



Mapping Police Cooperation Strategies in the EU and Australia: Improving Cross-Regional Understanding

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Outline

- Comparative Socio-Legal Studies on Police Cooperation
- Background
- Strategies of Police Cooperation
- Legal Frameworks for Cooperation
- Law and Relationships: Cooperation Cultures
- Cooperation Successes and Failures



Comparative Socio-Legal Studies on Police Cooperation



- Learning about
 - The development of police cooperation;
 - Differences in legal systems;
 - ‘Norm generation’ and ‘norm accommodation’ in the area of police cooperation;
 - Formal and informal cooperation strategies and their influence on regional systems;
 - Possible imperatives for formalisation due to differences in legal systems and human rights regimes;
 - Cooperation culture.



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Australia and Europe Area size comparison

Darwin to Perth 4396km • Perth to Adelaide 2707km • Adelaide to Melbourne 726km
 Melbourne to Sydney 887km • Sydney to Brisbane 972km • Brisbane to Cairns 1748km



Strategies of Police Cooperation



- Depending on system, eg federation, union, region.
- Historically police cooperation developed from informal cooperation (even Interpol 'informal' – not based on legally binding treaty).
- First formalisation of cooperation between select number of states with common problems and policing agendas (eg. Nordic Countries 1950s).
- 'Norm generation' in EU: bilateral and multilateral formal and informal cooperation mechanisms can lead to formalised police cooperation strategies.
- 'Norm accommodation' can occur between very similar legal systems (eg. Australia).

Strategies of Police Cooperation



- Mutual recognition most common formalised cooperation strategy.
- Informal cooperation strategies occurs between most neighbouring systems and can lead to formalised strategies.
- Combined education and training can compensate for differences in legal systems and cultural 'distrust'.
- The more prominent differences in legal systems and human rights regimes the higher level of 'distrust' and more problematic formalisation, however, informal cooperation in these scenarios very dangerous (eg 'Bali 9' Case).



EU Legal Frameworks

- Significant number of bilateral and multilateral frameworks between neighbouring states.
- Some of these frameworks impacted on the development on EU legal frameworks, such as the Schengen Convention.
- Other legal frameworks were created at EU level and impacted on cross-border practice (eg JITs).
- Europol facilitates information exchange between member states.
- Europol liaison officers facilitate information exchange and informal cooperation.
- CEPOL and regional education facilities foster knowledge of systemic differences and promote informal contacts.



Legal Frameworks for Cooperation



European Union

- 19th Century: Informal;
- End 19th, early 20th: Interpol;
- After mid 1950's - Regional Cooperation:
 - Nordic Police Cooperation Scheme;
 - Benelux, NebedeagPol, Cross-Channel, etc..
- 1970's – International Bilateral Cooperation:
 - International Police Liaisons.
- Mid 1980's - European frameworks:
 - Schengen Convention;
 - Mutual Assistance Convention;
 - Europol Convention/Decision.

Legal Frameworks for Cooperation



Australia

- 19th Century: Informal;
- End 19th, early 20th: Police Commissioner's Conference;
- After mid 1950's: Federal Strategies:
 - ComPol – AFP;
 - ACC.
- Around 2000:
 - CrimTrac;
 - NPY Lands Cooperation;
 - No acknowledgment of regional cooperation.



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Law and Relationships: Cooperation Cultures



- Historical differences;
- Imperatives for development of formal and informal cooperation;
- Information exchange with known and unknown counterparts;
- No general trust in organisation/agency, but individuals;
- Media attention and funding (competition);
- Fear of 'leaks';
- State/federal divide in information sharing;
- The 'narcissism of minor difference' - protectionist attitudes;
- Educational Standards.

Cooperation Successes and Failures



- ‘Organisational Pride’ vs ‘Cooperation Pride’;
- Easier to cooperate internationally than domestically?
- Trust remains personal: high impact of individuals (positive and negative);
- The more knowledge of other organisation and individuals, the better cooperation;
- State/federal divide in information sharing, but also JIT advantage using AFP involvement re knowledge;
- Need to be ‘different’ can be countered by intergovernmental rather than top-down structures;
- Acknowledgment of efforts crucial in any cooperation;
- Broad legal frameworks can lead to more personal initiative and innovation.