van de Hells Angels MC had begeleid. Het in de media breed uitgemeten beeld waarbij de politie de lange begrafenisstoet door het centrum had begeleid (en daarvoor tijdelijk toegangswegen had geblokkeerd) was voor politici een 'doorn in het oog'. Alhoewel het handelen van de politie wederom gericht was op het beheersen en controleren van risico's, is door deze gebeurtenis het beeld ontstaan van de Hells Angels MC als een onaantastbare criminele groep die haar eigen regels kan stellen, zowel in de boven- als in de onderwereld. Mede als gevolg van enkele andere incidenten, waaronder de gewelddadige bedreiging van het televisieduo Barend & Van Dorp, startte de politie in Amsterdam met een plan om de Hells Angels MC aan te pakken. Daarbij was het doel om te laten zien dat de Hells Angels MC zich niet onaantastbaar konden wanen en dus ook niet boven de wetten en normen van de samenleving stonden. Van belang daarbij is dat de politie voor dit plan aansluiting zocht bij het concept Tegenhouden, welke strategie symbool staat voor het toegenomen streven van de overheid om (georganiseerde) criminaliteit te voorkomen. Wat volgde was een grootschalig strafrechtelijk onderzoek (onder de naam 'Acroniem') naar de criminele activiteiten van het chapter in Amsterdam. Met de start van dit onderzoek maakte de gemeente Amsterdam tevens een abrupt einde aan de vergevorderde onderhandelingen met de leden om het clubhuis te verplaatsen naar een andere locatie. Ondertussen werd er op nationaal niveau gedebatteerd om tot een 'vrijplaatsen aanpak' te komen.

De aanpak van de Hells Angels MC kreeg opnieuw een nieuwe dimensie in 2006. In dat jaar verzocht het Openbaar Ministerie (OM) de rechtbank namelijk om alle negen verenigingen en stichtingen van de Hells Angels MC in Nederland te verbieden. De overweging van het OM kwam er kort gezegd op neer dat de Hells Angels MC geen plek meer verdiende in de Nederlandse samenleving. Zowel het strafrechtelijk onderzoek Acroniem als het verzoek van het OM om de verschillende chapters te verbieden liep voor

de overheid echter uit op een teleurstelling. In het strafrechtelijke onderzoek werd het OM niet-ontvankelijk verklaard en het verzoekschrift om de club te verbieden werd in alle gevallen door de rechtbank afgewezen. Deze tegenslag veroorzaakte tegen het einde van de jaren 2000 enige terughoudendheid om de aanpak van de Hells Angels MC voort te zetten.

Toch werden de overheidsinstanties al snel gedwongen om zich opnieuw met deze en andere clubs bezig te gaan houden. Zo ontstond door spanningen tussen Nederlandse 1%-motorclubs de vrees voor een gewelddadig treffen tussen de Hells Angels MC en Satudah MC (opgericht in 1990). Waar de Nederlandse overheid zich tot dan toe bijna uitsluitend had beziggehouden met de eerst genoemde club, werd de politie rond het jaar 2010 gedwongen om ook in te zoomen op de andere 1%-motorclubs in Nederland. De vrees voor een gewelddadige confrontatie heeft verschillende burgemeesters in 2011 doen besluiten om geplande motor-gerelateerde evenementen bij voorbaat af te blazen. Simpel gezegd durfde verschillende gemeenten het risico op een ‘biker-oorlog’ niet te nemen en besloten daarom reeds afgegeven evenementenvergunningen in te trekken. De hernieuwde en bredere aandacht voor de Nederlandse ‘biker-scene’ heeft uiteindelijk geleid tot een nieuwe landelijke prioriteit om 1%-motorclubs in Nederland aan te pakken. De voorgestelde integrale aanpak kreeg op 30 januari 2012 vorm in de hierboven aangehaalde kamerbrief van de minister van Justitie en Veiligheid (TK 2011-2012, 29 911, nr. 59). Waar deze aanpak zich in eerste instantie richtte op de ‘1%-motorclubs’, werd niet veel later besloten om in het vervolg te spreken van ‘outlaw motorcycle gangs’. Op 15 maart 2014 telde de Nationale Politie de volgende vijftien OMG’s: 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, Satudah MC, Spiders MC, Trailer Trash Travellers MC, Veterans MC, and Waardeloos MC (Landelijke Eenheid, 2014: 19).

## HOOFDSTUK 6 (THE PROBLEM OF OUTLAW MOTORCYCLE GANGS)

Alvorens in te gaan op de nationale en integrale aanpak van deze vijftien OMG’s, is het waardevol gebleken om eerst nader in te zoomen op het probleem van outlaw motorcycle gangs. Simpel gesteld, wat was de reden waarom de Nederlandse overheid een integrale aanpak nodig achtte? Hoofdstuk zes gaat uitgebreid in op deze vraag en beschrijft aan de hand van interviews en beleidsdocumenten de verschillende aspecten van dit ‘multidimensionale’ probleem. Zoals hierboven reeds benadrukt, beschrijft dit hoofdstuk dus op de eerste plaats hoe de overheid duiding geeft aan het probleem van OMG’s.

Om te beginnen is met de komst van nieuwe (rivaliserende) clubs en de snelle groei van het aantal leden binnen bestaande clubs het OMG-landschap onoverzichtelijker geworden. Hierdoor is de vrees voor een gewelddadig treffen tussen OMG’s een continue

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rol blijven spelen. Bovendien is de vrees voor ernstige verstoringen van de openbare orde na 2012 op verschillende momenten waarheid geworden, waarbij onder meer verwezen kan worden naar verschillende schietpartijen tussen leden van OMG's. Daarnaast is ingezoomd op de betrokkenheid van (leden van) OMG's bij verschillende vormen van criminaliteit. Hier heb ik laten zien dat het probleem voor de overheid niet enkel ligt bij de betrokkenheid van de clubs bij zware vormen van georganiseerde criminaliteit, maar ook bij het idee dat leden zich in het algemeen niks van wet- en regelgeving zouden aantrekken. Waar een OMG wordt beschreven als een 'dekmantel' en 'crimineel netwerk' voor het plegen van georganiseerde criminaliteit, werd door de overheid dus tegelijkertijd gewezen op het idee dat leden zich bijvoorbeeld niet aan de verkeersregels houden. Daarbij is ook gewezen op de 'power of the patch', waarbij leden gebruik maken van de gewelddadige reputatie van de club om anderen te intimideren of om criminele activiteiten kracht bij te zetten. Tegelijkertijd ben ik uitgebreid ingegaan op het gegeven dat er enige tijd – zowel binnen de Nederlandse overheid als de wetenschap – onduidelijkheid heeft bestaan over de betrokkenheid van OMG's bij al deze vormen van criminaliteit. In dit verband heeft recent wetenschappelijk onderzoek aangetoond dat Nederlandse OMG-leden inderdaad betrokken zijn bij uiteenlopende vormen van (georganiseerde) criminaliteit, maar dat er ook belangrijke verschillen bestaan *tussen* OMG's.

De analyse in hoofdstuk zes laat echter zien dat het probleem van de overheid met OMG's niet enkel is gelegen bij de betrokkenheid van leden bij criminaliteit, maar ook bij het bestaan van groepen die zich openlijk manifesteren als een 'subcultuur' die boven de wet staat. Door onder andere te verwijzen naar het 1%-logo dat veel clubs zich letterlijk hebben opgespeld, zouden de verschillende clubs zichzelf boven de wet hebben geplaatst en bewust afstand hebben genomen van de Nederlandse samenleving. Naast deze symboliek is door de overheid ook gewezen op de strikte interne clubregels die zich lastig laten verhouden met de bestaande normen en wetten in de samenleving. Van belang in deze context is ook wat de overheid heeft omschreven als het 'schijnbaar onaantastbare' imago van OMG's, welke ik nader heb uitgewerkt voor het gedrag van de leden 'op de straat', 'op de weg' en 'in en rond het clubhuis'. In tijden waar uiteenlopende vormen van criminaliteit in toenemende mate worden omschreven als 'ondermijnende criminaliteit', geldt in de huidige casus dat 'de' OMG als *fenomeen* de samenleving zou ondermijnen. Zo ondermijnen OMG's onder andere de normen en wetten van de Nederlandse samenleving, de vrijheid en veiligheid van burgers, de autoriteit van de overheid en de gevoelens van rechtvaardigheid onder burgers. In dit verband spraken verschillende respondenten ook over het idee dat de overheid wil laten zien dat OMG-leden niet de 'baas' zijn in Nederland.

Ik sluit het hoofdstuk af door te laten zien dat het probleem van OMG's dus niet enkel wordt gezien als een probleem of risico voor de toekomst (bijvoorbeeld het plegen van criminaliteit en het verstoren van de openbare orde), maar dat het fenomeen an sich als 'ongewenst', 'fout' en 'slecht' wordt beschouwd. Nog los van mogelijke betrokkenheid bij

criminaliteit wordt van de 'goede' en 'enthousiaste motorliefhebber' verwacht dat hij niet lid wordt van een OMG en wordt van de bestaande leden verwacht dat zij afstand nemen van de subcultuur.

## HOOFDSTUK 7 (RAISING BARRIERS TO OUTLAW MOTORCYCLE GANGS)

Hoofdstuk zeven is het laatste en tevens meest omvangrijke hoofdstuk van dit proefschrift. Hierin wordt beschreven hoe de nationale en integrale aanpak van OMG's zich vanaf het jaar 2012 heeft ontwikkeld. Met de start van deze aanpak beoogde de overheid op de eerste plaats duidelijk te maken dat de OMG's en haar leden zich aan de regels en wetten van de Nederlandse samenleving dienen te houden. Om dit te bewerkstelligen is aansluiting gezocht bij het idee dat het voor een effectieve aanpak essentieel is dat alle verschillende overheidsinstanties en private partners samenwerken. Geïnspireerd door de ervaringen met de (preventieve) aanpak van georganiseerde criminaliteit, is er een barrièremodel ontwikkeld om inzichtelijk te maken op welke wijze deze partners barrières op kunnen werpen tegen OMG's. Dit barrièremodel heeft uitvoering gekregen via acht speerpunten, te weten: prioriteit voor het strafrechtelijk vervolgen van individuele leden; de focus op clubhuizen en evenementen; het bestrijden van de invloed van OMG's in horeca, beveiligingsbedrijven en binnen de harde kernen van voetbalsupporters; het aanpakken van windhappers; en de focus voor OMG-leden in overheidsdienst (TK 2011-2012, 29 911, nr. 71). Deze speerpunten vormen tevens het raamwerk voor dit hoofdstuk.

Allereerst is gekeken naar de manier waarop de politie en het Openbaar Ministerie uitvoering hebben gegeven aan de prioriteit om leden van OMG's strafrechtelijk te vervolgen. Samengevat kan deze aanpak worden gekarakteriseerd als een zero-tolerance aanpak, waarbij de focus in meer recente jaren is komen te liggen bij het frustreren van het organiserend vermogen van OMG's. Ook is in samenwerking met de RIEC's, de Belastingdienst en gemeenten, systematisch in kaart gebracht of leden bijvoorbeeld nog openstaande boetes of belastingschulden hadden. Vervolgens beschrijf ik dat de overheid de media als middel heeft gebruikt om de samenleving een meer 'realistisch' beeld te geven over wat er zich binnen OMG's afspeelt. Daarmee werd tevens beoogd om het eerdergenoemde 'schijnbaar onaantastbare' imago van OMG's aan te tasten en om de samenleving te activeren om als 'front' tegen het fenomeen op te treden. In het bijzonder door de barrières die zijn opgeworpen tegen clubhuizen en evenementen is duidelijk geworden dat de aanpak verder gaat dan enkel het handhaven van de wet. Alhoewel ik ook enkele voorbeelden geef van burgemeesters die bewust voor een andere aanpak hebben gekozen, streven gemeenten er over het algemeen naar om clubhuizen en evenementen van OMG's bij voorbaat te voorkomen. Tevens worden particuliere partijen (zoals café-eigenaren) via 'stop-gesprekken' aangespoord om de leden te weren, bijvoorbeeld

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door het verbieden van het dragen van colours. Het barrièremodel maakt in de praktijk dus niet alleen duidelijk aan welke wet- en regelgeving de OMG's en haar leden zich moeten houden (bijvoorbeeld regelgeving omtrent vergunningen of bestemmingsplannen), maar ook welke (bestuurlijke) middelen de partners in kunnen zetten om te voorkomen dat leden zich überhaupt in een gemeente vestigen. Om die reden beargumenteer ik ook dat de aanpak van OMG's verder gaat dan een zero-tolerance aanpak. Daarnaast wordt uitgebreid aandacht besteed aan de manier waarop er wordt omgegaan met rouwstoeten en zogenaamde 'ride-outs'. Het algemeen streven bij dergelijke bijeenkomsten is dat de overheid deze ritten niet begeleid of faciliteert en dat aan OMG's zodoende geen podium wordt gegeven om zich openlijk te kunnen manifesteren. Vervolgens laat ik zien hoe de overheid onder andere met behulp van nieuwe regelgeving uiting heeft gegeven aan de stelling dat OMG-leden niet binnen private beveiligingsbedrijven en de overheid werkzaam zouden mogen en moeten zijn. Dit is lange tijd problematisch geweest omdat de leden feitelijk niet lid waren van een bij wet verboden organisatie en dus ook niet ontslagen konden worden enkel op basis van hun OMG-lidmaatschap. De rechter heeft om die reden in verschillende uitspraken, ook wanneer het bijvoorbeeld gaat over het verbieden van een evenement, benadrukt dat er altijd moet worden gekeken naar de specifieke risico's en omstandigheden van het geval.

Om de opgeworpen barrières tegen OMG's in algemene zin te duiden, is beargumenteerd dat 'de' OMG wordt aangepakt zijnde het een crimineel of logistiek proces. Waar het barrièremodel in eerste instantie is ontwikkeld (zoals beschreven in hoofdstuk twee) om inzichtelijk te maken in welke fasen van het logistieke proces van een criminele activiteit barrières opgeworpen kunnen worden, worden in de huidige casus barrières opgeworpen tegen het bestaan van groepen die ervan worden verdacht betrokken te zijn bij verschillende soorten criminele activiteiten. Het barrièremodel wordt hier dus niet toegepast op een specifieke vorm van criminaliteit, maar op een groep personen, wat tevens met zich meebrengt dat de aanpak van OMG's niet alleen gaat over het aanpakken en voorkomen van criminaliteit. Tot slot ga ik in op de recente ontwikkelingen omtrent de (succesvolle) pogingen van het Openbaar Ministerie om verschillende OMG's te verbieden. In combinatie met de roep om nieuwe wetgeving die het makkelijker moet maken om OMG's te verbieden, sluit dit laatste streven aan bij de conclusie dat de aanpak zich bovenal lijkt te richten op het uitbannen van het fenomeen in de Nederlandse samenleving.

## HOOFDSTUK 8 (RAISING MORAL BARRIERS)

In het laatste meer analytische hoofdstuk van dit proefschrift ga ik in op de vraag hoe de beschreven ontwikkelingen in de aanpak van OMG's begrepen kunnen worden. De algemene conclusie van deze analyse is dat de aanpak van OMG's niet alleen gaat over het

aanpakken en voorkomen van criminaliteit. Ter onderbouwing van deze conclusie grijp ik allereerst terug op het perspectief van de ‘pre-crime’ samenleving, welke uitgaat van het idee dat criminaliteitsbeleid in toenemende mate is gericht op het voorkomen van risico’s en het beheersen van risicogroepen. Met behulp van de beschrijvingen over hoe OMG’s zich vanaf de jaren zeventig in Nederland hebben ontwikkeld, en in het bijzonder hoe de overheid door de jaren heen anders naar dit fenomeen is gaan kijken, kom ik echter tot de conclusie dat OMG’s tegenwoordig niet alleen worden begrepen als een ‘risico’ of ‘gevaar’ voor de toekomst. Met behulp van het werk van Gusfield (1963, 1967, 1968) beargumenteer ik dat de overheid OMG’s ziet als ‘enemy deviants’. Hiermee verwijst ik kort gezegd naar het idee dat OMG-leden worden begrepen als (toekomstige) criminelen die naast het *overtreden* van de wet ook openlijk en bewust afstand nemen van het *bestaan* van de wet. Of zoals ik in paragraaf 8.4 beschrijf, ‘the threat or problem is not only that members will (again) be involved in crime but also that the dominant laws, rules, and norms of the state are under attack’. Dit inzicht is vervolgens ook van invloed op hoe de verschuiving van de aanpak van inclusie naar exclusie begrepen kan worden.

Enerzijds is met verschillende voorbeelden duidelijk gemaakt dat de aanpak van OMG’s – niet op de laatste plaats door de criminele activiteiten van de leden zelf – is beïnvloed door het hedendaags preventiedenken in criminaliteitsbeleid. In de woorden van Ayling (2011: 259) is de Nederlandse overheid dus inderdaad ‘intolerant of the risks associated with the ‘dangerous people’ that comprise OMGs’. Echter kent de aanpak van OMG’s tegelijkertijd een sterk moreel karakter. Wederom met behulp van verschillende voorbeelden laat ik zien dat OMG’s ook worden omschreven als ‘niet normaal’, ‘fout’, ‘slecht’ en als een fenomeen waarvoor geen plaats zou moeten zijn in de ‘goede’ en ‘normale’ samenleving. Daarmee kunnen de opgeworpen barrières ook worden gekarakteriseerd als ‘moralizing practices’ (Hunt, 2013: 55-56) of als maatregelen die een oordeel geven over het ‘goede’ of ‘slechte’ karakter van de gedragingen en waarden van anderen. Zodoende kan het hedendaagse streven van de overheid om clubhuizen van OMG’s te voorkomen, het voorbeeld waarmee ik dit proefschrift begon, het beste worden omschreven als een voorbeeld van een ‘morele barrière’. Het woord ‘barrière’ geeft uiting aan het idee dat de overheid streeft naar preventie en het uitbannen van risico’s, terwijl de toevoeging van het woord ‘morele’ ziet op het idee dat deze preventieve barrières tegelijkertijd de grenzen markeren van wat in de samenleving als ‘goed’ of ‘slecht’ moet worden beschouwd.

De laatste twee paragrafen van dit boek dienen om kritische vragen op te werpen en om nader op de conclusies van dit boek te reflecteren. Op theoretisch niveau beargumenteer ik dat de ‘pre-crime’ samenleving niet moet worden gezien als een neutraal, technisch en rationeel opererende samenleving. Immers, het streven om risico’s te voorkomen geeft tegelijkertijd uiting aan wat men in een samenleving als ‘goed’ en ‘juist’ beschouwd. Daarna wijs ik op het gevaar dat de ‘pre-crime’ samenleving soms verregaande (preventieve) maatregelen met zich meebrengt die de beginselen van de democratische rechtstaat kunnen

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ondermijnen. Vervolgens reflecteer ik op de vraag of de huidige aanpak van OMG's als effectief kan worden beschouwd. Hier beargumenteer ik waarom het 'opwerpen van barrières' tegen OMG's niet hetzelfde is als het 'opwerpen van barrières' tegen criminaliteit. Tot slot verdedig ik de stelling dat *de* outlaw motorcycle gang niet bestaat en waarom het belangrijk en interessant is om aandacht te (blijven) schenken aan de rol van de burgemeester binnen de aanpak van (georganiseerde) criminaliteit.

## CURRICULUM VITAE

Teun van Ruitenburg (9 March, 1990) finished his secondary education in 2009 at the D.S. Pierson College in 's-Hertogenbosch. He obtained his bachelor's (2012) and master's degree (2013) in Criminology at the Free University Amsterdam (VU). During his master Teun also completed the Research Track (30 ECTS), which involved extra courses focusing on criminological research methods. For his master thesis, he completed an internship at the Dutch National Police, during which he conducted empirical research about the Dutch multi-agency approach to outlaw motorcycle gangs. This thesis urged him to continue his research on outlaw motorcycle gangs as a PhD candidate. As of September 2014 he started as a PhD candidate at the Department of Criminology (Erasmus School of Law) at the Erasmus University Rotterdam. His research was supervised by Prof. dr. Henk van de Bunt and Dr. Willem-Jan Verhoeven. During his PhD project, Teun has been involved as a tutor in multiple courses within the Criminology education of Erasmus School of Law and acted as treasurer for the PhD in Law Association Rotterdam (PILAR) (2015-2016). He also analyzed criminal investigations for the Organized Crime Monitor of the Research and Documentation Centre (WODC) in The Hague (2016). Teun currently works as a criminologist at the Public Prosecution Service.



## PHD PORTFOLIO

Name PhD candidate: Teun van Ruitenburg  
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Research School: Monitoring Safety and Security  
PhD-period: September 2014 – December 2019  
Promotor: Prof. dr. Henk van de Bunt  
Copromotor: Dr. Willem-Jan Verhoeven

### **Seminars/conferences/lectures attended**

EGSL lunch lectures EUR	2014-2019
Lunch lectures Monitoring Safety & Security (EUR)	2014-2019
Junior meetings criminology department (EUR)	2014-2019
Studium Generale Erasmus (EUR)	2017
Dutch Society of Criminology (NVC)	2017
Symposium 'Profiling Dutch Outlaw Bikers and Dutch Outlaw biker clubs', University Leiden	2017
European Society of Criminology (ESC)	2019

### **Presentations given at (inter)national conferences**

Symposium 'Profiling Dutch Outlaw bikers and Dutch Outlaw biker clubs', Leiden.	2017
Dutch Society of Criminology (NVC), Leiden.	2017
Studium Generale Erasmus, Rotterdam.	2017
'Professionele ontmoeting', Stichting Juridische Samenwerking aan de Maas, Rotterdam.	2018
'Leergang overheden: De burgemeester als Crimefighter', Ten Holter/Noordam advocaten and Erasmus School of Law, Rotterdam.	2019
European Society of Criminology (ESC), Ghent.	2019

PHD PORTFOLIO

**Courses**

Teaching course on Problem Oriented Learning 2015  
Introduction in the use of Atlas.ti, Evers Research & Training 2016

**Teaching**

**2014-2018**

Criminal Law  
Introduction to Criminology  
Prevention and Punishment  
Criminological Research in Practice  
Society and Crime  
Supervision of master theses  
Guest lectures

**Publications during PhD**

Roks, R.A. & Ruitenburg, T. van (2018). Dutch gang talk: a reflection on the use of the gang label in The Netherlands. In: T. Kuldova & M. Sánchez-Jankowski (Eds.), *Outlaw Motorcycle clubs and street gangs. Scheming legality, resisting criminalization* (pp. 69-91). UK: Palgrave Macmillan.  
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De Graaf, P. (2017, 8 juni). Helse klus. *Volkskrant*, pp. 14-5 (newspaper interview) 2017  
RTL Nieuws, Editie NL (television interview) 2018  
BNR Nieuwsradio (radio interview) 2018  
BNR Nieuwsradio, 'Hemmen' (radio interview) 2018  
BNR Nieuwsradio, 'Spitsuur' (radio interview) 2019