Deprivation in the Netherlands & Criminal Assets Deprivation Bureau of the Public Prosecution Service
Legislation on Deprivation of illegally obtained advantages

Coming into force: 1 March 1993

– Extension of the possibilities to deprive
– Introduction of a separate deprivation procedure
– Introduction of a Criminal Financial Investigation
– Extension of the possibilities to precautionary seizure to secure the implementation of fines and deprivation measures
– Better possibilities to execute a deprivation measure
Formation of an organization for the implementation of the legislation on deprivation

1994: Central Advice- and Management Bureau for Seizure (CABB)

1996: Criminal Assets Deprivation Bureau of the Public Prosecution Service (BOOM)
Tasks (1)

• Assistance in prosecution of deprivation cases by members of the BOOM-adviceteam, including lawyers and auditors

• Assistance by help desk, reviews of case law and a news letter
Tasks (2)

• Management of precautionary seizure of capital assets

• Support of the Central Judicial Recovery Agency (CJIB) with regard to the execution of deprivation measures
Evaluation of legislation on deprivation (1)

1998: *Capital to deprive*

This evaluation has lead to the entrance into office of two public prosecutors, who were dealing with major deprivation cases.
Evaluation of legislation on deprivation (2)

2004: *Evaluation major deprivation cases*

- Small and medium-sized deprivation cases including the execution of these cases run reasonably
- Major deprivation cases:
  - Lack of expertise
  - Investigation in criminal and deprivation cases do not run parallel

**Consequence:** too little precautionary seizure and therefore too little execution
Development value of precautionary seizure

Waarde Conservatoir Beslag
per ultimo jaar (bedragen x € 1.000.000)

Bron: CEBES
Total amount of collection

Incasso ontnemingen
(bedragen x € 1.000)

Bron: JURIST
Recent tasks of the Criminal Assets Deprivation Bureau (BOOM)

- Prosecute most important deprivation cases
- Asset tracing
- Expertcenter = knowledgecenter
New organization

1 June 2006:

• Entrance into office of public prosecutors, public prosecutor’s assistants, administrative officers, asset tracers and analyst/documentalist

• Opening of branches in Zwolle, Amsterdam, Rotterdam and Den Bosch
Occupation in each branch

• Public prosecutor
• Assistant of the public prosecutor
• Administrative officers
• Advisors: auditor
civil advisor
international advisor
International cooperation concerning deprivation

2006: ‘Inventory of bottlenecks with international cooperation concerning deprivation of unlawful obtained advantage’

Conclusion:
The (inter)national legal instruments are adequate, but there are bottlenecks in the practical cooperation.
Bottlenecks (1)

1. Execution international deprivation cases:
   • Registration of requests for mutual legal assistance has shortcomings
   • Lack of a survey of the assets seized on requests of the Netherlands in foreign countries
   • Lack of arrangements on asset sharing
2. Lack of expertise in the field of international deprivation (requests on mutual legal assistance, precautionary seizure, asset sharing)

3. Small perception on results
Possible solutions

The results obtained by international cooperation concerning deprivation could improve by reinforcement of the national instruments.
Proposals with regard to the Netherlands (1)

1. Precautionary seizure
2. Asset sharing
3. Expertise
4. Policy plan
CARIN
The Camden Asset Recovery Inter-Agency Network

• An informal network of experts in the field of asset forfeiture.

• In September 2004 CARIN was officially launched at a seminar in The Hague.

• The Netherlands participates in the CARIN-network (member of the steering group).
The aim of CARIN is to increase the effectiveness of members’ efforts on a multi-agency basis, in depriving criminals of their illicit profits.

39 countries (member) and 6 International Organisations (observer)
International Contactpoint

- more and better international deprivation cases
- expert centre (best practises)
- = BOOM Nederland
Future (1)

- increasing effectiveness = more precautionary seizure
- different approach = not only criminal law
- define partues in struggle against crime
Future (2)

- Integration of handling deprivation cases in PPS = core business
- Focus on organized crime, financial crime and cybercrime
- BOOM = expert centre for deprivation of criminal assets
Future (3)

- new legislation
- reversal of the burden of proof
- more deprivation results!