PUBLIC TENDERS AND ANTIMAFIA LEGISLATION

D.I.A. ROLE

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Criminal organizations modus operandi

Criminal activities

Massive accumulation of financial resources

Reinvestment into legal economy through secure channels
MODUS OPERANDI

CRIMINAL ACTIVITIES

GATHERING OF HUGE AMOUNTS OF FINANCIAL RESOURCES

REINVESTMENT IN LEGAL ECONOMY THROUGH SAFE CHANNELS

NEEDS

- make safe the illegal profits
- make the investment invisible
Criminal Organizations Modus Operandi

Sheltering Illicit Profits to Hide Reinvestments
ORGANIZED CRIME WAS ABLE TO INFILTRATE IN LEGAL ECONOMY FOCUSING ITS INTERESTS IN PUBLIC TENDERS
TO COMBACT THE INFILTRATIONS IN LEGAL ECONOMY, ITALIAN GOVERNMENT CREATED

**CAPACI**

Creating Automated Procedures Against Criminal Infiltration in Public Contracts

**Why?**

Possibility for criminal organizations to invest in these business sectors available huge capitals to be laundered, thus taking advantage of the «financial suffering of competitors», or to intercept public funding.
How did it work?

It was based on the previous experimentation of a financial monitoring system (2009-2011), of which it was an improvement, and was provided with the European Commission financial support.

Among the system results, the following was foreseen:

- a database containing information about individual transactions and reports on the payment situation;
- an alert/warning system to notify unusual or anomalous behaviour;
- dissemination to other EU countries.
Beyond CAPACI

MGO system

aims to hinder mafia infiltration and money laundering activities in the construction of public works of significant national interest

To this end, the so-called "personal data" (ie the list of companies participating in the individual works) and all information relating to the financial flows between these companies flow into a special database at DIPE.
The MGO system is based on two fundamental principles

Each company must have one or more current accounts "exclusively dedicated" to the work, uniquely identified by the CUP (1 CUP ↔ 1 / n current accounts exclusively dedicated)

Only payments made with bank transfers, characterized by a specific string, are possible (except in a few limited cases)
PREVENTIVE ACTIVITIES

MONITORING AIMED AT PREVENTING and FIGHTING THE ATTEMPTS OF MAFIA INFILTRATION INTO PUBLIC TENDERS
Interministerial Decree dated 14 marzo 2003
issued in agreement with the Ministers of Interior, Justice and Infrastructures

- Identifies a monitoring network formed by depositaries of information deemed important, thus to interconnect data in order to have an overall vision

- The Comitato di Coordinamento per l’Alta Sorveglianza delle Grandi Opere (Coordinating Committee for the surveillance of great works) is set up and its functions are defined

- Creates so-called G.I.A. (Antimafia Multidepartmental Groups) at the Governmental Territorial Offices, which work together with DIA, having at interprovincial level a coordinating task. The decree further assigns to DIA the task of monitoring strategic great works
The monitoring activity

Competences

at central level

Multidepartmental Groups
Set up within the office of the Prefects

at peripheral level
Directive of Ministry of Interior, dated 6 August 2015, on “Circularity of information, as to the fight against o.c.”

In this framework, the Directive states:

**THE KEY ROLE** of D.I.A. both in criminal investigations sector and in preventive activities

**THE CENTRAL ROLE** of D.I.A.
Requiring the need to ensure a complete circularity of information.
At the Direzione Investigativa Antimafia

Central Observatory on Tenders

Having the task of

- maintaining a continuous liaison with the multidepartmental Groups at the Government Territorial Offices
- collecting data and information obtained directly on the construction sites that could potentially generate specific intelligence and investigative activities
- sending to the Governmental Territorial Offices, through DIA’s peripheral structures, the results of the analysis conducted in order to adopt, if necessary, adequate measures within their competence
Prevention of mafia infiltration into public tenders

Countering structure (D.M. 14/03/2003)...

O.C.A.P.
CENTRAL OBSERVATORY FOR PUBLIC TENDERS

**TASKS**

**Maintain** a constant connection with the Interforce Groups set up at U.T.G. (Government territorial Offices)

**Guarantee** the link between the activities of the Interforce Groups in case of works carried out in several provinces

**Acquire** information able to give rise to specific information and investigation activities

**send** to field offices the analysis results to be deeply studied at local level and the subsequent developments by GI (Interforce Groups).

**manage** S.I.R.A.C.

**provide** contribution as to legislative proposals and/or directives as well as assessments on legality Protocols currently being conducted

**Participation** to groups or working tables on the subjects of interest
Inter-agencies Group

Tasks

- Selecting targets
- Organizes the access to sites
- Collecting and processing of data and information
- Entering data into computer system of DIA's Central Observatory on public tenders

Composition

{ U.T.G. Senior Official coordinates

CC Officer

P.S. Officer

G. di F. Officer

Field Officer Officer

Senior Official from Public Works Office

Senior Official from Department of Labour

...
PROCEDURE SCREENING
Activity of Inter-agencies Groups

...through checks on sites.

- Ordered by Prefect
  *(preceded by a careful preparation phase aimed at creating the best conditions for a safe and effective operation.)*

- Carried out by local Police Forces;
  *(with help of qualified technical bodies as A.S.L. – Local Health Authority -, Department of Labour, etc.)*

- Carried out focusing on the element of “surprise”.
  *(in order to avoid contamination and alteration of elements to detect)*
PROCEDURE

Formed by succeeding steps through different data-base checks and integrated by the results emerging from on-site access.

Identifying data of subcontracting enterprises

Supply of services and products

Personal data of workers and anyone, for any reason, present on site, as well as control of the presence at work of all those registered on “payroll”

Personal data of employees – security services, with earthworks, ancillary services, such as, canteen, laundry and workers’ transport;

Type and plate number of vehicles in use at the site and identification of mechanical equipment for the ongoing works, in order to identify the owners and/or their administrators (hot or cold freight);

Compliance with occupational safety provisions and those relating to social security;

Any information deemed useful to identification or links with organized crime.
• Just a careful evaluation and analysis of the findings obtained through access to sites can, sometimes, to undertake criminal investigations aimed at the request or application of preventive measures under the anti-mafia legislation

• From this point of view, therefore, a typical administrative activity, not bound by relations with the judicial authorities can determine the largest investigative developments, with the consequent use of the most penetrating powers of investigation.
On-site access

...after:

- Data collected on construction sites, relating to individuals, enterprises and vehicles therein, are entered into a computer system specifically created by the DIA (named: SIRAC) for purposes of statistical and historical analysis.

- Where, as a result of investigative activities mafia infiltration attempts are confirmed, the Governmental Territorial Office (Prefect) issues a preemptive measure, in consequence of which the suspect company must or may, in relation to what said at the end of paragraph 2, be excluded from work.
Antimafia Multidepartmental Groups

Data Base

Sistema Informatico Rilevazione Accessi ai Cantieri
Directive of Ministry of Interior, dated 6 August 2015, on “Circularity of information, as to the fight against o.c.”

...moreover, the Directive:

- Highlights the **specific task conferred to OCAP** (maintain a steady connection with the Interdepartmental Groups of Prefetture) and the **need that the Government Territorial Offices timely update SIRAC**

- **In conclusion, it provides**:
  - Boost the **activities to access the working sites** and simultaneous **feed the SIRAC**
  - Systematic and timely **communication to OCAP of** antimafia **interdictory sanction**
  - **Circularity of information flow between Law Enforcement Agencies and DIA**
The mission…

Strategic objective

“…Fight against organized crime by attacking its illicit assets with special regard to control activities over public tenders…”

Operational objective

- Monitoring of the companies engaged in the execution of public works that could be vulnerable to mafia infiltration
- Traceability of financial flows
- Collection of data useful for further action by competent bodies
PROCEDURE
SCREENING
SCREENING...
...companies in order to check possible risks of infiltration, towards:

- Identification of all legal transactions
- Detection of all amounts owed for taxes
- Check of police’s databases
SCREENING...

PHASE 1

(mandatory for companies)

MUST

Open an «exclusive» tender dedicated bank account

Use the account for all financial operations related to each single public work
Screening...

**Phase 2 (analysis)**

- Monitored enterprises
- Contracting Authority
- Financial institutions CBI
- Focal point CBI node
- Suppliers Identity Records
- Financial Flows
- DIPE

Banking data to CBI (Italian Bank Consortium) Focal Point
Analysed by dedicated software M.G.O.
Possibile alert production
SCREENING...

PHASE 3
(alert check)

Control on public expenditure

Investigation activity
Preventive – administrative

Aimed at preventing mafia infiltration throughout banning infiltrated companies from public tenders

Judicial

Aimed at prosecuting crimes (money laundering, corruption etc)
Antimafia Certificate

Communication

Certifies the presence or absence of an antimafia preventive measure or a conviction for specific mafia-style offences.

Information

Certifies, besides what is provided for communication, also the presence of possible attempts of mafia infiltration.
Antimafia Certificate

How long does it last...

The communication can be used for a period of six months from the release date by Prefettura – U.T.G. (Government Territorial Office) and/or other subjects. The antimafia information instead, will be valid for twelve months from the acquisition date.

Who requests it …

- Public Administrations and Public Entities;
- Entities and State controlled companies;
- Holders of public works concessions.

Cases of exclusion...

- In the relations between public subjects;
- For private subjects to be verified of compliance with integrity requirements;
- for contracts and disbursements with overall value not exceeding € 150,000,00;
- for contracts and disbursements in favour of subjects carrying out agricultural or professional activities non organised as company, or craft activities in individual form;
- For issuing or renewing police authorizations falling within the jurisdiction of public security authority.
The Prefect disclosure

Types:

- **Interdictory**
  Existence of possible attempts of mafia infiltration aiming at conditioning choices and trends of the relevant companies.

- **Release**
  No contraindications
ANTIMAFIA INVESTIGATION DEPARTMENT
Central Observatory for public tenders

Data processing and transmission
(added value to information: Monitoring)

INTERFORCE GROUP
Identify objectives on the territory

Prefect for provisions within the jurisdiction

INTERFORCE GROUP
Gathers and analyses data provided on standard models and send them to UTG

Assessment to Judicial Police aims

Access to working sites By Police Forces

Possible development of Criminal police

Data entry into S.I.R.A.C. by Government Territorial Offices (UTG)
I hope I haven't bored you too much

Thanks for the attention