Transnational Policing in Europe

Ben Bowling
Acting Dean,
Dickson Poon School of Law
King’s College London
CEPOL Conference
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‘People always say technology has made the world smaller,’ Hökberg said. “I think that’s debatable. But the fact that it’s made my world bigger is beyond dispute. From this flimsy townhouse at the edge of Ystad, I can reach all the markets in the whole world, I can connect to betting centres in London to Rome I can buy options on the Hong Kong market and sell American dollars in Jakarta.’
TRANSNATIONAL FINANCIAL INTERACTIONS
GLOBALISATION AND THE CYBERWORLD
GLOBALISATION AND TRANSPORTATION
Globalisation

- ‘…processes through which sovereign national states are criss-crossed and undermined by transnational actors with varying prospects of power, orientations, identities and networks…’

- Beck, 2000: 11

- ‘…globalisation is best understood as expressing fundamental aspects of time-space distanciation. Globalisation concerns the intersection of presence and absence, the interlacing of social events and social relations “at distance” with local contextualities.’

- Giddens, 1991: 21
‘any form of order maintenance, law enforcement, peace-keeping, crime investigation, intelligence sharing or other form of policework that transcends or traverses national boundaries’
  - Bowling and Sheptycki, 2015a: xxvi

‘….policing is no longer a set of practices embedded in the sovereign nation-state, but rather has become transnationalised and greatly differentiated’
  - Sheptycki, 2002: 323
POLISH POLICE OFFICERS IN ESSEX

15 September 2016

http://www.bbc.co.uk/news/uk-england-essex-37374579
Italy seeks to reassure Asian tourists with imported Chinese police

Government hopes patrols by Chinese officers in Rome and Milan will help wealthy visitors feel 'more protected'

4 May 2016

https://www.theguardian.com/world/2016/may/04/chinese-police-patrols-rome-collaboration-italy
35 foreign police agents at London’s 1851 Great Exhibition from Berlin, Brussels, Paris, Vienna and New York
Supranational & Intergovernmental

- Different sense of territorial sovereignty
- Willingness to give up competences
- ‘…remarkable persistence of nationality…in international police work’
  Deflem, 2006a: 339

Informal & Formal

- Issues of Transparency & Accountability
‘… policy field far removed from supranational politics…’

(den Boer, 2014:11)
ZOOMING IN ON
FORMALISED POLICE
COOPERATION
1. EU level legislation

A) Information Exchange

B) Operational Cooperation

C) Supporting action: Training, Funding, Research and Innovation

- Concrete examples
  - ‘Europol Convention’ 1999 replaced by Council decision 2010
  - 2000 EU Convention on Mutual Assistance in Criminal Matters → set up JITs

“Formalisation” of police cooperation (Hufnagel, 2014)
2. Between Member States and with third States

- Ad-hoc basis, bilateral or multilateral

- Examples of regional strategies
  - 1962 Benelux Treaty on Extradition and Mutual Legal Assistance in Criminal Matters
  - 1969 NebedeagPol (The Netherlands, Belgium and Germany)
  - 2001 Tournai agreement: aspects on police & customs affairs in the Lille Eurodistrict
  - Spanish-Moroccan Working Group
EU Police Cooperation Landscape

A) information exchange
- proposals for EU legislation such as the EU PNR
- Schengen Information System (SIS) or Visa Information System (VIS)
- common European Information Exchange Model (EIXM)
- f. ex: Prüm Decision, Swedish Initiative

B) operational cooperation
- EU Policy Cycle for serious and organised crime
- cooperation on specific operations like joint investigations against cross-border crime

C) Funding, training, and research and innovation
- specialised EU agencies such as Europol and Cepol
A) Information Exchange

- European Information Exchange Model (EIXM)
- Passenger Name Record (PNR)
- Data Retention Directive

- Prüm Council Decision (2008/615/JHA)
- Swedish Initiative (2006/960/JHA)
B) Operational Cooperation

EU Policy Cycle for serious and organised crime

methodology for an intelligence-led approach to internal security, based on threat assessments performed by Europol

EU specialised agencies

Europol, Cepol, Frontex, EU-Lisa, EMCDDA, EASO, and Eurojust

Joint Investigation Teams (JITs)

set up by two or more EU MS, possible support from seconded members from other EU MS; Europol, Eurojust and OLAF

Cooperation between specialised intervention units

coordination in times of crisis situation: direct physical threat to persons, property, infrastructure or institutions, in particular hostage taking, hijacking

Networks of national specialised units

ex: money laundering: cooperation between national Financial Intelligence Units (FIUs) and national Asset Recovery Offices (AROs)

Police and Customs Cooperation Centres

exchange experience and best practices
C) Supporting action: training, funding, research and innovation

- Training
  - European police college CEPOL
- Funding
  - Internal Security Fund (ISF)
- Research and innovation
  - Horizon 2020 is the EU Research and Innovation programme - section on Security research and Innovation
A PATCHWORK QUILT OF SUB-REGIONAL STRUCTURES

1962 Benelux Treaty on Extradition and Mutual Legal Assistance in Criminal Matters

1969 NebedeagPol

1962 Benelux Treaty on Extradition and Mutual Legal Assistance in Criminal Matters

Netherlands

Belgium

Luxembourg

Netherlands

Belgium

Luxembourg

Belgium

Belgium

France

Belgium

France

Tournai Agreement 2001

France

Belgium

Belgium

Germany

Joint Hit Team
INTERNATIONAL LIAISON OFFICERS
INTERNATIONAL LIAISON OFFICERS

- resident overseas
- access to
  - local policing systems
  - technical surveillance
  - Informants
  - intelligence network
- bilateral
- multilateral
INTERNATIONAL LIAISON OFFICERS

- Agents through whom confidential information can be passed without recourse to a paper trail
- Human contact exchange
- Strictly speaking non-operational
“it recognises that a lot of intelligence flow is very informal and that by having somebody actually one the spot assisting with that process is far more efficient than relying on people telephoning each other.”
LIAISON OFFICERS

- US FBI - 340
- US DEA – 78 offices in 58 countries
- US Treasury Department, State Department, Bureau of Alcohol Tobacco and Firearms (ATF) Federal Marshals Service all have overseas posts
- UK - 140.
- French Police Nationale, Police Judiciare and Gendarmerie - 130
- Germany – 66 BKA officers in 50 countries
- Royal Canadian Mounted Police (RCMP) 35
- Australian Federal Police 80 liaison officers in 27 countries
ILOS AND OPERATIONAL PRACTICE

- No *enforcement* powers
- But, police ‘powers’ to…
  - Collect intelligence and exchange intelligence
  - Support investigation
  - Build capacity through funding
  - Shape the security agenda through persuasion
  - Train and develop local police
  - Mentor and “working with” local officers
  - Engage in policing short of ‘enforcement’
- **horizontal cooperation**
  - officer-to-officer cooperation by mobile phone and email

- **vertical cooperation**
  - formal, programmed cooperation through established structures

- **pragmatic policing**
  - "police officers prefer informal procedures and personal contacts to formal cooperation agreements which they find ‘complicated, time-consuming, and rather ineffective’".

- Den Boer
HOW IS THIS AFFECTING THE LOCAL?
THEMES IN TRANSNATIONAL POLICING

ACADEMIC LITERATURE: WHAT WE KNOW

- Agency & Autonomy of local actors
  - Role of trust and personal contacts

- Differences in organisational and administrative structures (federal versus centralised systems)

- Contrasting security cultures?

- Competition & Cooperation
Although not officially speaking the same national language, officers experienced a common sense of purpose, objective, and aim, which they expressed as “speaking the same language.”

Yakhlef et al., 2015: 22
• Is there a European police family?

• What are the family resemblances?

• What are the differences and how do we explain these?

• Is there a common European police culture?

• How is this manifest in local policing?
HOW TO MAKE SENSE OF IT?
# SOCIO-SPATIAL TYPOLOGY

<table>
<thead>
<tr>
<th>Locus</th>
<th>Network</th>
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</thead>
<tbody>
<tr>
<td>Global</td>
<td>Policing entities that have a global reach</td>
</tr>
<tr>
<td>International</td>
<td>International liaison officers posted overseas</td>
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<tr>
<td>Regional</td>
<td>Regional security structures and associations</td>
</tr>
<tr>
<td>Sub-regional</td>
<td>Collaboration structured around a specific geographical area between two or more countries, while also accepting cooperation on a Pan-European level</td>
</tr>
<tr>
<td>National</td>
<td>National security structures created to coordinate a national response and to work with international partners, as well as civil agencies</td>
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<tr>
<td>Glocal</td>
<td>Local policing agencies and units transnationally linked</td>
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<tr>
<td>Locus</td>
<td>Examples</td>
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<tr>
<td>Global</td>
<td>UNPOL, Interpol, WCO, FATF; Francopol</td>
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<tr>
<td>International</td>
<td>International Liaison officers outside of Europe and also within Europe: Chinese Liaison Officers in Rome and Milan</td>
</tr>
<tr>
<td>Regional</td>
<td>EUROPOL; Schengen Information System (SIS); FRONTEX</td>
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| Sub-regional | Cross Channel Intelligence Conference (CCIC)  
Benelux Working Group on the Administrative Approach to Organised Crime  
Ramogepol (Francopol, Monaco, Italy) |
<p>| National   | ‘International Coordination’ Division of the BKA (Bundeskriminalamt); UK National Crime Agency, etc. |
| Local      | Transnational forms of local policing rug squad, counter-terrorism, border policing, cybercrime |</p>
<table>
<thead>
<tr>
<th>Organisations</th>
<th>Members, Missions and Location</th>
<th>Functions / Tasks</th>
</tr>
</thead>
</table>
| NebedeagPol         | Responsible for tri-national police cooperation in the Meuse-Rhine Euroregion: Belgium, Germany, Netherlands | • police co-operation centre EPICC  
• Control activities regarding the border area (‘Crossover’) or the whole area of the Meuse-Rhine Euregion (‘Euregioprotect’)  
• Euregional police alert |
| Cross Channel Intelligence Community | Regional alliance between law enforcement agencies operating in the English Channel Coast / North Sea geographic area | • sharing of information, best practice and determining of strategic objectives for coming year |
| RAMOGEPOL           | Monegasque, Italian and French States responsible for combating pollution at sea                 | • Prevention  
• Sensibilisation & Education |
<table>
<thead>
<tr>
<th>Organisation</th>
<th>Locations</th>
<th>Functions (Examples)</th>
</tr>
</thead>
<tbody>
<tr>
<td>French Liaison Officer</td>
<td>Rome</td>
<td>• Verifies Italian IDs, car registrations, residence licenses and telephone numbers on behalf of the French police</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Clarifies Italian policy or legislation of relevance to the French police (\rightarrow) intelligence and information regarding rules, regulations and laws on employment, illegal immigration, etc.</td>
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<td></td>
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<td>• Prepares and takes part in meetings of heads of border police and immigration services of Schengen countries</td>
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<td></td>
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<td>• Eases the exchange of investigative information</td>
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### 3. INTERNATIONAL LOCUS: NATIONAL POLICE AGENCIES WORKING ABROAD: AFRICA

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<thead>
<tr>
<th>Organisation</th>
<th>Locations</th>
<th>Functions</th>
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</table>
| **Spanish Immigration Liaison Officer** *(Andrade, 2010: 334)* | Deployment of Spanish officers in Morocco; in Mauritania, in Senegal and in Cape Verde | • Fight against smuggling within framework of maritime operations such as ATLANTIS or SEA HORSE projects  
• Set up contacts with third country authorities to facilitate exchange of information concerning migration routes, usual places of boarding and disembarkation, means of transport, methods employed by criminal organisation  

| **Liaison Officers in West Africa** *(Andrade, 2010: 334)* | Countries of West African Coast → Network coordinated by Spain from Canary Islands | • Network brings together officers deployed by Member States of the G-6 (Ministers of the Interior of France, Germany, Italy, UK, Poland and Spain)  
• Combats illegal immigration  

| **Swedish Liaison Officer** | Rabat, Morocco | • Swedish Migration Agency participates in the EU Return Liaison Officers project (EURLO)  
• Facilitates the return of Moroccan citizens who have had their asylum applications refused in the 14 EU countries participating in the project  

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*(Andrade, 2010: 334)*
Towards a research agenda...
CASE-STUDIES

Policing transnational spaces
- borders and regions
- seas, oceans and maritime regions
- ports
- airports
- cyberspace
CASE-STUDIES

Policing transnational problems

- Drugs (the paradigm example)
- Cybercrime (the current priority)
- Financial crime
- Corruption and fraud
- Environmental crime
CASE-STUDIES

Organisational

- Police Customs collaboration
- Joint investigative teams
- Liaison officers
  - European police in other European countries
  - European police overseas (Caribbean, US, Morocco, China, etc.)
- Foreign police in European countries (especially USA)
CASE-STUDIES
EXAMPLE 1: INTERMODAL HUBS
CONTACT SPACES – TRANSIT PLACES

http://wikimapia.org/40195/Seaport-Police-Port-Morski-Police

CASE-STUDIES
EXAMPLE 2: CYBERCRIME
POLICING IBORDERS

So where are they, when they are in Cyberspace? (Lessig, 2009)

http://www.bbc.co.uk/news/world-europe-jersey-35280836
## Research Questions

| Extent and nature of cooperation | (a) between European MS themselves?  
(b) between European countries and third countries?  (Morocco – Spain) |
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<tr>
<td>Difficulties</td>
<td>What are for you the main issues in transnational cooperation practices?</td>
</tr>
<tr>
<td>Harmonisation &amp; Standardisation</td>
<td>How efficient are trainings such as the ones by Frontex which follow a common core curriculum (CCC) for border guards?</td>
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<tr>
<td>Informal &amp; Formal</td>
<td>Should all forms of police cooperation be subject to formal procedures?</td>
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## RESEARCH QUESTIONS

<table>
<thead>
<tr>
<th>Private &amp; Public</th>
<th>What is the role of private actors in European transnational policing? Are the state and public police agencies still the main actors? How are priorities set and by whom?</th>
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<tbody>
<tr>
<td>Autonomy &amp; Agency</td>
<td>How much autonomy do the different policing actors have and does it vary across the different countries?</td>
</tr>
<tr>
<td>Accountability &amp; Sovereignty</td>
<td>To whom are commanders of transnational policing operations accountable? What mechanisms ensure integrity, legality and adherence to international human rights norms?</td>
</tr>
</tbody>
</table>
What is the role of training in this context?

- Acquiring new knowledge?
- Developing new skills?
- Forming new networks?
- Developing a common culture?
The role of research

- Making transnational policing visible
- Asking questions
- Producing empirical evidence
- Understanding practical developments
- Providing critical analysis
- Examining non-obvious issues (such as ethics, legitimacy, accountability and public acceptance)
- Evidence-based policy development
Transnational Policing in Europe (and its local effects)

Ben Bowling
Acting Dean, Dickson Poon School of Law
King’s College London
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