

Effects of the civil ban on 'outlaw motorcycle gangs'

Summary in English

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Summary

In 2012, the Dutch government launched a nationwide approach against 'outlaw motorcycle gangs' (OMGs), a 'broad offensive' in which various public authorities used administrative, fiscal, criminal and civil law measures to raise barriers against OMGs and their members. As part of this approach, the Public Prosecution Service in 2014 prepared a civil case to ban and dissolve Bandidos MC by the civil court (art. 2:20 paragraph 1 of the Civil Code). In 2017, this led to the first civil ban of an OMG in the Netherlands, after which several other OMGs were also banned and dissolved, such as No Surrender MC, Satudarah MC, Hells Angels MC Holland, Caloh Wagoh Main Triad MC and Hardliners MC.

This study, conducted by the Netherlands Institute for the Study of Crime and Law Enforcement (NSCR), Vrije Universiteit Amsterdam (VU) and Erasmus University Rotterdam (EUR), examines the intended and unintended effects of the civil ban of OMGs with regard to the (criminal) activities of the clubs and the individual members. The study was commissioned by the WODC (Research and Data Centre) at the request of the Directorate-General for Subversive Crime of the Ministry of Justice and Security and the Public Prosecution Service. The study focused on the following research questions:

1. What is the policy theory of the civil ban of OMGs in the Netherlands?
 - What effects were expected from the civil ban?
 - On what basis were these potential effects expected?
 - In what ways, according to the policy theory, can these effects be achieved?
2. What are the intended and unintended (side) effects of the civil ban on the organization and club activities of (banned) OMGs, regarding:
 - The presence and visibility of OMGs in public areas and elsewhere? (*including the establishment of clubhouses, public presence in hospitality venues, ride-outs, events, and funerals of OMG members*)
 - The recruitment of new members?
 - The outflow of current members?
 - The transfer of members of banned OMGs to non-banned OMGs, newly formed OMGs or 'brotherhoods'?
3. What intended and unintended (side) effects does the civil ban have on the (continuation of) criminal activities of (former) members of banned and non-banned OMGs, regarding:
 - Activities in public areas and hospitality venues within the Netherlands or in/from abroad?

- The (threat of) committing acts of violence in public areas and hospitality venues in the Netherlands or abroad?
 - Potential adaptations in *modus operandi*, the nature or location of the offence (e.g., displacement to foreign countries), and in behavioral patterns or outward appearance (e.g., refraining from wearing OMG-related tattoos or clothing)
4. What recommendations can be made - based on the answers to the above questions - regarding the approach to OMGs from a broad, integrated (policy) perspective?

Research methods

This evaluation study departs from the idea that the civil ban as an instrument to halt OMGs is embedded in a broader policy context. Prior to the recent civil bans, various public authorities had already acted against OMGs by employing other measures, such as prosecuting individual members under criminal law, closing clubhouses, and confiscating club clothing or *colours*. The multimodal nature of the approach against OMGs hinders the isolation and measurement of the sole effects of the civil ban of OMGs. The aim of this study is not only to determine 'what works' (i.e., whether the intervention is effective), but also to reflect on how the intervention has produced the observed outcomes and under which conditions—an approach commonly referred to as 'realist evaluation'. To this end, the study focuses on articulating and testing the assumed mechanisms and contextual factors underlying the policy intervention (i.e., the policy theory). The policy theory of the civil ban is tested using both quantitative and qualitative research methods.

The qualitative research data consists of (internal) policy documents, case law and 23 interviews with a total of 29 respondents employed by various public authorities, such as the National Police, Regional Information and Expertise Centres (RIECs), the Public Prosecution Service, and the local governments of Haarlem, Tilburg, Enschede and Sittard-Geleen. To also incorporate the perspective of OMG members, the study draws on insights from a separate research project in which 24 members of Dutch Hells Angels MC were interviewed. Three of the authors of the present report have previously published two peer-reviewed articles based on these interviews (Van Deuren et al., 2024; Van Ruitenburg et al., 2024).

The starting point of the quantitative analyses is formed by data collected specifically for this study by the OMG Intelligence Unit of the Dutch Police. The sample used in this study consists of 4,780 men who were registered as members of a Dutch OMG by the National Police at any time between 2014 and 2023. Information on the criminal past of the individual members was obtained from the Judicial Documentation System (JDS), and detention data were provided by the Custodial Institutions Agency.

A sample of male motorcycle owners who were not known to the police as members of a Dutch OMG at any time between 2014 and 2023 was used as a comparison group.

Finally, police data on the criminal cooperation between OMG members was analyzed. For each of the 4,780 OMG members in the sample, police registrations were retrieved that related to criminal cases in which at least one OMG member was identified as a prime suspect. This data includes information about who was registered as a suspect, and if so, how often and for what type of offence, and the starting date of the police investigation. To obtain the most reliable estimate of the criminal network of Dutch OMG members *prior* to the civil bans, the network was constructed for each 36-month period falling between 24 April 2014 (start of the observation period) and 23 April 2020 (date of the first civil ban). The criminal network *after* the civil bans is based on all criminal cases that were registered by the police in the 36 months between 25 April 2020 and 24 April 2023.

Limitations of the data and methods

It is important to acknowledge several limitations of the data and methods used in this study. First, the qualitative part of this study is based on interviews with a limited number of respondents spread over four municipalities. Second, the study relies heavily on administrative data registered by police and judicial authorities. This includes both the sampling of OMG members and the data used to map the criminal behavior of OMG members and the comparison group. It is likely that not all members of Dutch OMGs have been registered as such by the police and selectivity in who is (not) recorded may have resulted in a biased dataset. A second limitation of using register data is that it only captures criminal activity known to the police, and therefore inevitably underestimate the actual prevalence of crime.

When analyzing trends in registered crime data over time, it is also possible that the registering agency (i.e. the police) underwent changes in priorities, available resources, or registration procedures during the observation period. Consequently, observed trends may partly reflect shifts in institutional behavior rather than actual changes in the behavior of the individuals concerned.

Finally, it is important to note that the period preceding the civil bans (2016–2022) overlaps with the implementation of a multimodal approach targeting OMG members and OMG-related crime. Therefore, it is not possible to isolate the effects of the civil ban and so the quantitative analysis estimates the effects of civil bans in addition to the effects of the integrated approach.

What is the policy theory of the civil ban on OMGs in the Netherlands?

Since 2012, a nationwide approach has been in place, structured around the following eight focal points: prioritizing criminal prosecution of OMG-members; targeting clubhouses; combating the

influence of OMGs within the hospitality sector, private security firms, and core groups of football supporters; stop facilitating OMG-related events; addressing so-called “windhoppers” (individuals with limited legitimate income yet conspicuously luxurious lifestyles); and the focus on OMG-affiliated individuals employed in public service. In the context of various criminal investigations, the Public Prosecution Service has remained vigilant for information that could be relevant to ban and dissolve an OMG under Article 2:20 of the Dutch Civil Code. The policy rationale underlying this civil ban—as articulated in official policy documents and expressed during interviews with personnel working for the Public Prosecution Service—comprises three interrelated aims: a normative, instrumental, and facilitative aim, each supported by corresponding mechanisms.

First, banning OMGs has a normative aim, i.e. to convey the message that the Dutch government does not tolerate organizations that endanger the safety of citizens. This message is partly rooted in what public authorities describe as the 'apparent untouchability' of OMGs, for example when it comes to (not) having necessary permits to operate a clubhouse, as well as their involvement in serious criminal activities. The ban is assumed to reinforce the rule of law by demonstrating that society does not accept organizations that place themselves above the law. Second, the civil ban has an instrumental aim, aimed at disrupting the organizational capacity of (banned) OMGs to prevent criminal activity. The underlying assumption is that a ban, along with the associated dissolution of the organization, makes it more difficult for individuals to participate in club-related activities and criminal enterprises. More specifically, removing the opportunity for members to physically meet is expected to hinder their ability to plan and execute organized crimes, such as drug trafficking or group intimidation of citizens. Third, the civil ban has a facilitative aim, intended to support the wider integrated approach to OMGs. The Dutch strategy against OMGs consists of a combination of criminal and administrative measures, and while it is acknowledged that a ban alone cannot resolve all issues related to the targeted OMG, there is a strong belief among public authorities that a ban enables more effective action against the activities of (banned) OMGs.

What intended and unintended (side) effects does the civil ban have on the organization and club activities of OMGs?

Fewer (visible) club activities

The analysis of policy documents and interviews show that members of OMGs currently engage in fewer club-related activities—such as public events or large-scale ride-outs—compared to the initial years following 2012. Members also appear to gather less frequently in clubhouses or in the hospitality sector, such as in cafes. However, this decline can be explained by various (administrative) measures prior to the civil bans, which were designed specifically to hinder such activities. Annual progress

reports by the National Information and Expertise Centre, for example, indicate that since 2012 dozens of clubhouses have been closed and other club-related activities have been prevented. Although precise numbers are lacking, the analyzed documents suggest that OMGs became less visible in the public domain. Interviews with members of Hells Angels MC further illustrate that, even before the ban of Hells Angels MC Holland, members responded to the approach in various ways. Some appeared to comply with the measures, such as refraining from publicly wearing their *colours*—an outcome that may be interpreted as an intended effect of the approach. Due to the multimodal nature of this approach, however, it remains unclear to what extent the reduced club activities are a direct consequence of the civil ban. It is more likely that the recent bans have reinforced a trend that was already underway.

Displacement and continuation

Despite a decline in club-related activities of banned OMGs, respondents have reported events in which individual members continue to present themselves as members of an OMG, for example, by wearing alternative clothing in colors associated with the banned OMG. Gatherings also occur in settings where local governments or other authorities have less legal opportunities to intervene, such as funerals or meetings held at a member's private residence. Interviews with members of Hells Angels MC indeed reveal that some individuals adapt their behavior and continue to seek ways to meet with other members. Although examples are scarce, the displacement of club activities to more private and less visible venues may be interpreted as an unintended consequence of the civil ban.

Due to the longstanding personal relationships among members of organizations such as Hells Angels MC, there is often little to no distinction between club life and social life. As a result, members continue to seek each other out, which—according to several respondents—makes it difficult, at least at the time of the interviews, to determine when such interactions constitute criminal continuation under Article 140 paragraph 2 of the Dutch Criminal Code. Case law indicates that some of these activities may, under specific circumstances, be subject to criminal prosecution. Notably, recent rulings of the Dutch Supreme Court suggest a shift in the interpretation of the law: whereas Article 140 paragraph 2 of the Criminal Code was previously interpreted narrowly, the 'continuation of activities' now appears to be interpreted more broadly. For instance, even wearing clothing associated with a chapter that is not itself banned may, under certain conditions, be considered an act that contributes to the continued existence of the banned organization, which is a criminal offense.

Limited information

While the analysis of policy documents and interviews proved valuable in understanding the broader policy context, the findings of this part of the study also warrant some critical reflections. Several

respondents indicated that they, at the time of the interviews, had limited access to information regarding club activities of OMGs. This can be partly explained by the fact that members have become less active and, consequently, less visible. Also, according to the respondents the phenomenon has received less national priority since the bans were enacted. Respondents observed that the recent civil bans are perceived by public authorities as the natural ending of years of nationwide efforts to fight OMGs, resulting in a declining sense of urgency to closely monitor OMGs. This reduced prioritization has manifested in the disbandment or downsizing of regional and national OMG intelligence units within the police, which now consist of only one or a few police officers. Consequently, respondents working for municipal departments for public order and security—as well as the interviewed police officers abroad—report that less information is available on the phenomenon in the Netherlands. For instance, maintaining OMG membership lists up to date has become increasingly difficult. The limited information on OMGs and the declining number of club activities appear to be interrelated. As OMG members became less visible in the public domain due to the integrated approach, local authorities may feel less urgency to remain attentive to OMGs. This diminished attention, in turn, affects the capacity to register club activities to begin with. Although there is evidence of fewer OMG-related club activities, the information base supporting this conclusion thus may be incomplete.

Recruitment and outflow of OMG members: fragmentation and a new generation of OMGs

The integrated approach to OMGs was partly aimed at curbing the popularity of the subculture and limiting both the number and size of OMGs established in the Netherlands. Despite these efforts, the number of OMG members increased from 1,000 in 2014 to 2,500 in 2020. Following the series of civil bans since 2020, the number of OMG members have begun to decline. Nevertheless, the total number of members in 2023 (1,815) remains higher than in 2014 (1,000). Recent civil bans appear to have contributed to a significant fragmentation of the Dutch OMG landscape. In 2014, 80 percent of the total Dutch OMG population consisted of members of banned OMGs. By 2023, this proportion dropped to approximately 54 percent. Notably, the number of members of banned OMGs tends to decline following a civil ban. An exception to this trend is Bandidos MC, whose number of chapters and members has slightly increased in the years following its definitive prohibition by the Supreme Court. Membership of non-banned OMGs rose from 208 in 2014 to 578 in 2017, an increase of 178 percent. Although this number declined to 319 members by 2023, it remains higher than in 2014.

In contrast to the recent decline in membership among both banned and non-banned OMGs, the Dutch OMG landscape has witnessed the emergence of new OMGs. These new OMGs entered the scene in 2020, already comprising 420 members—a figure that rose to over 500 by 2023. The largest among these new groups include Supremos MC, Originals MC, and Kings Syndicate MC. The peak in the number of OMG members observed in 2020 can be largely attributed to the rise of these new clubs.

Although some respondents expressed the belief that OMG membership has become less attractive due to the civil bans, the data thus indicate that joining an OMG remains appealing to a substantial group of (new) individuals. While OMG members appear to switch clubs more frequently than commonly assumed, it is noteworthy that most members in these new OMGs had not previously been registered by police as members of any Dutch OMG. The fragmentation and the emergence of a new generation of OMGs in the Netherlands may be interpreted as an unintended consequence of the civil bans.

Selectivity recruitment and outflow of OMG members

To examine the extent of selectivity in both recruitment and outflow processes in the years following the civil bans, the early criminal careers of new and quitting members of banned, non-banned, and newly established OMGs in the Netherlands were analyzed. In this study, *starting* members are defined as individuals who, in the three years prior to their registration, had not yet been recorded by police as members of a Dutch OMG. *Quitting members* are those who, in the three years following their last registration, were no longer recorded as OMG members. The analysis focuses on criminal activities prior to the age of 25, because criminological research indicates that early onset of criminal behavior is associated with a higher chance of criminal behavior, which reflects in more frequent offending and prolonged criminal engagement.

To what extent are criminally inclined individuals disproportionately represented among *starting* OMG members? Findings show that starting members of both banned and non-banned OMGs were, on average, more frequently convicted during their youth than current members of the same clubs. In addition to the selective influx of criminally predisposed individuals into banned OMGs, there also appears to be a selective outflow: members with an extensive juvenile criminal career were more likely to leave the club following a civil ban. A similar, albeit less clear, pattern is observed among non-banned OMGs. In sum, although newly recruited members tend to exhibit higher levels of criminal involvement than current members, criminally active individuals also exit the clubs at a disproportionately high rate. As a result, the overall composition of the OMG population in terms of criminal involvement has remained stable throughout the years surrounding the civil bans.

What intended and unintended (side) effects does the civil ban have on the (continuation of) criminal activities of (former) members of banned and unbanned OMGs?

Frequency of offences committed by current OMG members

In addition to examining changes and selectivity in the recruitment and outflow of OMG members, this study also studied the potential impact of civil bans on the criminal behavior of current members.

Current members are defined as individuals who were registered as OMG members both in the year under review and the preceding year. To assess the possible effects of the civil ban on the criminal behavior of these members, the analysis draws on a sample of OMG members in the Netherlands—distinguishing between members of banned and non-banned OMGs—and includes a comparison group of 24,907 male motorcycle owners who were not registered by police as members of any Dutch OMG.

When controlling for differences in average criminal propensity between the two groups, the results indicate that the implementation of the civil ban did not lead to a direct change in the frequency of offenses committed by current members of banned OMGs. This finding applies to overall criminal involvement as well as to organized crime, violent offenses, and traffic-related violations.

As stressed, the civil bans were not standalone measures but part of a broader integrated approach. Accordingly, the current analyses estimate the effect of the civil bans in addition to that of the integrated approach. Comparing members of banned OMGs with the comparison group of male motorcycle owners is particularly relevant, as the latter—unlike members of non-banned OMGs—were *not* subject to the integrated approach. After controlling for differences in juvenile criminal propensity between current members of banned OMGs and the comparison group, the development of registered criminal behavior among banned club members between 2016 and 2020 does not significantly differ from that of the comparison group. This suggests that, even prior to the civil bans, the integrated approach had no substantial effect on the criminal behavior of the current members of banned OMG.

Criminal relations between OMG members

Police data indicate that in the period following the civil bans, there has been a decline in the number of criminal cases involving two or more suspects in which at least one OMG member is involved. In cases where OMG members co-offend, they tend to do so with, on average, a greater number of co-suspects—a trend that seems largely driven by a small set of large criminal cases recorded in 2021. Notably, these co-suspects increasingly consist of individuals outside OMGs. Compared to the co-offending networks observed prior to the civil bans, the post-ban network appears more fragmented: the co-offending networks now resemble isolated ‘islands’ of suspects linked through single criminal events.

These findings suggest that the civil bans may have limited the ability of OMG members to engage in crimes collectively with other members. In cases where co-offending remains strategic or desirable, OMG members now more frequently seek partnerships outside the OMG community. This shift seems

to have negative implications for the people involved, meaning that there is a need to involve a larger number of non-OMG co-offenders in criminal activities than before.

It is important to stress that the above analysis is based on police registration data. Such data inherently reflects operational priorities, case selection, and resource allocation. Therefore, there might be a registration effect in play: It is possible that after the bans, law enforcement agencies redirected attention toward other pressing social concerns—resulting in less priority to minor cases involving OMG members. This might help to explain both the increased share of non-OMG co-suspects and the decline in recorded co-offending among members. Additional analysis indeed reveals a shift in the nature of criminal cases involving OMG members following the bans. That is, the proportion of drug-related offences rose significantly in the three years after the civil bans. Unlike cases involving extortion, which typically involve a smaller group of suspects, drug cases often involve a larger number of suspects. Also, OMG members appear to collaborate more frequently with non-OMG individuals in drug-related offences compared to crimes such as extortion.

Conclusion: the effects of the civil ban on outlaw motorcycle gangs

The answers to the research questions lead to the following overarching conclusion. The first, *normative* aim of the civil ban of OMGs was to set the (legal) boundaries of society. Given that several OMGs have been irrevocably banned and dissolved, it can be argued that this aim has been achieved with respect to the banned organizations. These bans have also facilitated criminal prosecution in recent years, as it became easier for the Public Prosecution Service to prosecute individual members for wearing club insignia of a banned OMG, something that was difficult, if not legally impossible before. In doing so, the civil ban not only reinforces its normative aim but also contributes to its *facilitative* aim, namely supporting the broader integrated and national approach.

Another central question in this study was whether the civil ban has affected the (criminal) behavior of OMG members, i.e. its *instrumental* aim. Members of banned OMGs have found it more difficult to engage in club-related activities and have become less visible in the public domain. This aligns with observations that members of Hells Angels MC, in some cases, have adapted their behavior in response to policy measures. Nevertheless, there are occasions when the ban did not produce the intended instrumental effect. In some cases, members of banned OMGs have adjusted their behavior in ways that allow club activities to continue, at least partially. Although the civil ban appears to have been effective in curbing visible club activities, it is important to note that governmental prioritization of the OMG phenomenon has declined in recent years, which resulted in less reliable information about the activities of OMG's among public authorities to begin with.

Nonetheless, police records show an increase in the number of registered OMG members between 2014 and 2023. Although the integrated approach aimed to reduce the popularity of OMGs, the subculture—measured by the number of clubs, chapters, and members—remains popular. In fact, the total number of registered members nearly doubled between 2014 and 2023. The rise in membership and the emergence of new OMGs since 2020 have not, however, led to a widespread criminalization of the Dutch OMG scene. That is to say, members of new OMGs do not appear to have been convicted more frequently during their youth than current members of banned clubs.

Finally, with respect to the instrumental aim of a civil ban, the study finds no clear evidence that the civil ban has influenced the frequency of criminal behavior among OMG members subject to a ban. The findings do suggest that the civil bans made it more difficult for OMG members to commit offenses in collaboration with other OMG members. In cases where co-offending remains desirable, OMG members increasingly seek criminal partners outside the OMG population and tend to involve a larger number of co-suspects.

Recommendations

The findings of this study raise the dilemma whether and how the current approach of OMGs should be continued within the dynamic and increasingly fragmented landscape of emerging OMGs and their members. Initially, the national approach was initiated with a highly specific focus, targeting a well-defined OMG landscape. At the time, the label ‘outlaw motorcycle gang’ was far from neutral; the combination of ‘outlaw’ and ‘gang’ evoked strong associations with the presumed criminal nature of these organizations. Academic research has since demonstrated that the role and influence of formal club structures in criminal activities are more nuanced than this general label suggests. On the other hand, the original integrated approach was deliberately focused on the most threatening OMGs. Today, OMG subculture has changed, marked by significant fragmentation. This raises the question: should this broader spectrum of OMGs be addressed with the same approach, resulting in extensive resource allocation, and without the targeted focus that characterized the initial approach? Or should individual members be prioritized based on their criminal conduct and assessed through the standard prioritization mechanisms of police and Public Prosecution Service? On the one hand, the integrated and national approach to OMGs started relatively late, allowing certain clubs to grow and cultivate a reputation of invulnerability, for example, by operating clubhouses without the necessary permits. On the other hand, the results of the approach now offer momentum to reconsider whether the nature and scale of this approach are still proportionate to today’s problems and fragmentation of OMG’s.



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