EVALUATING EUROPOL'S MECHANISMS TO INCREASE LAW ENFORCEMENT
COOPERATION AMONG MEMBER STATES IN FIGHTING ORGANIZED CRIME
SINCE 2010

by

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A Thesis
Submitted to the
Graduate Faculty
of
George Mason University
in Partial Fulfillment of
The Requirements for the Degrees
of
Master of Science
Conflict Analysis and Resolution
Master of Arts
Conflict Resolution and Mediterranean Security

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Date: _____   Fall Semester 2017
                                          George Mason University
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Evaluating Europol's Mechanisms to Increase Law Enforcement Cooperation among
Member States in Fighting Organized Crime since 2010

A thesis submitted in partial fulfilment of the requirements for the degrees of Master of
Science at George Mason University and Master of Arts at the University of Malta.

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DEDICATION

To Kristelle, Isabelle and Oscar, for their unconditional love and care.

ACKNOWLEDGEMENTS

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LIST OF ABBREVIATIONS

CaaS…………………………………………………………………….Crime as a Service
CEPOL………………………….European Union Agency for Law Enforcement Training
EAW………………………………………………………..…European Arrest Warrant
EC3……………………………………………………….…European Cybercrime Center
EPE………………………………………………………..….Europol's Platform for Experts
EU……………………………………………………………………European Union
Europol………………………………………………….…European Police Office
Frontex………………………………………..European Border and Coast Guard Agency
JIT…………………………………………………..…Joint Investigation Team
LEC…………………………………………….......Law Enforcement Cooperation
MS………………………………………………………………..Member States
OCG……………………………………………………………Organized Crime Group
TEU………………………………………………………......Treaty on European Union
UK…………………………………………………………………...United Kingdom
US………………………………………………………………..United States of America

ABSTRACT

EVALUATING EUROPOL'S MECHANISMS TO INCREASE LAW ENFORCEMENT COOPERATION AMONG MEMBER STATES IN FIGHTING ORGANIZED CRIME SINCE 2010

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George Mason University, 2017

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With the establishing of the Schengen zone and the implementation of free movement with the zone, criminals have sought new criminal opportunities in a variety of regions within EU.. These developments pushed the EU in 2010, to embrace the European Police Office (Europol) into its framework, as a countermeasure to the lack of mobility that member states' law enforcement were plagued with. Thus, this study evaluates the mechanisms that Europol manages and promotes with the intention of increase law enforcement cooperation (LEC) in the fight against organized crime. Throughout the study, three issues of LEC are identified as obstacles that are recurring and have yet to be addressed effectively; and three of Europol's mechanisms and their individual components are pitted against these recurring issues. Through this process, the research determines the effect of each mechanism on LEC, as well as, whether or not these mechanisms engage with the recurring issue they were matched with positively.

CHAPTER ONE: INTRODUCTION

Law enforcement is no stranger to cooperation, especially in regards to investigations on organized crime in Europe. Malcom Anderson tells us that in Europe, the first "proposals for establishing supranational forms of police cooperation were made at the end of the 19th century, when an awareness about the scope and importance of international crime become a concern for practitioners and academics alike" (1995, p. 46). Interestingly, the term international crime came to have two different definitions depending on which perspective it was viewed under; in legal terms it meant "forms of deviance that transcended national jurisdiction, whereas in practical-operational terms international crime meant illegal behavior which required police authorities to look beyond the frontiers of the sovereign state" (Malcom Anderson, 1995, p. 47).

Background of Research Topic

One of the first attempts at law enforcement cooperation (LEC) began in 1914 with the Prince of Monaco who convened a conference where over three hundred law enforcement practitioners met to organize against the rise in Anarchism. Unfortunately, the first world war interrupted further plans but in 1923, Dr. Johann Schober, who was at the time the head of the Austrian Police, breathed life back into the Prince of Monaco's brain child and with three hundred other practitioners created the forerunner of Interpol, the "*Commission International de Police Criminelle*" (Malcom Anderson, 1995).

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Continuing in this tradition of European LEC the European Police Office (Europol) was first conceived in the Maastricht Union Treaty (TEU)[1] in 1992 as part of pillar three of the treaty concerning the cooperation of member states (MS) on issues of justice and home affairs.

Europol was mandated with two tasks, one instrumental and one functional; Instrumental, because its base goal was, and is, to fight transnational organized crime and from 1995 till 1998 this specifically meant impeding drug trafficking. As for functional, Europol has always acted as a bridge and databank, gathering information from all MS and storing it for future use (Lemieux, 2010, p. 65). Yet, the originality of this study stems from the fact that in 2010 Europol became the official law enforcement agency of the European Union (EU) due to the 2009 Council Decision 371[2]. Furthermore, a double prong approach to answering the following research question will be employed: "How are Europol's mechanisms affecting law enforcement cooperation and addressing its recurring issues in the fight against organized crime, since its adoption into the European Union's framework in 2010?"

<center>**Research Parameters**</center>

The hard data available to answer this question is capped at 2015, due to the inability of finding comprehensive and all encompassing data post-2015. Yet, this study did conduct three interviews with Maltese police officers that have been inspectors for an average of two to six years. This inconsistency in time frames would have been a

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[1] Council of the European Communities, &. C. (1992). *Treaty on European Union.* Luxembourg. Article IV.
[2] Council of the European Union, (2009). Decision 371, *Establishing the European Police (Europol)*. Justice and Home Affairs Office.

<center>2</center>

problem if the results and conclusion of this study rested on these interviews, but on the

contrary, because of the lack of interviewees, the researcher decided to derive the results

and recommendations from a purely quantitative frame, with a splash of qualitative. The

opinions of the interviewees will be used to give the study a human touch and reinforce

data but not as hard evidence. The officers interviewed in this study were interviewed

based on their position in the Maltese force (all Inspectors), because they are the lowest

denominator that still has the ability to interact with Europol. Police officer below this

rank will rarely interact with Europol's mechanisms, their work rarely necessitates it;

while inspectors have a greater use of Europol's services and normally a greater incentive

to utilize these mechanisms.

Case Study

This work will strive to combine scholarly work with interactive interviews as a

double pronged approach to fully displaying the current situation and recurring issues.

How are Europol's mechanisms affecting LEC? Although this question will be

thoroughly unpacked in a later chapter, for sake of clarity, a quick peek into the world of

this research's case study, Europol, is required. Europol has been a EU project for

decades now but recently, in 2009, Council Decision 371 fully incorporated it into the

Union's framework. Europol is now part of the policy cycle and at its official birth, on

January 1st 2010, it had a staff of 1000 strong (Milt, 2017). Furthermore, Council

Decision 371 made some adjustment to Europol's abilities and practices; of the

"mechanisms" mentioned before, the most influential till this point have been: Europol's

communication mechanism, operational mechanism, and networking mechanism.

These mechanisms are a part of Europol's infrastructure, and since 2010 they are part of the EU as well. Each mechanism try to facilitate LEC in its own way, but a detailed exploration of Europol will be done at a later time. What is crucial to remember is that these are the mechanisms that Maltese police officer will be asked to judge and rate based on their experience with said mechanisms. Therefore this study will incorporate both a scholarly approach by presenting the many difficulties of LEC that have been illustrated and presented by several different scholars and academics, as well as a touch of operational experience from actual law enforcement officers.

Roadmap

The structure of this study will be as follows: the first chapter, this introduction, has addressed the purpose of the study, the research question and the distinct subjects that will be elaborated on through this paper. Chapter two will be the literature review portion of this study and will comprise of six sections: conceptual definition of LEC, operational definition of LEC, history of LEC institutions in Europe, theories of LEC, issues of LEC, and multilateralism dressed as Europeanization. The most crucial part of this chapter will be in justifying why these three issues are recurring issues in LEC: *political will,* perceptions of organized crime as local rather then transnational, and bilateralism versus multilateralism.

Chapter three will explicate the methodology of the study and how the data will be collected and the results determined. Chapter four will properly introduce the reader to both Europol and organized crime in Europe. Both topics have a central role to play in this research and thus to fully expose the magnitude of the problem and what Europol has

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at its disposal to face it will be critical. Chapter five is the synthesis chapter, and is where the hard data presented on behave of each mechanism, communication, operational, and networking will be evaluated and pitted against one of the three LEC recurring issues presented in chapter two.

Moreover, the results will be supported or countered by the opinions of the interviewees. Lastly, chapter six will wrap everything up wit a conclusion that will elaborate on the results of chapter five and make some recommendations for future endeavors concerning Europol's mechanisms and LEC in general. All in all, this study will strive to be details and analytical, but also simple and straightforward. Jargon will be limited and a gentler or less academic tone will be used in a effort to make this research accessible to anyone.

Purpose of Research

By prioritizing the facilitation of LEC in the 2013-2017 policy cycle, Europol is pushing to minimize the negative effects of a borderless Schengen region. The freedom of movement throughout the Schengen regions has enabled criminal networks to move goods and themselves with greater easy, but since law enforcement must still respect border and national sovereignty it has hampered law enforcement efforts to capture these criminals. Consequentially, Europol has immersed itself in solving this problem, through LEC and effective mechanisms to promote LEC, Europol hopes to counteract the freedom and anonymity that the Schengen region has granted international criminal networks. Hence, this study wishes to evaluate how effective these mechanisms have been at accomplishing this goal.

Closing Remarks

To conclude this study strives to shed light on the research question and on the recurring issues of LEC. Since, addressing these problems is supposedly Europol's task, this study elected to make Europol the case study of this research in an effort to understand with greater depth what is occurring within the world of European LEC. Lastly, this research was conducted in an original and independent manner, with no third party pressure or support, thus there is bound to be gaps of knowledge, However, the researcher is confident that these gaps will not hinder the overall study and results, which in turn will allow for speculative debate and analytical results to be presented in the form of suggestions and predictions.

CHAPTER TWO: METHODOLOGY

Researching this topic has been both enthralling and frustrating. The following section will delineate what the methodology of this paper is to be. First, the method will be presented, second, the data collection techniques will be listed, third, a section on how the results will be synthesized and deduced, and lastly, the limitation of each source and data tool will be named and enumerated. A crucial point to reiterate is that this study will derive its results mainly on literature, which is a sore point due to the inaccessibility of scholarly endeavor when it comes to operationalizing them. Hence, this study has sought out the opinions of actual law enforcement professionals, in the effort to bring to the reader an argument and research that has operational value and that is not conjectures alone. Therefore, without further ado the methodology of this study and its process of investigation.

Method

The research question for this study, as the reader already knows, is: "How are Europol's mechanisms affecting law enforcement cooperation and addressing its recurring issues in the fight against organized crime, since its adoption into the European Union's framework in 2010?" Within the question three facts are made clear; first, the global perspective of the question ask that the study identify what factors have an affects on LEC, second, the research is limited to a certain time frame, beginning in 2010, and

thirdly, that Europol will be used as a case study to identify these different factors that have had an affect on LEC. Thus, the paper will follow a case study structure, where the case study will be fully explicated and then harvested for results when juxtaposed to the research question. Why Europol? Because within the global perspective of the question it ask that the study identify the factors that affect LEC, and since Europol was created to do just that, effect LEC it makes it the perfect case study.

Nevertheless, finding an answer to this question has been difficult, on one hand the question asks for a quantitative conclusion, while on the other hand it necessitates a qualitative answer. Hence, as one might have guessed, the most adequate method of research for this study is a mixed method. Seeing as these methods are quite mundane, there is no need to elaborate on them, but it would be unwise to not justify why both are needed. This research question is one that requires data that shows changes and alteration but also justification in how the mechanism are affecting LEC. This question can be made into a quantitative and straightforward question by rephrasing it as: "has Europol facilitated LEC and solved its recurring issues in the context of fighting organized crime?"

Therefore, in this context, an appropriate answer will require data that shows either improvement or lack thereof. Although this research questions could be answered with a quantitative conclusion, it would lack the personal and operational aspect that this study wishes to apply to this research. Thus, answering this question through a qualitative lens will include these two aspects and generate a more wholesome conclusion. Therefore, an answer that has the personal opinions of law enforcement practitioners as to

whether or not Europol's mechanism have facilitates LEC and are addressing the

recurring problems of LEC gives the reader a better perception of what the police deem

as a priority and what they see as superficial. Consequentially, using a mixed method will

answer this research question in a comprehensive way, so that the reader might gain a

complete perspective of the problem and the solutions available to solve it.

Data Collection

Since this study will be using mixed methods, there will be two types of data that

will be collected and presented. The core data of the study will come from Europol's

Annual Review since 2010 to the most recently published annual review of 2015.

Additionally, the Europol Management Board sponsored Rand report form 2012,

evaluating Europol implementation of Council Decision 371, will also be used as

quantitative data. The combination of the two will fully expose the analytical data needed

to discover whether Europol's mechanism have been effective in facilitating LEC and

solving the recurring issues of LEC. Europol has been thorough in demonstrating where it

has improves and what it has accomplished throughout the year, therefore comparing the

five reviews and synthesizing the numbers reported within should give a clear idea of

where Europol is going and what it has already accomplished. To clarify, the study will

be built on literature with the holes and gaps being filled in with the qualitative data

collected from the interviews.

As for the qualitative data, several law enforcement practitioners where interviewed

in an effort to obtain opinions on whether Europol's mechanisms have indeed addressed

the three main recurring issues of LEC, and whether theses mechanisms have facilitated

LEC. Over ten different police inspectors were invited to participate in the study, unfortunately only three were available to be officially interviewed. These interviews where conducted in a professional setting with audio recording and with the approval of the Human Studies Review Board. The interviews lasted between thirty minutes to one hour, the questions where partitioned into six section and the format was heavily influenced by Dr. Athanasios Gatsias's dissertation interview protocol (Gatsias, 2017). The sections were:

1) Demographic information;
2) organized crime;
3) law enforcement cooperation;
4) interaction with Europol;
5) perceptions of Europol;
6) and closing remarks.

Not all the questions within these sections will be analyzed; for the sake of pragmatism, only questions directly relating to the research question will be studied. These questions are: question (c) section two, question (b) section three, and all of section four and five (see appendix A). All in all, the interviews will not only addresses the practical aspects of these mechanisms and their effort to solve the recurring issues of LEC, but will also give the research a human touch since the interview protocol was crafted to allow law enforcement practitioners to develop their answers and fully explain their opinions. Again, for the purpose of greater understanding, these interviews have been included as supporting evidence and not as the central data of this study.

Time Frame

As for the time frame of the study, 2010 was the most opportune moment to begin the research. Establishing Europol as the case study of this paper was noticeably the

biggest factor in deciding this time frame. Europol existed pre-2010 but not within the European Union's infrastructure, this merge, to outsiders, was not the great upheaval that some might have expected. Europol already operated in several of its operational capacities pre-2010, yet, it would be remised to ignore this date a merely a number. 2010 did bring change to Europol, in its operational, communication, and networking capacities, these sectors did exist pre-2010 but did not have the depth that they do post-2010.

Therefore, 2010 marks a moment within Europol's history decisive enough to warrant attention and critical analysis. As for the end date of the research, since a mixed method was utilized, various end dates were accepted. In the case of the quantitative data, the latest annual review available to the public was 2015 but in the case of the qualitative data, participants ranged from being in their positions as recent as two years and as old as six years. Hence, the experiences of some interviewees did not overlap with the same time frame as the quantitative data.

Limitation and Obstacles

Any legitimate research project must identify the possible limitations and obstacles that could occur during its creation. Listing these will feel mundane and unoriginal but it will keep things organized and useful. Therefore, the following limitation will be listed in order that they apply in regards to the methods used in the study and their respective sources. So, with this in mind, it is only logical to begin with the quantitative indicators and their sources.

The first evaluative component to be mentioned is Europol's Annual Reviews, which will be used to ascertain the quantitative progress of Europol from 2010 to 2015. The limitations of this source is two folds, first the reviews are produced by Europol, which makes them a bias source, and second, not all the reviews are drafted the same, some display different stats and prioritizes different aspect of Europol, thus collating similar data throughout the years might not be possible. Nonetheless, the data should still be enough to arrive to an educated conclusion, and the bias of the reviews will help to identify what Europol prioritizes, which in turn will also demonstrate its deficiency, if there are any.

Second, the qualitative data collected for this study will have the following limitation. First the number of interviewees is not significant enough to make generalized statement, which is why the interviews will not be used as quantitative data but as qualitative data. Second, the interviewees will most likely try and keep their answers as diplomatic as possible which might skew the data. Yet, due to the small pool of interviewees and the inability to make generalized statements, whether participants decided to provide diplomatic answer will have little effect on the in depth analysis of their responses. The responses of the participants will be deconstructed thoroughly and inspected methodically, in order to establish the ontological source of their opinions; thus, nullifying any superficial diplomatic filter that they might try to apply.

Lastly, *political will* is difficult to quantify via the interviews. As it has already been said, the respondents are not politician and therefore establishing whether or not *political will* is still an issue impeding LEC might be seen as difficult to determine. Yet,

as was mentioned above, the mere fact that these practitioners have opinions on the effectiveness of Europol means that they have participated within its structure; which in turn means that they were either pushed, or given the possibility to partake in some of Europol's mechanisms. In either case, the continued existence of Europol proves the presence of *political will* for LEC within the EU.

Closing Remarks

`To conclude, this chapter has illustrated and displayed the methods to be employed in this study as well as explicating the sources that will be used to synthesize a conclusion. Furthermore, the way the data would be collected from the sources was clearly explained as well as how it would be collated. Finally, the limitations of the data and the sources were listed and in response, the countermeasure that will be enacted to ensure that these limitations do not become excessive barriers to the final conclusion were soundly presented and logically justified. Moving forward, the researcher will demonstrate that the mixed method was the best methodology available to answering this study's research question.

CHAPTER THREE: LAW ENFORCEMENT COOPERATION

LEC is an emerging issue in a world slowly shrinking. Cars, trains, planes, the

Internet, mobile phones, instant messaging, videoconferences, satellite phones, and the

list goes on. All these inventions have made the world a much smaller place and for

criminals, this means cutting out the middleman, and being present at both the production

of the illicit good and at the distribution.[3] Additionally, worldwide communication

channels have facilitated the transport of illicit good, with criminals having the ability to

check in regularly with employers as well as being able to receive alerts if the routs or

points of entry have been compromised (Malcom Anderson, Policing the European

Union, 1995). Crime has crossed borders for several decades, but now it has merged with

the growth of globalization and has started to adopt the same patterns[4].

Coffee is produced in Honduras, shipped to Rotterdam, and then disseminated

through the rest of Europe via land transport. This model is now the general modus of

operandi for several syndicates and organized crime groups (OCGs). The transportation

might differ but the model remains the same, production abroad and distribution

domestically. Several push and pull factors have made OCGs operate this way and thus

law enforcement has had to adapt to this substantial increase in the criminal network.

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[3] Europol's Serious Organized Crime Assessment (SOCTA) report of 2017 has detailed graphs showing this phenomenon.
[4] 2017 SOCTA Report.

Which leads the conversation back to LEC and how it can be the solution to disrupting

these criminals networks. The exchange of information has proven to be a useful tool for

OCGs, it allows them to not repeat the same mistakes and to avoided certain less

amenable situation, which lands this discussion perfectly where it needs to be, what is

LEC? Is it just the sharing of information as a way to try and level the playing field? Is it

more then just that? What are some of the issues of LEC and what are the solutions to

those issues? All these questions will be addressed in the following chapter.

Conceptual definition of LEC

 The conceptual definition is clearly explained by Frederick Lemieux's chapter, in the

book he edited *International Police Cooperation*, when he states: "Generally, police

cooperation refers to the intentional or unintentional interaction between two or more

police entities (including private and public agencies) for the purpose of sharing criminal

intelligence conducting investigations, and ultimately apprehending suspects" (2010, p.

1). This clearly and simply describes LEC as the action of sharing information with

another law enforcement agency. However, sharing information is not the only forms of

LEC, there are different degrees of LEC and whether or not they occur depends on the

framework in place.

The conceptual framework of LEC and the different degrees of LEC, are best defined by

the following quote:

> "The coordination of police activities at the international level has been
> explained as a four-step model in which each phase furthers the capacity of
> police institutions to participate in an information exchange system, among
> other activities. First, and information exchange structure has to be established
> in order to provide appropriate channels between foreign police entities. Thus,
> creation of a centralized location for computerized data exchange offers an
> opportunity for sending and receiving of information. Next, collaboration is

organized around a common project with a view toward the standardization of
methods, instruments and procedures in order to render these compatible and
thereby circumvent one of the most cited obstacles to effective cooperation. A
third, step is to establish working groups that receive information, analysis
(finished intelligence), and the coordination of joint operations and/or
investigations from centralized location or entity. Finally, the creation of a
formal organization allows the coordination to become standardized,
streamlined and practiced. This formal organization can provide participating
police institutions with assistance, guidance, and the competent coordination of
joint projects using sophisticated analysis, threat assessment, and the strategy
development tools that are much needed by these police institutions" (Lemieux,
2010, p. 5).

This quote illustrates a model for creating effective and formal LEC. This model was
created through a divers analysis conducted by Lemieux, and is a framework based on
how actual LEC institutions and organizations were created.

The European Parliament report on police cooperation, says that the institutional
framework of European LEC was put in place after the implementation of the Lisbon
treaty in 2009; which also officially brought Europol into the EU framework, further
cementing this European goal of facilitating LEC between member states (MS).
Furthermore, certain conditioned were made to help MS cooperate in the hopes that
issues would be solved in a multilateral way (Milt, 2017). Thus the parliament does not
provide an actual definition of what LEC is to be, but rather provides the institutional
framework for MSs to define what LEC should be in operational terms.

Operational definition of LEC

The conceptual definition might claim to have a clear answer to what LEC is suppose to
be, but in practice, things tend to rarely ensue or unfurl in the way they were planned.
The history of LEC will be discussed later in this chapter, therefore there is no need to
delve into the why and the when of operational LEC, but one should state, that LEC has
been around for a long time, and back when there was no Interpol, Europol, or such

organizations that promoted a multilateral approach to law enforcement, LEC was conducted in an informal and bilateral way.

Malcolm Anderson's book, *Policing the European Union,* makes several point of departure when it comes to LEC, again these will be discussed in greater detail further into the study, but a few points can be listed from this list as a way to explain the operational definition of LEC. The first point to be made is that LEC can only occur with crimes that are of a European dimension. Rape, Murder and theft are all serious crimes, but they are often of a local nature when compared to crimes such as money laundering, drug trafficking, and terrorism. Additionally, LEC is often requested with highly public cases, such as the Paris attacks in 2015. Cases with that notoriety will not only mobilize LEC, but will also galvanize into a proficiency that is rarely seen in LEC. Lastly, for LEC to transpire there must be political will and some sort of communication already established with the agency whose cooperation is needed or else nothing can be initiated or achieved (Malcom Anderson, Policing the European Union, 1995; Lemieux, 2010).

Hence, an operational definition of LEC involves a more realistic perception of when LEC can happen and for which reasons. Several initiatives have been implemented to push the operational definition of LEC into a model better fitting the conceptual definition. However, there has been some resistance in this regard, many practitioners see policy as a hindrance and motivated more by political goals then by the true needs of law enforcement. Thus pushing for a framework more aligned with the conceptual definition would push LEC into a formal structure and drive it away form the bilateral/informal structure already in place. Change is often viewed as detrimental but in some cases it can

cause more harm then good, therefore future definitions of LEC must compensate for the possibility of informal and formal structures of LEC.

History of LEC Institutions in Europe

The history of LEC is not overly extensive but is not as linear as one would like. Cyrille Fijnaut and Malcolm Anderson both traces LEC back to a secret conference held in 1898, in Rome. This meeting was called on due to the rise in violent anarchism throughout Europe at the time (Fijnaut, 1991; Malcom Anderson, Policing the European Union, 1995). The next step in LEC was in 1914, Prince Albert I of Monaco, gathered some three hundred participants from fifteen different countries in an effort to establish a formal network of LEC to combat ordinary crime. The conference's conclusions were the standardization of extradition procedures as well as an initiative to create an organization to collect and redistribute criminal information (Malcom Anderson, Policing the European Union, 1995). World War I occurred and halted any progress within the field of LEC. However, in the aftermath, in 1923 to be exact, Dr. Johann Schober head of the Austrian national police breathed new life into the project by inviting over three hundred lawyers and police officers to a second conference in Vienna.

Interpol

This meeting led to the creation of Interpol's forerunner, *Commission international de Police Criminelle* (CIPC) (Malcom Anderson, Policing the European Union, 1995). The years that followed were unstable and divided, thus counter productive to LEC. Fijnaut makes the point that the creation of CIPC was part of a political agenda, therefore it would makes sense that in the following years of World War II and the Cold

War were counter productive to LEC. Without the political motivation or shared agenda

LEC suffered and the only sector that maintained some decent level of cooperation was

the intelligence sector in their mission of hunting communist zealots throughout Western

Europe and the USA. Interpol suffered greatly during the war due to its records being

raided and controlled by the Nazis. Yet, in 1949 it was able to restock around 35,000 files

and was based and largely managed by the French until the 1980s (Fijnaut, 1991;

Malcom Anderson, Policing the European Union, 1995). Interpol is recognized as the

Adam of all LEC especially in the realm of information gathering and disseminating but

who then is Eve of LEC?

Trevi

As Eve was made of Adam, Trevi was similarly created. Middle Eastern terrorism

was a new threat in 1970s, and Interpol's Secretary General Nepote firmly refused to add

it to the agenda[5]. Therefore, the European Community (EC) ministers of justice and home

affairs united in Rome in 1975 and created Trevi. This new initiatives initially began with

two working groups, the first was in charged with facilitating the exchange of

information on terrorist tactics and organizations among EC countries. The second group

was tasked with training of police in new equipment and technologies. In 1985, a third

working group was added, and it emphasized cooperation in the realm of serious crimes

such as: drug trafficking, bank robberies, and arms trafficking (Malcom Anderson,

Policing the European Union, 1995). In the end, Trevi was absorbed within the third

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[5] This stance was due to a clause in article 3 of Interpol's mandate that strictly forbid it from interfering in political, military, religious an racial matters, which is what investigating oppositional groups would have required (Fijnaut, 1991, p. 110).

pillar of the Treaty of Maastricht (TEU) in 1992, under Justice and Home Affairs

(Malcom Anderson, Policing the European Union, 1995). Its working groups have been

redistributed with the EU structure and in some cases have been integrated within

contemporary LEC initiatives.

Schengen

These older systems of LEC are the forbearers of the current institutions and some

still exist as independent entities. Interpol is still among the vanguard of institutions that

actively engaged in LEC and in promoting multilateral initiatives as well as information

sharing practices. However, throughout the post war years and during the Cold War LEC

was inconceivable. Fijnaut, Lemieux, and Anderson, all agree that LEC is heavily

connected to political will; which meant that it was not until 1985, at the end of the Cold

War, that political will reignited the drive for LEC. This was propelled by the drive to

create a "comprehensive framework to balance free movement of goods, persons, and

services with intensified cross-border police co-operation" which was baptized Schengen

after the village in Mosel symbolically located on the border between Luxembourg,

Germany, and France (Malcom Anderson, Policing the European Union, 1995, p. 57). By

January 1st 1990 the Schengen Convention had abolished all land frontiers with follow

signatories, consequentially allowing the free movement of persons and goods.

The Schengen Information System (SIS) was hence incorporated into pillar three

to facilitate border control and criminal tracking, as a reaction to the freedom of

movement that criminals gained with Schengen. Its official launch was in 1995 and since

then it acts as a European wide criminal database where national law enforcement can

search EU criminal records, or notifications on stolen property (cars/truck/motorbikes) (Carrerra, Guild, & Hernanz, 2013). This step towards economic interdepends and dissolving of borders pushed for greater cooperation in areas of security as well as law enforcement, which in turn ushered in a new generation of LEC institution that individuals like, Fijnaut and Anderson had often dismissed as fairytales back in the 1990s. Through intense negotiations, the 1992 Maastrich Treaty, and the 2009 Lisbon Treaty, Europol was made into the law enforcement agency of the EU and become one of these fairytale institutions.

European Police Office (Europol)

Europol is unique; it combines strategic initiatives with operational capacity and creates an institution that is both a European database as well as an operational base for Europe wide investigations. The idea of Europol was at first proposed by Germany in Luxembourg at a European Council meeting during June 1991. Six months later at the Maastricht summit (December 1991), a modified proposal was finally adopted and placed within the third pillar of the Maastricht Union Treaty (TEU) in 1992. Within Title IV, article K.1 (9) it says:

> "police cooperation for the purposes of preventing and combating terrorism,
> unlawful drug trafficking and other serious forms of international crime,
> including if necessary certain aspects of customs cooperation, in connection with
> the organization of a Union-wide system for exchanging information within a
> European Police Office (Europol)" (European Council, 1992).

The Germans were a bit overzealous at first and wished to push for a Europol that had similar operational powers to an American FBI. However, a more neutral approach was taken by naming it the "European Police Office," and defining its

mission as a "Union-wide system for exchanging information;" which turned out to be enough to stifle dissenters who worried that endorsing a supranational police force would impede on national sovereignty. Europol's first initiative was a drug unit that started operating in 1994 in The Hague and was directed by Jürgen Storbeck (Malcom Anderson, Policing the European Union, 1995).

As the years went on Europol started amassing more responsibilities and expanding its criminal field of investigation. In 1994, under a German presidency, Europol's Drug Unit's jurisdiction was extended to nuclear crimes, illegal immigration networks, vehicle crime, and associated money-laundering activities. This tactic was implemented due to the protracted negotiations that the Europol Convention was facing, which lasted until 1995 when all MS finally signed the Convention. It took another three years until the convention was ratifies by all MS and on July 1st, 1999 after the finalization of several legal acts Europol finally became fully operational. It took almost eight years to negotiate its creation but in the end its mandate was fully expanded to encompassed child abuse, terrorism, forgery of money, drug trafficking, money laundering, illegal immigration, vehicle theft, and any other form of international crime (European Police Office, 2009).

Europol's evolution did not end there however, in 2006 Council Framework Decision 960 pushed for greater information sharing, hence making Europol a key player in European LEC. The decision does specify that information sharing does not have to pass through Europol. Yet, it does stipulate in article 6, paragraph 2, that: "Information or intelligence shall also be exchanged with Europol in accordance with the Convention

based on Article K.3 of the Treaty on European Union, on the establishment of a

European Police Office" (European Union, 2006). Furthermore, in 2009 Council

Decision 371 reaffirmed Europol's mandate and expanded its powers and abilities. This

decision fundamentally changed Europol, not in its mission or mandate, but in its

association with the EU itself, decision 371 official establishes Europol as an entity of the

Union. The patronage of the EU changed Europol, it raised it to the title of the law

enforcement agency of the EU; which in turn increased its tasks but also expanded its

resources (European Union, 2009). Although Europol is at the center of this study it has a

sister institution; which will be presented briefly since it played no hand in creating

Europol, but does share several similarities with it.

European Border and Coast Guard Agency (Frontex)

Frontex was first known as the *Management of Operational Cooperation at the*

External Borders of the Member States of the European Union, and was founded on

October 26th, 2004 by Council Regulation (EC) 2007/2004. It was the European

Commission that first proposed the notion of border cooperation especially in regards to

information sharing. However Frontex is much more than just a database, its offers MS

assistance in: monitoring migration flows, coordinating and organizing joint operations,

supporting search and rescue operations, providing support at hotspot areas with

screening, debriefing, identification and fingerprinting, fighting organized cross-border

crime and terrorism, Developing and operating information systems, and much more

(Frontex, 2017). Within the law enforcement sector, Frontex is the sister institution of

Europol, it is an EU institution and shares the similar mandate of promoting, coordinating

and developing European cooperation. One does so internally while the other does so externally. Lastly, due to the migration "crisis," Frontex was renamed and granted an extensive increase in human and technical resources under Regulation (EU) 2016/1624.

Theories of LEC

When discussing LEC it seems only natural to fully illustrate the theoretical complexity that is involved in making LEC happen. Monica den Boer helps by providing an extremely helpful table to fully explicate the intricacies of the LEC theory. Now it is important to state that these are theories of LEC in terms of how law enforcement agencies, private and public, chose to interact with each other. These are not theories explaining criminality, law enforcement, or the intricacies of policy and its effect on LEC. Hence, these theories will be model for describing the various instances in which LEC occurs and with these models/theories Europol will be categorized.

As you can see in Table 1, there are four theories and four domains within which they are defined. The first two, key concepts and key actors, are direct and need no clarification. The third is an intriguing and somewhat unique domain as it asks each theory to explain the transfer of sovereignty that the theory demands. The following section will explain why sovereignty is rather vital when discussing LEC. The last column is also self explanatory "Applied to police cooperation;" which translates to "for example" (Boer, 2010).

Of the four theories, neo-functionalism has been the most common theory employed by the EU in regards to LEC. The initial negotiations on the creation of a Schengen zone required a solution to solving the free movement of crime; therefore much of the LEC

since then has been spill over from the creation of a supranational state. But, LEC existed in Europe years before the negotiation of the Treaty of the European Union; therefore LEC in Europe is best explained as a hybrid of these four theories. Institutions such as Europol, and Frontex are perfect examples of the neo-functionalist theory of LEC; supranational spill over was the catalyst that created them. However, systems such as Schengen have also allowed for more informal levels of cooperation as well as allowing for the theoretical perspective of policy networks to emerge. Joint Investigation Teams (JIT) are a perfect example of this theory in action. JIT are where law enforcement agencies agree to cooperate with each other in an effort to close a specific international investigation. Nevertheless, this work will stay with neo-functionalism theory in that it is the most appropriate to describe the creation of Europol.

Although, liberal inter-governmentalism does share similarities with neo-functionalism; it lacks an explanation for the fact that Europol was created as a consequence of Schengen, and not because the German lobbying was successful. This is not to say that liberal inter-governmentalism does not apply to the creation of other EU agencies but it does not apply to Europol. As for multi-level governance and policy networks, the foremost is specifically addressed to local law enforcement initiatives, while the latter refers to independent behavior initiated by a sole individual, both of which are on scale that is no where near the supranational status of Europol (Boer, 2010, p. 49). Nonetheless, each theory has its merits and valid examples, but for this thesis neo-functionalism is the most appropriate.

Table 1

Theoretical perspectives on the governance of European police cooperation

Theoretical perspective	Key concepts	Key actors	Sovereignty Transfer	Applied to police cooperation
Neo-functionalism	Supra-national state-building Spill over	Elites within the law enforcement sector (police organization and executive), authorized by their states	None, as nation-states remain the prim interlocutors	Police act as state exponent and assist in building supra-national police agencies and in building state-authorized forms of cross0border cooperation agencies
Liberal inter-governmentalism	Rational decision making Bargaining Asymmetrical distribution of power, information	States, represented by politicians and an executive	None, enhanced sovereignty for states as prime interlocutors	Police represented by an executive (within the E.U.: Commission and Council working groups); I an actor which seeks to influence politicians and executive through professional lobbying process; thereafter it has to implement the (binding) decisions that have been adopted
Multi-level governance	Inter-dependency Continuous negotiations/ deliberations/ implementation Power and influence not explicitly delegated to single actor but shared	Various actors including the state, but also state and semi-state agencies, sub-national and private level	Some, as the state is no longer able to own, coordinate and monitor all governance levels; nevertheless, the state remains a crucial co-producer, security provider and financer	In a decentralized or deconcentrated police system, police organizations may take independent initiatives across borders and cultivate relationships with the private sector through contacts and covenants
Policy Networks	Interdependency Relatively stable, focused on selected (e.g. project-related) interest	State and non-state actors alike, including private actors Centre of power and authority may be absent, several authority and accountability relationships	Some transfer of sovereignty Accountability under pressure	Short- to medium-term forms of cooperation across representatives of the law enforcement sector, focused on selected thematic objective (e.g. human trafficking, terrorism, crisis-management)

(Lemieux, 2010, pp. 50-51)

Issues of LEC

Referring to the EU as a supranational institution is often seen as a triggering term, as many MS still find discomfort in parting with their status as a sovereign state. Yet, there is much to be said about this innate fear that all states share. Within the Westphalian model, sovereignty defines the State, without sovereignty there is no state. Hence, the sovereign state is an entity that exists because it has sovereign rights, external rights such as international recognition and status, and internal rights such as monopoly of force within its borders (Fijnaut, 1982). Naturally, the latter is more of concern to this study, then the former. In addition to the Westaphalian model of the state, a Hobbsian view is often applied in order to understand the reluctance of some states to participate in LEC (Malcom Anderson, Policing the European Union, 1995).

The sovereign right of monopoly in using sanctioned violence means that the state is the only actor that can commit acts of violence without repercussions, and this is socially and legally acceptable to all citizens of said state. Therefore when asking a state to allow another state's police officers to make an arrest or to conduct surveillance while on sovereign land, things become a bit complicated, especially when one has to include the geopolitical climate that is currently present between the two states. One might think that policing and political theory/international relations are independent of each other, but their relationship quickly becomes evident when referring back to the ontological nature of policing.

The name *law enforcement* accurately describes the true nature of policing. The state defines what is lawful and what is not and then requires its citizens to abide by these

laws. For the dissenters however, the state entrusts law enforcement with the duty of finding, stopping and preventing further unlawful behavior. Furthermore, for a state to function there must be stability and stability is brought through order, which its prime providers are law enforcement. Nevertheless, it would be unfair to say that a state's existence depends solely on law enforcement agencies; legitimacy of rule and other soft power components play roles in propping up the state as well. Yet, it would be justified to admit that the state requires its citizens that partake in criminal activities to be stopped or at least impede, and not just for the sake of order and the survival of the state, but also for the safety of its citizenry.

To conclude, law enforcement does not operate within a vacuum but must answer to the power that be; which further complicates the realm of LEC because different states, will have different agendas, priorities, resources, and laws, further pushing LEC into the world of international relations rather then law enforcement. In other terms, LEC has many factors that affect its effectiveness and capability and they do not only exist within the nexus of crime and crime prevention.

Past LEC Issues

Why make two sections on the issues of LEC? Showing progress and evolution of past to present can help one understand the future. History does not repeat itself, but mistakes do. Therefore viewing the issues of LEC in the late 1990s, after the initial conception of Europol in the Maastricht treaty of 1992, and comparing them to the contemporary issues will help to see what LEC mechanism have been useful and which have not. The first author to be cited in this section is John Benyon, who in 1994

published an article in the international affairs titled: "Policing the European Union the changing basis of cooperation on law enforcement." Throughout this articles Benyon not only list the existing issues of LEC but also the effect that European integration is having on law enforcement throughout the Europe.

The first issue to be displayed by Benyon is the lack of research that had been done in the field of serious cross border crime back in the late 1980s. Benyon describes cross-border crime as "poorly understood." Benyon's second and last issue encompasses three sub-issues that all relate back to an over diversification of the LEC field. One could title this issue, the labyrinth of LEC; where there is such a diversity of law enforcement agencies, LEC research groups and organizations, and several different mega-structure and bastions of LEC, that the average police officer hasn't a clue of where to go find the information he needs or who his counterpart is within the other institutions. Thus, Benyon's critic is that the realm of LEC has just become to confusing and overburden with structures that in the end only delay LEC rather then encourage it (1994, pp. 497-450).

Malcom Anderson provides the second set of issue from this period, but in regards to LEC and its relationship with politic. Anderson lists five diverging issues all of which describe quite accurately the climate surrounding LEC in the early 1990s. Anderson's first point of divergence is that effective LEC is often dependent on the notoriety of the crime. The more buzz, media, or scandal (political or social) encircling a crime, the more resources and top-down pressure will be applied on law enforcement to perform effective LEC. The example he uses is that of the Israeli athletes killed in the

1972 Munich Olympics, which caused a scandal that put tremendous amounts of pressure on several governments creating a phenomenon that was coined the "politics of the latest outrage" (Malcom Anderson, Policing the European Union, 1995, p. 3). A contemporary example would be the increase in cooperation between Belgium police forces and the French after the Paris attacks in 2016 (Bartunek, 2016). Therefore, publicity is a diverging point that can have a heavy impact on LEC, and at the moment terrorism seems to be the "hot topic."

The second issue addressed is rather straightforward; most crimes are of a local nature, rape, murder, and theft are not often crimes committed on a European scale and thus do not require international LEC. Here one could argue that LEC does not strictly entail an international dimension but also a local one; especially when combined with Benyon's observation that law enforcement agencies are numerous even within small states and jurisdictions. Yet, since the centerpiece of this study is Europol one must acknowledge that Europol lives within an inter-state/international realm thus pushing the conversation of LEC, in regards to Europol, into the international dominion. Hence, Anderson's second point is one that recognizes that LEC is not the bulk of police work and that it comprises a marginal portion of the policing field.

Third, "criminality and repression of criminality are two partially interdependent semi-autonomous fields. There is no straightforward relationship between, on the one hand, crime and repression of crime, and, on the other hand, the exercise of political and economic power in society" (Malcom Anderson, Policing the European Union, 1995, p. 4). In simpler terms, criminality will grow when it identifies weaknesses within policing,

and policing will adapt and evolve with the changes in criminal patterns. Excuse the mundane reference, but one could compare it to the yin and yang philosophy, one cannot exist without the other, because they are each other's creator.

Law enforcement maintains order so as to uphold a stable system, and criminality requires a stable system so that it can take advantage of it; which then circles back around to the fact that law enforcement would be unnecessary if there were no criminals. Hence, their relationship is what differentiates them from other components of civil life, meaning that the powers that be will rarely understand the needed steps to take within this relationship (Malcom Anderson, Policing the European Union, 1995). Politicians rarely care about the long-term goal and are instead far more concerned with the statistics and the fact that "crime rates" were low during their time in office. Consequentially, LEC suffers when outsiders lack the knowledge needed to fully comprehend the true nature of the crime and crime repression relationship.

The fourth point is of a more practical/operational kind. Law enforcement has no control over its budget or manpower, both of which are controlled and allocated by either a city council or state legislature. In either case, commissioner, and chiefs of police, are asked and allowed to participate in these meeting but often as advisor or consultants and not as actual participants (Malcom Anderson, Policing the European Union, 1995). It is crucial that the civil government control the marshal forces, after all it is the basis of the democratic system. However it does create some flak from the policing community, especially when combined with the previous point. How are civil government suppose to

understand what tools and resources law enforcements require to repress crime if they do not understand the relationship between the law enforcement and criminality?

Yes one could point out that the reason why police officials are requested and invited to council meetings and hearings it is for this exact reason, for them to explain and justify their expenses and request of resources. Yet, it does not take much imagination for one to see that asking for more funding in order to run more surveillance or patrols within urban ghettos from an already bankrupt city government might not be at the priority of said city government. Furthermore, said city government might have a host of additional issues that have nothing to do with policing but that come from the same city budget. Therefore, economic factors play an important role in creating more effective LEC, without the budget or financing, a police department cannot send its officer to participate in international training in order to create networks and contacts.

The fifth and last point on Anderson's lists encapsulates the previous four. He states that the biggest issue of LEC is that it is hostage to the whims of many other factors; particularly, political, economic, and ideological factors, none of which have LEC in their best interest but are instead pulled by external strings. Rarely are the needs of international law enforcement cooperation taken into account in the spurring of LEC initiatives (Malcom Anderson, Policing the European Union, 1995). Hence, when combining Benyon's and Anderson's remarks one can conclude that the main issues of LEC in the early 1990s were because of a lack of information on serious cross border crime, political, ideological, and economic factors, and lastly a over-diversification of law enforcement agencies.

To wrap this section up, Cyrille Fijnaut, who has more of a cynical view on LEC, has some comments on LEC in the early 1990s. In his article *Police co-operation within Western Europe,* Finjaut makes the poignant claim that: "In order to avoid disappointment arising from unrealistically high expectations of the progress which could be made in police co-operation, I shall not just review the degree of progress which has actually been achieved to date but shall also examine the obstacles which stand in the way of further advancement" (Fijnaut, 1991, p. 103). Fijnaut then goes on to describe what these obstacles are and how they plagued LEC in the 1990s.

His first obstacle is comparable to Benyon's first point, that there is no research available to fully comprehend the threat of both serious cross border crime and terrorism. The second obstacle is the fact that many of these LEC institutions have been pushing for an internationalization agenda, which left many with more questions then they were comfortable with in the 1990s. What did this internationalization mean? Where is it going? How do these international organizations work? What should be expected from them and who oversees them? The last obstacle concerns the control of international cooperation. Fijnaut makes a similar comment in an earlier article *The Limits of Direct police Co-operation in Western Europe* were he complains that without the presence of a "supranational or intergovernmental control" LEC will forever remain as a "Interpol model" and will not evolve (Fijnaut, 1982).

Contemporary issues of LEC

As at it can be guessed the first author to be listed is Lemieux, whose book has already been reference many times in this chapter. Beginning with Lemieux is both

chronologically and conceptually sound. First because Lemieux published his book in 2010 while the other article was published in 2013. Secondly, because the second article has added the additional nexus of organized crime, which does concern this study as the title suggest (Lemieux, 2010). Lemieux has merged all of the issues of LEC into one issue: political will. Why? Because political will is the great unifier when it comes to LEC issues. If there is political will, then LEC will occur. This has been proven time and time again by the creation of Interpol, Trevi, and Europol itself. Yes, LEC exist in horizontal structure, and through policy networks, as was displayed in Table 1.1; but since policy networks often only generates short or medium-term cooperation, it does not leave one with the sense of a system that can continuously generate LEC. As it was stated in Anderson's points of divergence, political will is one of the biggest factors in LEC, it can either make it flourish or bury it.

As for the second article, it was written by two authors, Felia Allum & Monica Den Boer, the latter author also wrote a chapter in Lemieux's book. Allum and Den Boer have analyzed what the main issues are in the EU's strategy to fight organized crime. The first issue being the cluster mess of finding a unifying strategy to fighting organized crime (Allum & Den Boer, 2013). This is of concern to this study because it combines the two sectors of this study, LEC and organized crime, and discusses the shortcomings of the EU to facilitate one and impede the other. Apart from the lack of a fusing strategy to combat organized crime, the authors have listed five issues that bedevil the EU in facing up to organized crime.

First, organized crime is often a sensitive issue and several law enforcement agencies prefer to handle it as a domestic crime even if organized crime rarely lacks international connections. Second, the EU has yet to have a strict definition with predefined criteria for organized crime. The authors speculate that this might be due to resistance among domestic agencies who already have established working methods and traditional priorities that could be incompatible with new mechanism for crime analysis and threat assessments. Third, as Lemieux stated, some politicians run on platforms that priorities the fight against organized crime. Therefore, creating a coherent strategy to enable effective LEC and repress organized crime is difficult if each state prioritizes it differently.

Fourth, the growth of the EU has only diversified the strategies used to deal with organized, which has in turn only made it more problematic to construct a standard definition or strategy. Lastly, there is a privation of common legal definition in Framework Decisions 841 on the fight against organized crime. The authors' debate that this lack of harmonization seems to be an effort to help domestic anti-organized crime initiatives to developed appropriate responses in accordance with their local threat (Allum & Den Boer, 2013, p. 136). Which seems like a compromise if anything but also a sounds strategy to be adopted in a multi-national organization, with over 5,000 organized crime groups (OCGs) operating within its borders (European Police Office, 2017).

Jurisdiction, is it an issue?

Before comparing the far past to the recent past, there are two subjects that need to be discussed in order to give this chapter the full body of text and literature that it deserves. Anderson, Allum, and Den Boer all agree that jurisdiction has at some point been an issue in LEC. Interestingly, it is not the biggest issue, and that is why it deserves a section to explain why it is not the biggest issue. Jurisdiction is most commonly defined in Euro-American law as:

> "questions concerning the scope of a legal institution's power vis-a-vis other institutions in the system to which it belongs, or between one state's legal system and another. In its most familiar use, the modern legal notion of jurisdiction in Euro-American law carries with it a reference to some cartographic and/or geospatial expanse, a territory, over which the laws of the nation-state (or some subnational or semi-national component thereof) are understood to be in force with regard to the people, places, and things that occur there" (Richland, 2013, p. 212).

The philosophical debate as to why jurisdiction is important to the state was already presented at the beginning of this section on LEC issues. To clarify, jurisdiction, in regards to the state, is the geospatial expanse that a state has the authority and responsibility to maintain. Therefore, under the Westphalian model, a state has jurisdiction within its internationally recognized borders because it is a sovereign state and has sovereign rights. "Internationally recognized," because it would be off topic to enter the debate on the social construction of border and the myopic nature that borders engender in heads of states. Thus, the border referred to in this study are agreed upon and recognized internationally.

It is not just Richland that puts forth this definition however Lindsay offers the same definition but illustrates it with an older example: "At the end of the nineteenth

century, it was widely accepted that the principal basis of jurisdiction in common law systems was territoriality. The locus classicus for this position was the statement of Lord Halsbury that '[a]ll Crime is local" (Farmer, 2013, p. 232). Amusingly, this definition brings back memories of Anderson's second point, that criminality is only marginally international. Therefore, jurisdiction, in regards to criminal law, is clearly defined by a territorial concept of sovereignty. Attaching jurisdiction to a geospatial definition of sovereign ground however, was always an unstable theory. During the years of maritime trade and war, jurisdiction was especially complicated, boats of a certain nationality where obviously under that state's jurisdictions, but Lindsay provides us with two cases where the British crown actually denied itself jurisdiction and thus would not prosecute the foreign criminals it had captured[6]. Further showing that jurisdiction has always been a difficult term to define.

Jurisdiction slowly became more and more complex and courts where pushed further into creating legal precedence for jurisdiction to find some semblance of stability. Why care? Jurisdiction was, is, and will be a contested topic in the EU as Anderson recounts: "In principle, the jurisdiction of the police and criminal authorities of each MS begins and ends at the frontier. The reluctance to depart from this expression of state sovereignty was very well illustrated by the torturous negotiations surrounding the regulation of the right of hot pursuit in the Schengen Convention" (Malcom Anderson, Policing the European Union, 1995, p. 181). At the beginning of this section it was stated

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[6] The case of the HMS Wasp's chase of the Felicidade and Echo; as well as the case of R vs. Keyn.

that jurisdiction is not the great obstacle that many would assume it to be, well why is that? The EU has not only been creatively finding methods to use soft power to motivate MS, but has also been slowly increasing integration; which has directly resulted in the alterations of several key components (a.k.a. sovereignty) of jurisdiction in a process that many call Europeanization.

Synthesizing and collating issues

As the heading suggest, compiling the last two sections and comparing and contrasting will help to compound which problems are decennial and which are modern. The first issue that seems to no longer be a obstacle to LEC is information. It would be unwise to attribute the dismantling of this issue to Europol, however, it would be rude and unscholarly to glance over the Serious Organized Crime Threat Assessments (SOCTA) reports that Europol published in 2015 and 2017. Since its adoption into the EU framework, and even for some previous years, Europol has regularly produced threat assessment reports on terrorism, and organized crime, and regular annual reports that not only address Europol's yearly deeds but also the year's most prevalent crimes and criminal trends (European Police Office, 2015; European Police Office, 2017). Therefore, one would be amiss to not acknowledge Europol's contribution to pushing back against the ignorance and unknowns of cross-border crime.

The past hurdle of lack of information has thus been removed, to be clear; the research does not suggest that everything about criminal activities are known to law enforcement, if that was the case then the world would resemble George Orwell's 1984 vision of the future. The point being made is that this weakness is being addressed, and

rather effectively as the EU integration has allowed for Europol to branch out and collect vast amounts of data and intelligence. Yet, there are some past issue of LEC that have yet to be resolved. Among these are: issue ONE: political will; issue TWO: perceptions of organized crime as local rather then transnational and; issue THREE: multilateralism vs. bilateralism. These are the three issues that have transcended the decades and are still present.

Of the long list listed above, past obstacles such as: Benyon's labyrinth of LEC, Anderson's points three and four, as well as Fijnaut's comment on the lack of supranational or intergovernmental control are not applicable in this study due to the fact that the main subject is Europol. The labyrinth does not apply since this research concerns itself with but one institution. Anderson's points three and four argue the inability for legislators and politicians to comprehend the relationship between law enforcement and criminals, as well as, their control over law enforcements budget.

These are both issues but also inapplicable in this study seeing as Europol's services and mechanisms are not paid for by domestic law enforcement but by the EU via Europol's budget, and everyone that works at Europol has either worked in law enforcement before or has made a career supporting law enforcement, thus it is doubtful that they do not understand the relationship between the police and criminal. As for Fijnaut's comment, Europol is either a supranational or intergovernmental organization, which one is still a debated topic. Nevertheless, it controls/manages a vast area of LEC activities within the EU, therefore his comment is no longer applicable.

Now that the issues that have persisted from the 1990s till the early 2010s have

been identified, some solutions that have been proposed by the literature can be argued, however these three issue will become crucial when debating the effectiveness of Europol's mechanism and whether they address these obstacles. The following section will present multilateralism, what it is, and its connection to LEC, but more specifically it will introduce the concept of Europeanization.

Multilateralism dressed as Europeanization

As defined by the dictionary, Multilateralism is: "the principle of participation by three or more parties, especially by the governments of different countries." Therefore, the EU is an example of multilateralism, it consist of twenty-seven countries that are constantly participating in negotiations and diplomacy for a joint end. Throughout the last twenty to thirty years, globalization has changed our perceptions of nationality, sovereignty, and international relations theory. The first manifestation of multilateralism in the 1990s when institutions, organizations, companies, and markets started to go global, this process spurred on a movement for some sort of legal/normative uniformity among state. States no longer were the sun kings of their sovereign territory but now became players within a much larger international system (Prantl, 2013). There are three liberal theories or stories that explain the rise of multilateralism. The first is institutions and their cooperative logic, through the 90s as country after country joined the world market, international institution garnered more and more support. They were fulfilling a crucial role in providing states with the necessary tools and mechanism they need to be players within the global community; thus, initiating a chain reaction and creating a greater demand for multilateral/international institutions.

The second narrative comes from a Kantian notion of a gradual diffusion of liberal values. While the first story drove state to participate in the global system because of economic pressure, this second theory argues that economic interdependence due to globalism had some positive externalities such as the spreading of liberal values. The last account displays a US centered notion of how the establishment of multilateral institutions, directed by the US during the cold war, lead the US to strive for greater implementation of international institution, through which it could exert soft power (Prantl, 2013). All three theories present multilateralism as an either direct or indirect consequence of globalization; which can be defined as the integration of a state into the world economy. Nevertheless, globalization is a grand term and for the case of this study there is a more concise term with better regional relevance: Europeanization.

Europeanization

European integration is not an uncommon topic; within Europe it is the "topic," but that aside, European integration can be refereed to by a simpler term: Regionalization. Regionalization shares several similarities with globalization, mainly because it involves sovereign nation having to negotiate and find solutions in a multilateral way. Yet, regionalization takes things a step further, as there is often an identity created, either through geographical proximity, or shared cultural/ethnic traits. In the case of the EU one could say that it's a mix of both. Although it could be argued that an Italian has little in common with a Norwegian, or a Portuguese with a Ukrainian, there is still a shared identity of being European, that can either be attributed to shared history, geographical placement, or creative social engineering. The process is most eloquently

described by the following quote:

> "regional integration is an intrinsically sporadic and conflictual process, but one in which, under conditions of democracy and pluralistic representation, national governments will find themselves increasingly entangled in regional pressures and end up resolving their conflicts by conceding a wider scope and devolving more authority to the regional organizations they have created" (Graziano & Vink, 2013, p. 32).

In any case the E.U. has become something more then a simple regional institution, and this is because the EU requires a pooling of sovereignty that is not seen in other regional organizations. That is why this new process is called Europeanization (Graziano & Vink, 2013). While the creation of institutions that reinforce regionalization are often attributed to economic push factors, other factors such as political will and security threats cannot be discounted (Prantl, 2013).

Why does this matter? Because in the case of EU, integration, motivated by a single market objective (economic factor), has forced the Europeanization of the political and security factors. Proving once again, that the spill over neo-functionalist theory explaining the creation of Europol and many of its sister multilateral institutions, is correct. Thus, the multilateral approach to LEC conducted at Europol was born of Europeanization. Not only does this verify the assertion that Europol was created due to spill over but also proves that Europol was born of a top down initiative and not of bottom up (Graziano & Vink, 2013). Furthermore Europeanization helps to explain the phenomenon of EU legal merging.

Externalities of Europeanization: European Arrest Warrants

It is not within the spectrum of this study to have a legal discussion on the judicial cooperation, especially since judicial systems and branches do not fall under the same

governmental umbrella as law enforcement agencies. The former is its own separate entity of the state, while the latter is an agency that belongs to the executive, specifically within liberal democracies of course. Nonetheless, certain legal measures can facilitate LEC and further decrease the ability for criminals to take advantage of a Schengen open border policy. This is particularly in regards to jurisdiction and how the EU has managed to surmount a substantial hurdle.

The European Arrest Warrant (EAW) is the practical or operational aspect of EU legal merging. What are EAWs? Council Framework Decision 584 created the EAW and it was assimilated it within the third pillar of the TEU. The Decision was passed in 2002 and was hailed by many as the cornerstone of EU judicial cooperation, especially since it had the innovative aspect of promoting the principal of mutual recognition (Carrerra, Guild, & Hernanz, 2013). Council Decision 584 defines the EAW as: "a judicial decision issued by a Member State with a view to the arrest and surrender by another Member State of a requested person, for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order" (European Union, 2002). Nevertheless, EAWs cannot be issued for any case; there are certain conditions that must be met. The first being that the offence must be have a maximum sentencing of at least twelve months. Furthermore, The Decision lists thirty-two different crimes that are within the principal of mutual recognition among all MS (European Union, 2002). Hence, if the offense is punishable by a maximum sentence of at least twelve months and the criminal in question is accused of partaking in one or several of the thirty-two crimes then an EAW can be issued.

EAWs are a hotly debated that EAW are not as effective as the 2002 Council

Framework Decision 584 intended it to be. From 2005 to 2011, 78,785 EAWs were

issues and of them only 19,841 resulted in the effective surrender of the person. Now the

researchers that published this CEPS Special Report, did provide several alternative

explanations to why this gap is as big as it is. First the data is skewed because once put

within the system the EAW cannot be taken down even if the issuing country no longer

wishes to prosecute. Additionally, 3,455 of the EAW between the above dates were

refused on several different reasons, the main ones being:

> "the act upon which the EAW was based did not constitute an offence under the
> law of the executing member state; the criminal prosecution or punishment of the
> requested person is statute-barred; the EAW issued was incomplete and/or lacked
> evidence from the requesting member state; the EAW was withdrawn by the
> executive judicial authority; the executing member state undertook to execute the
> custodial sentence or detention order of the requested person who is staying in, or
> is a national of or a resident in that member state; and the person who was the
> subject of the EAW was being prosecuted in the executing member state for the
> same act (*lis pendens*)" (Carrerra, Guild, & Hernanz, 2013, p. 11).

Lastly, countries like Poland, who requested over 59% of the EAWs that the UK received

during 2009 and 2010, have a criminal system that "requires prosecutors to prosecute any

crime regardless of its nature and without an independent scrutiny by judges" (Carrerra,

Guild, & Hernanz, 2013, p. 25). Thus, the high number of request could be skewed by all

three of these factors further complicating the issue.

Although this topic is of interest to this study, the debate is not. Statistics are

somewhat misleading as the last two paragraph have shown, and many different factors

can be at play influencing the number and percentages, but what is of interest is that

EAWs are the operational aspect of judicial and LEC. They prove the phenomenon of

Europeanization and the legal merging that is occurring, and has occurred, through the

acceptance of principals such as mutual recognition. Therefore, legal tools such as the

EAWs are the perfect example of judicial tools that can incite, structured, and also

facilitate LEC.

All in all, this chapter has not only presented and debated the many definitions of

LEC, its issues, and institutions, but has also presented several platforms and mechanisms

that show some promise in assisting LEC and solving the recurring issues it encounters.

Yet, this thesis is not titled, the history and issues of LEC but rather: Evaluating the

Mechanisms that Europol employs to facilitate Law Enforcement Cooperation in the fight

against Organized Crime in Europe since 2010. Thus, it is high time to address the main

subject and the crime it is trying to combat.

CHAPTER FOUR: EUROPOL AND ORGANIZED CRIME IN EUROPE

As the title suggest a full presentation of case study, the European Police Office (Europol), and one of its main mission areas (organized crime) is necessary for the reader to truly comprehend the magnitude of the problem but also what Europol is doing about it. At its inception Europol was born as a European Drug Unit, with the goal of helping MS to cooperate in impeding drug trafficking. The illegal drug market generated 24 billion euros last year in the EU alone and these are estimates taken on the amount of drugs and dirty money seized throughout the year (European Police Office, 2017). However, drug trafficking is not the only crime that Organized Crime Groups (OCGs) participate in and therefore Europol has had to adapt and diversify since its creation.

This chapter will at first present several definitions used to classify organized crime. Sadly, since OCGs are about as diverse as the individuals that they are comprised of, academia has had a tough time pinning down a sole definition. Then, it will be necessary to explain the structures and crimes that OCGs commit in Europe. The final wrap up for organized crime will be providing some data as to how much of an impact OCGs have had in Europe and how imbedded they are within the European Community. Once OCGs are covered, Europol will be fully broken-down into its components and LEC mechanism, so that the reader may understand which mechanisms are being evaluated and what is Europol's plan in regards to organized crime.

Organized Crime

Beginning this section without quoting the following section would be a mistake

seeing as it appropriately explains the dilemma of defining organized crime: "There are

as many definitions of organized crime as there are analytical perspectives and political

backgrounds" (Gounev & Ruggiero, 2012, p. 3). With this simple sentence Ruggiero has

fully encapsulated the diversity present within this debate. Nonetheless Ruggiero does

provide an expanded explanation as to what scholars, and law enforcement practitioners

look for in criminal groups in order to ascertain whether they are OCGs or not, but before

addressing the peripheral definitions it would be far more salient to see how EU

legislation defines it.

EU defines and Europol implements

The EU has been joint action and decision regulation in regards to organized

crime for over two decades now. One of first pieces of legislation, Resolution of the

Council of the 23rd of November 1995[7], was implemented as a way to provide and

cooperate more effectively in the protection of witness in organized crime cases.

Interestingly, this piece of legislation did not provide a definition for organized crime; it

provided a definition for witness but nothing else. In 1998 however, Joint Action 733, did

provide a definition and it went as follows:

> "a criminal organisation shall mean a structured association, established over a
> period of time, of more than two persons, acting in concert with a view to
> committing offences which are punishable by deprivation of liberty or a
> detention order of a maximum of at least four years or a more serious penalty,
> whether such offences are an end in themselves or a means of obtaining material

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[7] OJ C 327, 7. 12. 1995, p. 5: RESOLUTION OF THE COUNCIL of 23 November 1995 on the protection
of witnesses in the fight against international organized crime.

benefits and, where appropriate, of improperly influencing the operation of public authorities" (European Union, 1998, p. 1).

Nevertheless this definition is not the current definition that the EU refers to. In 2008, Council Framework Decision 841, extended the original definition by adding the following paragraphs: "structured association' means an association that is not randomly formed for the immediate commission of an offence, nor does it need to have formally defined roles for its members, continuity of its membership, or a developed structure" (European Union, 2008). This legislation was a reiteration of the EU commitment to fighting organized crime and it was able to incorporate several different good practices that were developed during the 2000 Palermo Convention.

Sadly the 2008 Decision was heavily criticized for its lack of legal harmonization. The Commission itself, with the backing of France and Italy, found the Decision to be lacking in its crucial goal of the "approximation of legislation on the fight against transnational organised crime…" (Bąkowski, 2013). Woefully, this is not the first time this argument has been made in this study, as Allum and Den Boer referred to the exact same criticism in their analysis of the issues the EU faces in implementing effective LEC against organized crime (Allum & Den Boer, United We Stand? Conceptual Diversity in the EU Strategy Against Organized Crime, 2013). Consequentially, the EU choosing a compromise by establishing a dual-approach to fighting against organized crime has been an additional sore point. Yet, it would seem the most logical solution to solving an issue of legal divergence, especially because traditionally there are three ways MS within the EU have faught organized crime:

- "Civil law approach which consists of criminalising participation in a

criminal association;
- Common law approach based on conspiracy, i.e. an agreement to commit a crime, and;
- Scandinavian approach, rejecting "criminal organisation" offences and relying instead on the general provisions of criminal law (e.g. complicity, aiding and abetting)" (Bąkowski, 2013, p. 2).

Of these, Decision 841 allows MS to implement either the first or the second. In either case, Europol now defines organized crime in suit of the EU definition, and thus, since 2008, the UN's international definition established in Palermo is the EU's definition as well.

The Diversity in Academic Definitions

Various academics and scholars, seek a common definition in particular characteristics of OCGs. These are general traits found in a multitude of OCGs, which allows for academics to create barrier of entry by instituting conditions as filters to differentiate those groups that are organized from those that are not. These barriers are effective at distinguishing OCGs from loose networks, but sadly, there is an absence of consensus as to what characteristic should be the defining component.

Some scholars use *structure* as a defining characteristic. Structure has the added advantage of being universally recognized part of OCGs and therefore a common characteristic used for definitional purposes. Yet, structure only address the "self-perpetuating criminal conspiracy hinging around families or bureaucracies, whose structure is rigidly hierarchical" which leave a lot of space for OCGs that operate in horizontal cell structures or in loose networks to evade OCG status (Gounev & Ruggiero, 2012). Therefore, using structure is an accurate way to determining if there is a continuous element of criminal activity and conspiracy, but it does not encapsulate the

throng of OCGs out there.

A second variable is based solely on the number of members the group has, which is seen as an indicator of the organizational level of the group. As the group gets bigger it requires a higher degree of organization, which in turn further cements the hierarchical structure that is so common in OCGs. Additionally, as groups grow, the farther their reach extends and the more dangerous they become. Hence, discerning OCGs through their size is an effective method to assess their threat level as well.

Third variable characteristics often revolve around either time-span or professionalism. The former argues that OCGs must have some shared history for them to actually be an OCG. Without the past history there isn't a basis for an argument referring to continuous criminality. Scholars in this school of thought argue that criminals who have unite for a single "job" should be tried on the basis of said criminal offense, and not in regards to OCG association, since they have no history of actually being a OCG. In regards to professionalism, academics reason that, like any legal company, certain individuals are hired to accomplish specific task, Ruggiero quotes Mannheim in the following: "he [Mannheim] posits that all economically oriented offences require a degree of organisation, or at least necessitate forms of association, or enterprise, among persons" (Gounev & Ruggiero, 2012, p. 5). Furthermore, this level of organization creates departments, which in turn requires members to be placed in managerial positions of departments like: production, transport, finances, and security. Through this process professional are created and on the job experience is valued and sought.

All in all, these various characteristics are often used in tandem or in conjunction

to create a plethora of definitions for OCGs. E.g.: OCGs should have a hierarchical structure, with at least ten members and some discrimination between legal business ventures and illegal enterprises. However, this study will once again clarify that Europol is the *piece de resistance* and thus the definition that applies to this study is the one renewed by the 2008 Council Framework Decision 841.

Modi Operandi and Crimes

The *Modi Operandi* (MO) of OCGs depends wholly on the markets they are involved in. OCGs adapt to their markets and the countermeasures that are put in place to impede them thus defining a single MO for all OCGs is impossible. What is possible is acknowledging the common traits of OCGs and here Europol's SOCTA report is quite useful. Europol reports that some 5,000 OCGs are under current investigation throughout the EU, with other 180 different nationalities. As far as structures go, the dominant structure remains the hierarchical structure. Other structure included loose networks (30% - 40%), and short-term ventures (20%). Furthermore, sixty percent of OCG members are European nationals and seventy-six percent of OCGs are comprised of six or more members (European Police Office, 2017).

As for the criminal markets they partake in: "illicit drugs, trafficking of human beings and migrant smuggling attract the largest numbers of OCGs and continue to generate the greatest profits among the various criminal markets in the EU" (European Police Office, 2017, p. 14). Figure 1 shows the variance between the different illegal markets. Additionally, seven out of ten OCGs operate within three or more countries, with forty-five percent of them participating in poly-criminality (engaged within more

then one criminal market) (European Police Office, 2017).

Involvement of OCGs active in the EU in different crime areas

Drug trafficking

Organised property crime

Trafficking in human beings

Excise fraud

Migrant smuggling

Figure 1: Involvement of OCGs active in the EU in different crime areas

European Police Office, SOCTA Report 2017

Impact on the European civil society and financial sector

Organized crime is prosperous in Europe, which to many seems counter intuitive, since Europe is part of the "stable" western world. The judiciary and law enforcement agencies in Europe do not face the overabundance of issues common to developing countries. Hence, it seems difficult to imagine organized crime finding illegal markets that generate twenty-four billion euros, as is the case with the illegal drug market in Europe. Furthermore, it is crucial to point out that the common denominator among OCGs is that they all have to laundered their proceed from criminal activities in order to reinvest within the legal economy, which in turn creates a tangible stress on the legal

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economy. Laundering criminal proceeds is a booming business and certain OCGs specialize in that alone. Due to this fact, many academics and law enforcement practitioners agree that one of the best strategies in fighting organized crime remains freezing their assets and seizing criminal funds (Hufnagel, 2014).

As a countermeasure to money laundering, the EU enacted Directive 849 in 2015 "on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing;" in an effort to amend regulation 648/2012 and repealing Directive 70 from 2006 and Directive 60 from 2005. This Directive strives to impede corruption in the financial sector and diminish the transferring and laundering of criminal proceeds through the creation of national financial investigation units that cooperate with each other in a similar manner to law enforcement cooperation (European Union, 2015). Europol has taken an active role reporting on money laundering and corruption and provides a clear info-graphic explaining how criminal proceeds, laundered and unlaundered, are used to corrupt: political system, civil and private sectors, and judicial and law enforcement practitioners, in order to obtain information, stay off the radar or to support their activities (See Figure 2). Between money laundering and corruption that is now done through crypto-currencies that are untraceable, the legal market and economy is under sever stress, and this is without including the negative externalities that drugs, human trafficking and smuggling, counterfeited currency, and cybercrime (identity theft) have on civil society (Gounev & Ruggiero, 2012; European Police Office, 2017).

OBJECTIVES OF CORRUPTION

OBTAIN INFORMATION	STAY OFF THE RADAR	SUPPORT ACTIVITIES
Upcoming controls	Obstruction of justice	Ease transport
Ongoing investigations	Witness intimidation	Obtain permits
Confidential data	Avoid controls	Bid rigging

Figure 2: Objectives of Corruption

European Police Office, SOCTA Report 2017

To conclude, organized crime is evidently impacting European society, in legal and illegal ways. Organized crime strives on legal systems, by taking advantage of them and operating within them unseen; OCGs are termites that if left unattended will bring the entire house down. Europol publish the following info-graphic demonstrating the many gears that operate the machine of organized crime; two of which revolver solely around corrupting the legal institutions of personal identification and financial management (See Figure 3). Lastly, organized crime is primordial a profit directed enterprise intimately connected to the changes in supply and demand, and thus, addressing both supply and demand should be a priority on any state dealing with organized, in the case of supply the best strategy to date, in regards to transnational organized crime, is LEC.
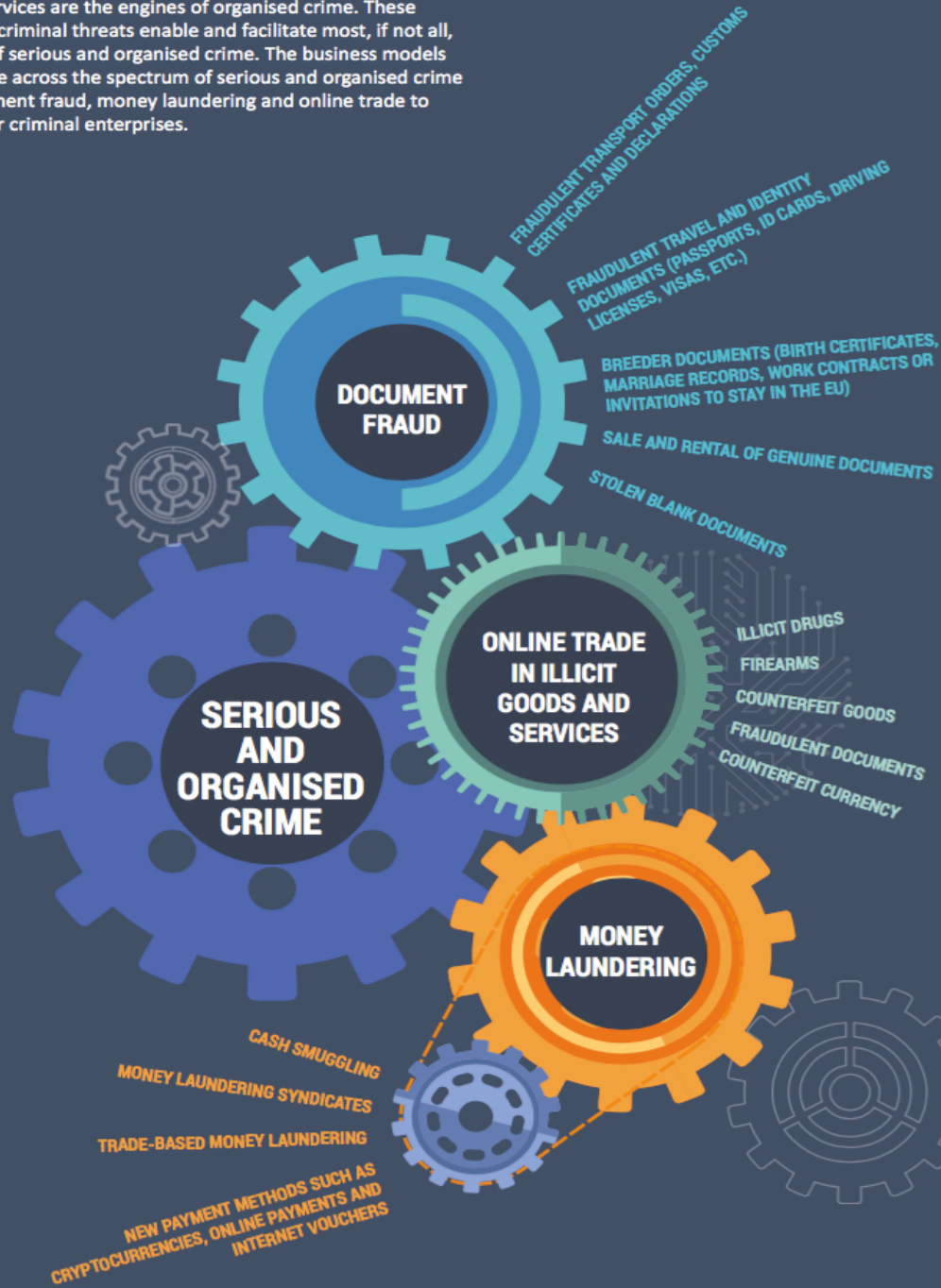
Figure 3: Engines of Organized Crime

European Police Office, SOCTA Report 2017

The European Police Office and its Mechanism:

The creation and history of Europol have already been discussed and presented in

chapter one, therefore this section will strive to not repeat itself and present the

mechanism that are to be evaluated throughout this study. In this section the research

question is applied to this specific case and consequentially, the mechanisms that Europol

employs to affect LEC are thus unearthed. Europol has defined its mission in the

following words: "to support its MS in preventing and combating all forms of serious

international and organised crime and terrorism" (European Police Office, 2016). As for

what Europol's tasks are, Council Decision 371 (2009) defines them with the precision of

legal scripture. The six principal task of Europol are:

a)   "to collect, store, process, analyze and exchange information and
     intelligence;
b)   to notify the competent authorities of the Member States without delay
     via the national unit referred to in Article 8 of information concerning
     them and of any connections identified between criminal offences;
c)   to aid investigations in the Member States, in particular by forwarding all
     relevant information to the national units;
d)   to ask the competent authorities of the Member States concerned to
     initiate, conduct or coordinate investigations and to suggest the setting up
     of joint investigation teams in specific cases;
e)   to provide intelligence and analytical support to Member States in
     connection with major international events;
f)   to prepare threat assessments, strategic analyses and general situation
     reports relating to its objective, including organised crime threat
     assessments" (European Union, 2009, p. Art. 5).

Apart form these six tasks; Europol has an additional three areas of support that it

has to attend to. The first is in regards to investigations and developing best

practices by providing strategic intelligence from in-depth analysis, and assisting

MS to appropriately access the resources and information they need.

The second area has to do with the cooperation efforts that Europol

undertakes with the European Union Agency for Law Enforcement Training

(CEPOL) to organize appropriate training seminars and conferences, so as to

create greater harmonization in regards to Police practices. This is not done with

the intent of creating one single policing strategy but as a network-building

process and a best practices dispersion. These training are held for a variety of

crimes and cutting edge technology, in prospects of improving law enforcement

capabilities throughout the EU. Lastly, Europol is charged with being the center

of operation for fighting the counterfeiting of the Euro currency. It is not the sole

actors in this domain, but it is the headquarters for counterfeiting operations. It

does encourage local law enforcement to initiate their own investigations, but

once completed said investigation must be reported back to Europol (European

Union, 2009).

Communications Mechanisms

Combining the primary tasks with the additional ones, the mechanisms that

Europol offers to MS to facilitate LEC become clear; the first is to collect, process, and

analyze information, which is done through three different platforms. The first platform is

the "Secure Information Exchange Network Application" (SIENA), which allows EU

Law Enforcement to communicate directly with each other and exchange of operational

and strategic crime related information. Europol is a key factor in the debate on the

effectiveness of multilateral cooperation versus bilateral cooperation. Europol tries to

accommodate both; it represent multilateral cooperation but also wishes to provide law

enforcement with something familiar, such as bilateral cooperation. Mechanisms such as SIENA can be used in this bilateral way; information can be requested directly from an agency and then provided to the requested agency, without any other domestic agency being involved. Individuals that have access to this closed information exchange system are, individuals at Europol headquarters (Liaison Officers, Analyst, and Experts), Europol offices in MS, and third parties that have cooperation agreements with Europol.

The second is the Europol Information System (EIS), which was launched in 2005 and can be accessed in twenty-two different languages. It serves as a criminal database that provides information on serious international crimes, suspects and convicted persons, criminal organizations, as well as new criminal trends and tactics. Finally, Europol's Platform for Experts (EPE), acts as a forum for law enforcement specialist to share best practices, documents, knowledge, innovation, and non-personal data on crime (European Police Office (B), 2017). However, the EPE does not only belong to the communication mechanism but rather straddles this mechanism and the Networking Mechanism, why this is the case will be explained in the networking mechanism section. These three platforms comprise Europol's web mechanisms and each one tries to address different issues of LEC.

Operational mechanisms

Europol has access to information and data from twenty-seven MS, which allows it to produce thorough strategic and intelligence reports on criminality within the EU. As it was stated in Europol's primary tasks, it has the responsibility to draft and produce threat assessment that report on new and upcoming criminal trends, allowing national law

enforcement to see the whole picture instead of just their national situation. Additionally, Europol gathers significant intelligence from the Internet and produces weekly updates on what is trending within the cybercrime realm. Organized crime has moved into the realm of cybercrime especially in the case of criminals that partake in Crime As A Service (CaaS) (European Police Office, 2017). These cybercriminals hire themselves out to the highest bidder and then develop malware to be used by the OCG in return for monetary compensation. Thus, Europol has adapted by engaging with the cyber community with the end goal being to "enrich and expand the store of available law-enforcement data and thus help make the fight against cybercrime as effective as possible" (European Police Office (B), 2017).

Another operational aspect of Europol is its ability to provide MS with expert and specialist to analyses raw information, in order to transform it into intelligence. Europol can as well deploy specialist and remote units to MS that ask for assistance in specific domains, such as cybercrime, or forensic science. These units can act similarly to Europol's nationally stationed units but are often tasked with a specific mission in order to assist a precise investigation as is the case with the forensic and cyber unit that Europol can deploy whenever requested. More then thirty specialist and analyst work within Europol's operational center in the Hague and the center is available to domestic law enforcement twenty-four hours a day and seven days a week. Furthermore, since Europol has several cooperation agreements with third parties, local law enforcement not only have accesses to data from all twenty-seven MS, but also from third parties (like the United States) all through the operational center.

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Lastly, since 2010, Europol can participate and recommend the initiation of Joint Investigation Teams (JIT), which are used to close a specific case and have and have a fixed period of cooperation. This might seem banal to some, yet, it would be useful to remember that Europol has no investigation powers, it has no jurisdiction, and hence, their participation in JITs is a big development. Moreover, Europol now has the ability to recommend the initiation of JITs, which granted does not sound impressive, but can be explained with the following analogy (European Union, 2009; European Police Office (B), 2017). Imagine seeing a problem and not being able to fix it because there is no authorization to do so, and the only way to address it is to publish it in the annual report. This all changed with Directive 371, Europol can now actively and dynamically, be engaged in providing recommendations based on the information that it receives, analyzes and then transforms into intelligence, thus gaining precious time and actively engaging with the law enforcement agencies that it support.

Networking Mechanisms

Here the EPE is present as well, since it allows for law enforcement, academics, and private sector experts to discussed specific crimes and elaborate on good practice. This tool is not only one of communication but also of networking since, experts hold meeting for their respective platforms and do not just communicate via the online forums. Thus, these meeting can help to build knowledge and create effective networks for cooperation. Furthermore, the Liaison officer stationed at Europol act as ambassadors for their agencies and can directly engage with other liaison officers in bilateral cooperation. Finally, Europol has an invested interest in sponsoring and organizing regular trainings

on new tactics and technologies in crime fighting. Here again, Europol is active within the cybercrime domain with the European Cybercrime Center (EC3). The EC3 specializes in capacity building and training MS law enforcement in keeping up with cybercrime trends and novel software and malware developments. Europol recognizes that not all MS have the same level of expertise or access to the same technologies, therefore the EC3 offers to decrease this knowledge and expertise gap by offering specialized training and targeted capacity building.

The EC3 has recently been active in the following areas within cybercrime for active engagement and innovative initiative building: online child sexual exploitation, payment fraud, and mobile malware awareness (European Police Office (B), 2017). Yet, the most crucial part of these trainings is the networking that occurs during them. During these training, which are catered to specific crime area, law enforcement practitioners are able to meet, converse, and share techniques and strategies that are employed within their respective agencies. This not only allows them to establish a point of contact within said agency but also helps with creating trust and facilitating mutual recognition further entrenching a beneficial notion of Europeanization. Furthermore, these trainings help to create a positive attitude towards cooperation and engender a sense of common purpose.

Closing Remarks

Understanding the impact that organized crime has had, and continuous to have, in Europe is primordial to understanding why Europol was created and what it faces. The integration of the European economies as well as the removal of borders has

internationalized illegal markets as well. Moving goods is now not only easier for the legal economy but also for the illegal one. As a consequence of Europeanization, the underground economies have also integrated, creating a European drug market that now has producers, suppliers, and consumers in various countries and perpetuates itself. OCGs have moved away from the traditional Mafiosi crimes, of racketeering, theft, fencing and pimping, to market sensitive operations, OCGs adapt to whatever can generate more profit (Fijnaut & Paoli , Comparative Synthesis of Part II, 2004). OCGs no longer view their structures as familial ties or kinship, but of enterprising entrepreneurs. The game is set, and the rules are simple, make as much profit without attracting attention so as to not get arrested or killed. This transformation is not new, and has been a trend since the late eighties but it seems that in some definitions of organized crime, there is still nostalgia for the popularized gangsters of the cinema.

Hence, it is important to restate that contemporary OCGs are operating as loose cells and their national diversity is as colorful as the rainbow, further disproving this notion that OCG members must be of kin. Furthermore, criminality has expanded; the addition of the Internet has created a lucrative market for cybercrime, further diversifying the list of criminal activities that OCGs partake in. Therefore Law enforcement is not only faced with the issue of criminals constantly moving between jurisdictions, and having loose cell structures, but now they also have to address a completely new type of crime, which to many of the older law enforcement practitioners is too outlandish to comprehend.

This is the challenge that Europol faces. The expansion and cross-nationalization

of the underground criminal economy has made it necessary for domestic law enforcement go international as well. This step is crucial in tackling the problem of jurisdiction but also in addressing the supply sphere of the criminal market. Hence, Europol has a critical part to play. Effectively engaging and utilizing its mechanisms is the first step, analyzing and recognizing the deficiencies still present within the whole structure is the second step, finally fixing and remedying these faults is the last step; and once all three are accomplished the cycle must begin again because OCGs will always find new and creative ways to abuse the system thus this process is a never ending cycle.

CHAPTER FIVE: EVALUATING THE EUROPEAN POLICE OFFICE'S MECHANISMS

The methodology for this study was presented in chapter two and therefore will not be reiterated here. Yet, this simple introduction will explain the structure of the chapter that is to come. The chapter will begin with presenting the data used to evaluate each mechanism that was identified in chapter three. The communication mechanism will be first due to the simple quantitative data and straightforward results that demonstrate Europol's influence on LEC. The operational mechanism will come next, and will be supported by quantitative data as well, but will be reinforced by opinions from the interviewees. The networking mechanism, will come last due to the difficulties in finding quantitative data, there are sources to demonstrate that this mechanism is active, but finding exact numbers for each year without direct access to Europol's internal records is impossible. Therefore, this mechanism will be evaluated by both the literature and the opinions of the interviewees.

Once the mechanisms have been evaluated in regards to whether they have had an impact on LEC throughout Europe; each will be paired with a corresponding recurring LEC issues that they are best suited to solve. This process will comprise the second part of each section and will be debated in a scholarly fashion with rational thinking, and opinions from interviewees. This second section will resemble a position argument,

where the researcher will present his arguments as to how each mechanism addresses its opposing LEC issue.

Communication Mechanism

All interviewees agreed that the most crucial component of an organized crime investigation is information. Information that is analyzed can then be transformed into intelligence, which then transforms regular police work into intelligence-led policing. Although this distinction might seem insignificant to some, within the field of law enforcement, the great majority of cases are built on initial bits of information that are later used as the initial pieces needed to generate or discover probable cause for obtaining warrants. Hence, methods of sharing information are of critical importance to fighting crime, especially transnational organized crime.

Affects on LEC

Since the establishment of Schengen, and the enabling of fluid movement of all EU citizens, criminals have been able to create multiple lives for themselves. With the help of document forger, a criminal could be known as Jean in France, Bernard in Germany, and Jose in Spain. If these three countries have no mechanism or database to conglomerate their identification systems, this individual could easily maintain this farce. Through Europol's Information System (EIS) and facial recognition software, even if this individual is in the EIS system under each name, the software will bring forth all matches; which would expose this criminal's multiple lives. Yet, this couldn't occur if the criminal databases of each country remained independent of each other. Also the Schengen Information System (SIS) performs a similar task, EIS takes things a step

further, by also showing if the individual is under investigation by any MS law enforcement, which is information that they are privy too because they support law enforcement investigations across the entire EU. Figure 4, Figure 5, and Figure 6 demonstrate the increase in both the entry of objects and persons of interest in the EIS, as well as the increase in searches conducted through the EIS.
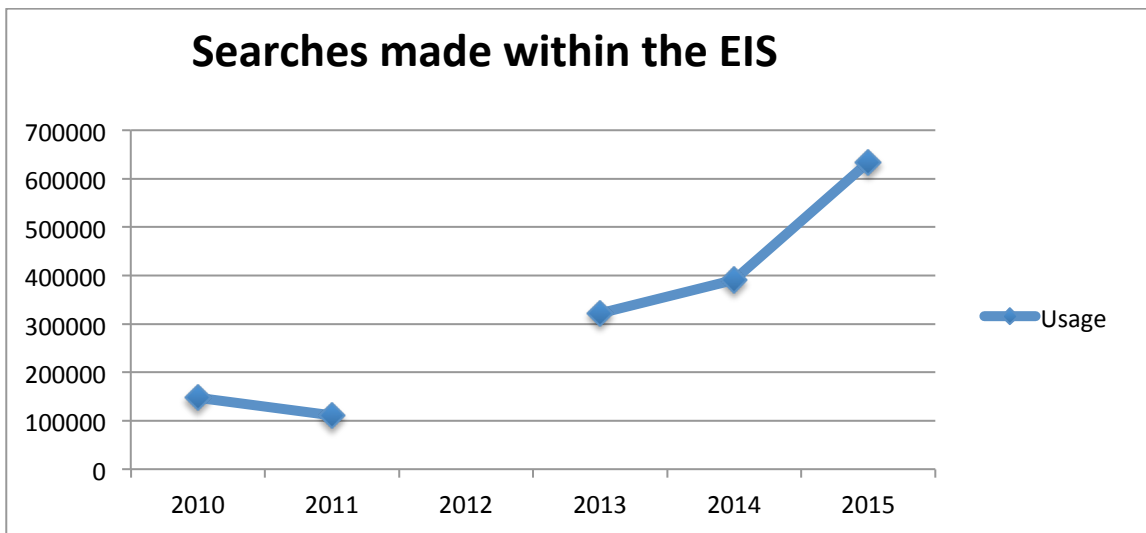

Figure 4: Searches made within the EIS
*The Annual Report for 2012 did not have any data in regards to EIS usage.
Data Source: Europol Annual Review

As the graph shows usage has done nothing but increase throughout the last three years. There was a minor fall between 2010 and 2011, and since there is no data for 2012 one is left to wonder if it didn't fall even further, yet this does not detracted from the steady increase seen from 2013 to 2015. The following graphs concerning the EIS demonstrate a steady increase of the entry of objects and persons of interest within the EIS; which might lead some to think that if the database has been constantly growing

then its usage has also been continuous. Yet the graph above proves that these two

notions are not mutually exclusive. Understanding why they are not is simple, but

requires providing some general information on how Europol's information system's

function. Europol has offices in every MS; these National Units (NU) have direct access

to any data that Europol has as well as being able to input and update any information

within the database. However, this can only be done through the NUs, therefore if a

inspectors or investigator wants a person of interest put into the database, he or she needs

to bring or mail a physical file to the NU, no e-mails, or transfers of data. Once delivered

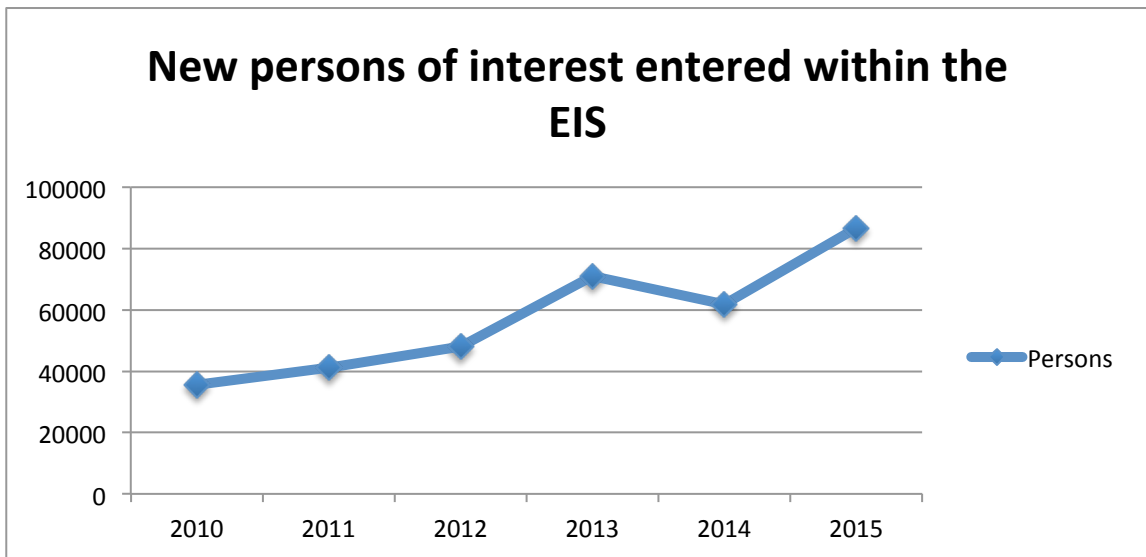the data is manually inputted into the EIS by the law enforcement officers within the NU.

Figure 5: New person of interest entered within the EIS

Data Source: Europol Annual Review

Therefore, local inspectors and investigators do not have direct access to the EIS

and must go through their NUs if they wish to input or update anything within the

system. This process can be further complicated if the MS has a decentralized law enforcement structures or unstructured institutions. This obstacle would explain why local law enforcement was not at first too keen in using Europol's database. Hence the answer as to why the discrepancy between Figure 4, Figure 5, and **Error! Reference source not found.**Figure 6 is forthright; while Europol's engineers were busy at The Hague, updating and inputting data into the EIS, MS law enforcement was not yet accustomed to the process of requesting information through their NU's. Thus the drop in usage but the constant rise in objects and person of interest increase.
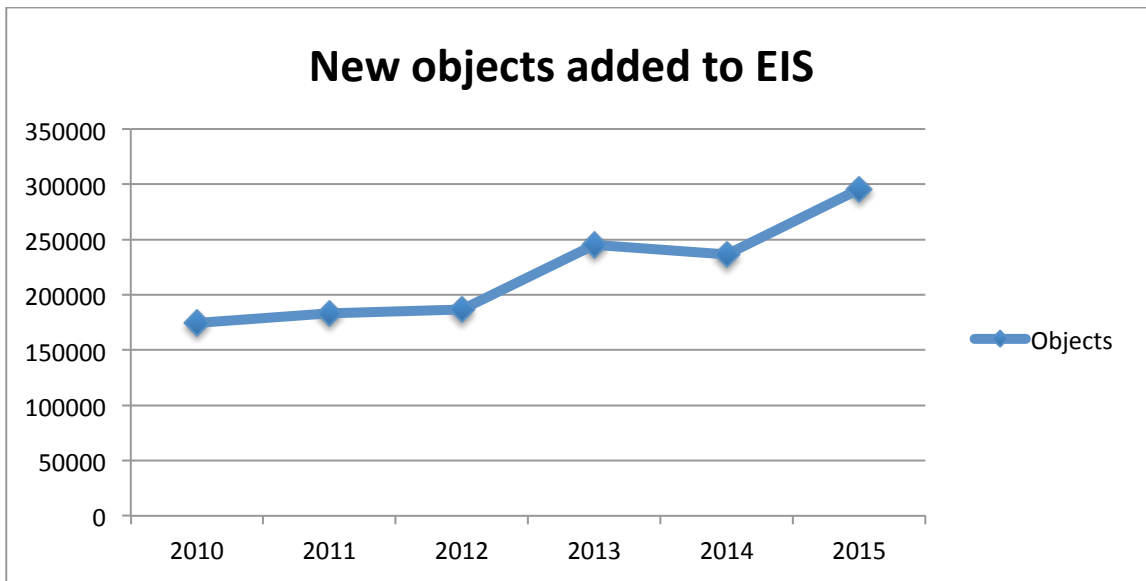

Figure 6: New objects added to EIS

Data Source: Europol Annual Review

However, the EIS is not the only component of the communication mechanism. The Secure Information Exchange Network Application or SIENA, offers law

enforcement a very unique opportunity, it allows officers to cooperate on either a bilateral or multilateral level. Officers are able to send secure operational and strategic messages through SIENA to other agencies without needing a point of contact at the other agency. Additionally, any difficulties with language barriers are surmounted due to Europol operating in English, thus any message sent through SIENA is automatically translated into English (Guille, 2010). The EU is comprised of twenty-seven different nations, with their separate languages and culture. Language barriers are not often an issue between neighboring countries but the expansion of Europe has enabled countries like Latvia to cooperate with Portugal. Yet, this type of cooperation necessitates communication that can be understood by both parties, which is where Europol, through SIENA, can facilitates direct cooperation between two countries that would regularly have to hire vetted interpreters. In this regard, Europol has greatly facilitates LEC, just by simply providing individuals with bilingual capabilities and that are vetted professional further guaranteeing the security of the communication.

SIENA has been a popular tool according to Figure 7, with an average of 2,178 messages a day. Moreover, SIENA is also used to initiate cases and document their progress. This in turn serves two purposes for Europol, it both provides Europol with current data and allows law enforcement to keep track of past discussions and current status of the case. Therefore if an inspector has had an accident and a new officer must take up the case, everything that was shared through SIENA is recorded for him or her to continue the investigation without interruption.
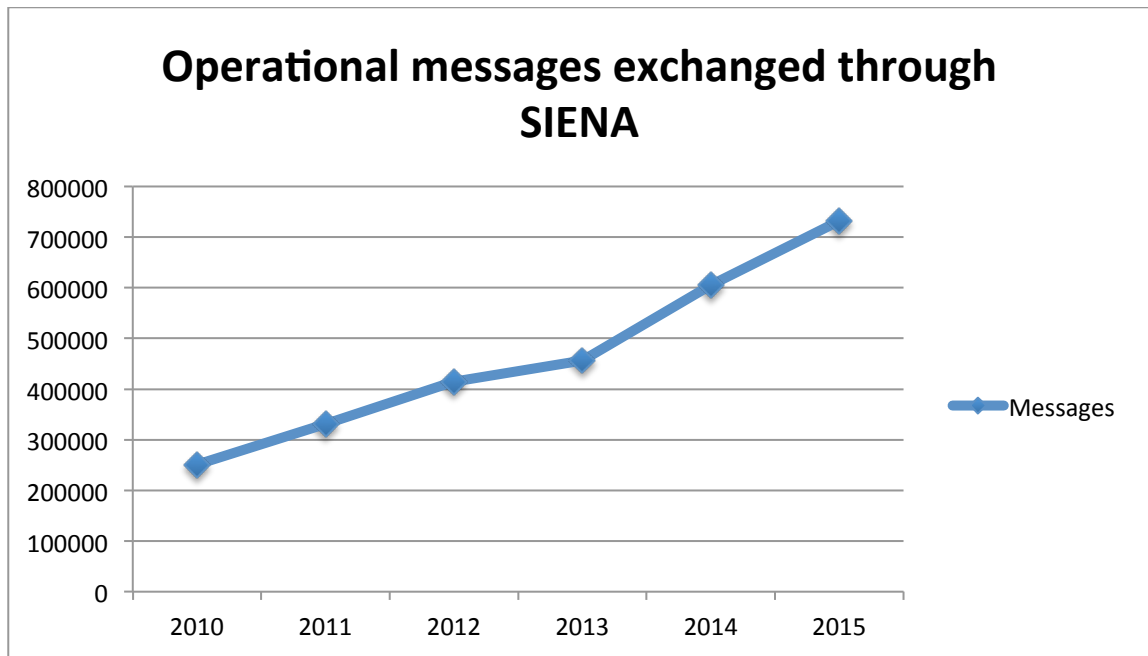
Figure 7: Operational messages exchanged through SIENA

Data Source: Europol Annual Review

The number of new cases initiated yearly is illustrated by Figure 8 and shows that until 2013 new cases were initiated at a steady growth rate. However, from 2013 to 2014 there is a significant jump but then it resumes a steady incline until 2015. Europol explains this jump in the following statement:

> "In January 2014 the Euroregional Police Information and Cooperation Centre (EPICC) in Heerlen started using SIENA as its main means of information exchange which doubled the number of the SIENA cases. The increase of 13% is provided excluding the 13,693 cases initiated by the EPICC in Heerlen" (European Police Office, 2014).

The quote is a bit anticlimactic, but the graph does show a steady increase, which demonstrates a stable participation of MS law enforcement within the communication mechanism of Europol.
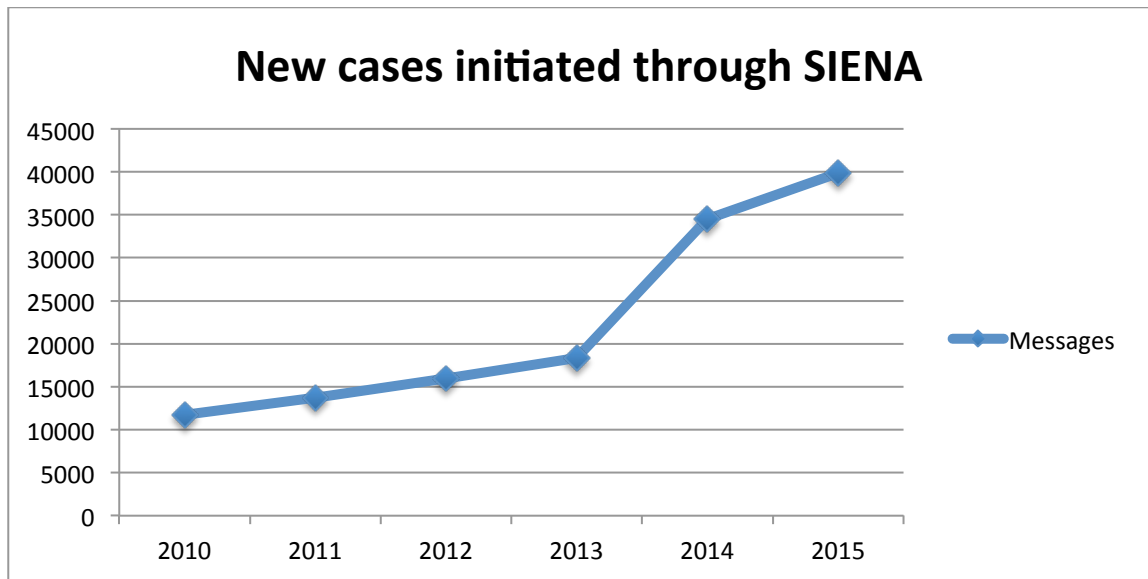
New cases initiated through SIENA

Figure 8: New cases initiated through SIENA

Data Source: Europol Annual Review

Although, these graphs demonstrate that information exchange is growing, and that Europol is facilitating it with its diverse databases and systems; interviewees within the 2012 Rand report and this study, commented that they believe that there is still more that can be done. Particularly in regards to informal information sharing, such as platforms for quick information exchange that save time in comparison to the proper channels. There still seems to be some reluctance to partake in communication systems that are not fast enough to provide the information sought under the right timeframe. As two of the interviewees commented; when an investigation is in progress, there are instances where information needs to be obtained within hours and not days, which seems to be the recurring shortcoming that is present throughout the literature and the interviews.

Unfortunately, time is not the only issue Europol has had with this mechanism. The

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resistance to sharing information is a common trait within various state structures, including law enforcement. This is mainly due to two factors: competition and corruption. The two Cs that are more toxic to the law enforcement environment then the drug itself. Corruption is of course counterproductive to effective police work. However, competition can be as damaging, especially when individuals or states have a vested interest in the outcome of an investigation. Corruption can be described as the exact opposite of competition within the context of information exchange; with corruption, information is either lost or sold to the criminals; with competition however, information is withheld or suppressed. Although both can generate a bit of the other, in most cases corruption can be described metaphorically, as a leaky sink, while competition is best illustrated by picturing a sink plug. Both are detrimental to not only LEC but also to maintaining the rule of law within any society.

In the case of Europol, it counts and relies on MS to provide it with information, which can become difficult when the agency whose information is being requested deems the requesting organization to be untrustworthy or a competitor. In either case, Europol cannot solely rely on its NUs to feed it information; MS needs to feel that the information they share with Europol is safe. Sadly On November 30, 2016, a Dutch TV program televised a story describing how Europol had leaked 54 different police investigations into possible terrorists. This leak was caused, by pure negligence; a Europol employee took a mix of classified and unclassified files home and put them on a hard drive connected to the Internet (Sterling, 2016). "Luckily most of the sensitive material was over 10 years old," was the statement that Europol Spokesman Gerald Hesztera released,

with the following remark: "there was no indication that any current investigation had been compromised" (Agence France-Presse, 2016). Hence, the communication mechanism has several hiccups that still require solving or fixing. If Europol wishes to be the central nervous system of EU law enforcement then it needs to guarantee MS' police agencies that their data will be safe with Europol and that it will arrive within an actionable timeframe.

Engaging with Number THREE

The age long debate on the pros and cons of multilateralism in comparison to bilateralism has not changed much. Author Laura Guille, wrote a chapter in Frédéric Lemieux's book and debated the pros and cons of bilateralism versus multilateralism and her finding were rather interesting. In her opinion: "None of the cooperation processes, whether bilateral or multilateral, is perfect" (Guille, 2010, p. 39). Guille conducted her study in four different countries, France, Luxembourg, Spain, and the UK, and she based her finding on an empirical model of face-to-face interviews. Her diagnosis is that informal communication and bilateral cooperation are necessary to LEC, but she believes that they should be considered temporary solution and not long term ones (Guille, 2010). A centralized system, so that individuals don't need to spend half their lives searching for contacts is a necessity if LEC is to become more effective in the future.

Hence, the debate is alive and well, and proponents of bilateralism, are still preaching its efficiency and timely manner, while multilateral supporters, still voice their opinions on how to create a structure that can be used by anyone without needing years of experience and contacts. However, the key notion that needs to be taken from this debate,

and from Guille's article, is that neither of these processes is better then the other. In the end, effective and efficient police work requires both of them. Consequently, in this regard, the communication mechanism has found a middle ground. SIENA should be seen as a suitable compromise. It is slower then just reaching out to a colleague, and does require filing more forms, but in exchange, there are no language barriers, and even if an officer has no contacts in the agency he or she is trying to reach, through Europol there is habitually a point of contact. Furthermore, SIENA's capability to send direct messages to other MS's agencies or to third parties, allows for bilateral cooperation to occur within a multilateral system. Does this mechanism solve issue THREE? Yes and no, Europol is attempting to find a middle ground between the two processes. Law enforcement needs to feel comfortable using all the tools they have at their disposal and for now Europol still require a level of bureaucracy that most are not comfortable engaging with. Therefore, this mechanism is on the right track but additional steps still need to be taken to find the middle ground between bilateralism and multilateralism.

Operational Mechanism

The three components that will be used were broached in the methodology section, but here is a quick summary. The initial data to be scrutinized is the number of operational analysis reports that have been delivered by Europol to the appropriate authorities. The second component is the number of deployments Europol's Mobil Unit has had throughout the years. Lastly, the amount of cases that have been initiated by Europol from 2012 to 2015 will be presented and discusses.

All three of these factors were chosen because they appear within Council

Decision 371, under article five. The section clearly delineates the tasks assigned to

Europol, especially in regards to its operational capabilities. Europol was tasked to be an

information hub, thus the operational analysis reports it produces will need to be

discussed. The deployment of Mobile Units is also of concern, as it shows whether MS

are taking advantage of the operational services that Europol has to offer, services that

are catered to MS. As for the last one, the number of cases initiated by Europol will

demonstrate the trend that Europol has had in using its full operational capabilities; all of

this will be analyzed as a means of establishing how the operational mechanism is

affecting LEC and whether it is addressing the recurring LEC issue of viewing organized

crime as a local problem rather then an transnational one.

Affects on LEC

The operational analysis reports are drafted and produced by Europol experts,

who are either requested to analyze certain information or have been tasked with

producing a specific report on a certain situation, crime, or incident. These reports are

what fuel Europol's vision of police work one day becoming intelligence-led policing.

Figure 9 is not constant or incremental. There is however a simple explanation to this

phenomenon. From 2010 to 2012 the operational analysis reports were not distinguished

from other reports such as: forensic or technical analysis reports. This categorizing

technique was established in 2013 and has been in place ever since. Still, as the reader

can see, between years 2013 and 2015 there is no gradual increment, which demonstrates

a lack of regularity when it comes to either MS requesting operational analysis reports, or

Europol's capacity to deliver them. In either case this information leaves one with a sense of instability that could either be caused by criminal patterns or this new categorization, or by shortcomings within this component.
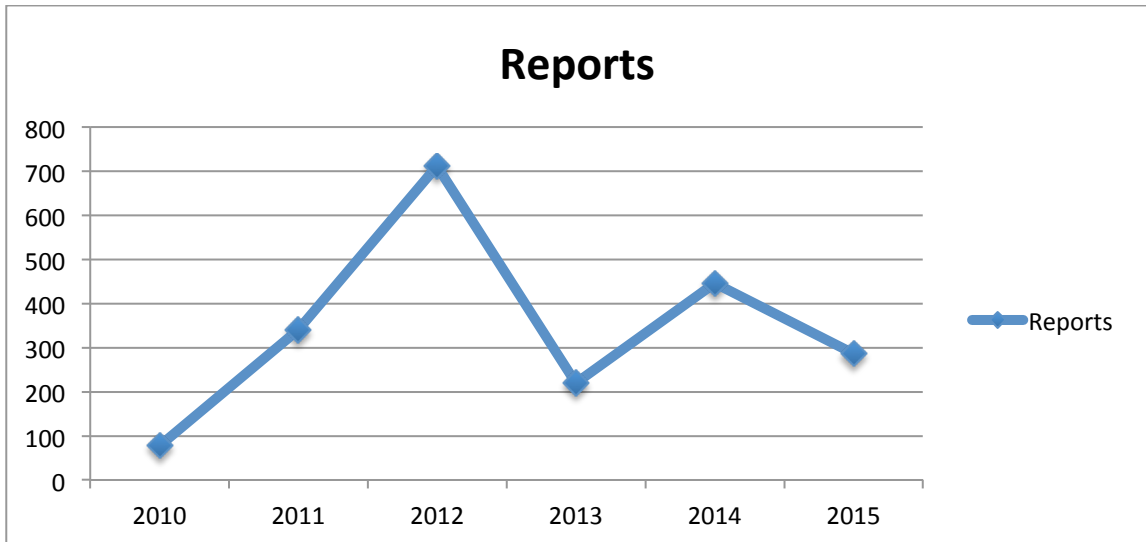

Figure 9: Reports

Data Source: Europol Annual Review & Consolidated Annual Activity Report

Europol's mobile units are perfect representation what the operational capabilities of Europol are meant to do. Europol preaches on their website, and every report that they publish, that its main goal is to support EU law enforcement. Therefore, creating mobile units that can be deployed to provide local law enforcement with technical, forensic, or expert assistance is the definition of providing support. Therefore, it is curious to look at Figure 10 and notice that from 2011 to 2013 little to no change, but in 2014 it jumps from 90 to 146. This jump is best explained by stating that the 11th of January 2013, was the official launch of the Europol's European Cybercrime Center (EC3); which would

explain why the jump in deployment of mobile units. With cybercrime becoming a serious threat to MS, and several MS not having the technical equipment to impede this type of crime it would be understandable that they would request Europol aid in dealing with cybercrime.
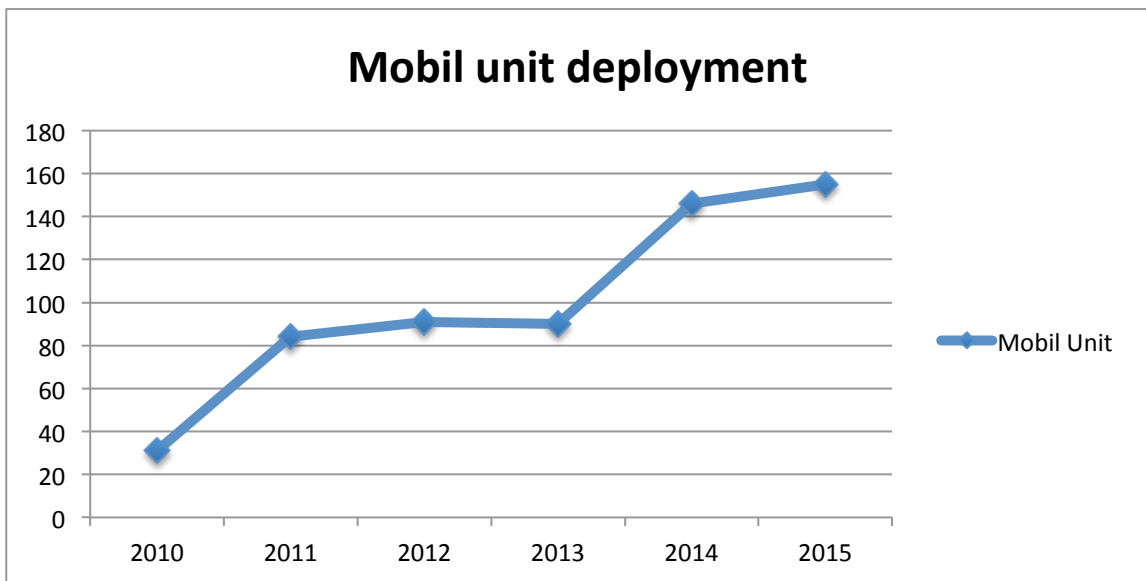
Figure 10: Mobil unit deployment

Data Source: Europol Annual Review & Consolidated Annual Activity Report

On an additional note, experts and specialist are also deployed in a similar matter to these mobile units, and for similar situation. For example, respondent A commented on how effective and beneficial the specialist that they had requested had been at providing technical training and support in the use of a new piece of technology (See Appendix B). This positive outlook on these mobile units and the experts that go with them is promising. Furthermore, Europol's adaptability was demonstrated by its ability to create

a response to a new criminal trend, which within the world of crime repression is a critical necessity.

The final graph for this mechanism enumerate Europol's task in regards to paragraph (d), section 1, article 5 of Council Decision 371. It grants Europol the power to request that local law enforcement to initiate an investigation. If Europol gathers enough information and intelligence that indicate a threat is occurring or will occur in a certain region, then it can request that local law enforcement initiate an investigation. This power is curious to analyze, because it is the only graph within this study that has negative slop. Which is counterintuitive for many who believed once power is given it will be abused. Figure 11 shows the inaccuracy of the previous sentence's statement, by showing that as time has gone by Europol has initiated fewer cases.
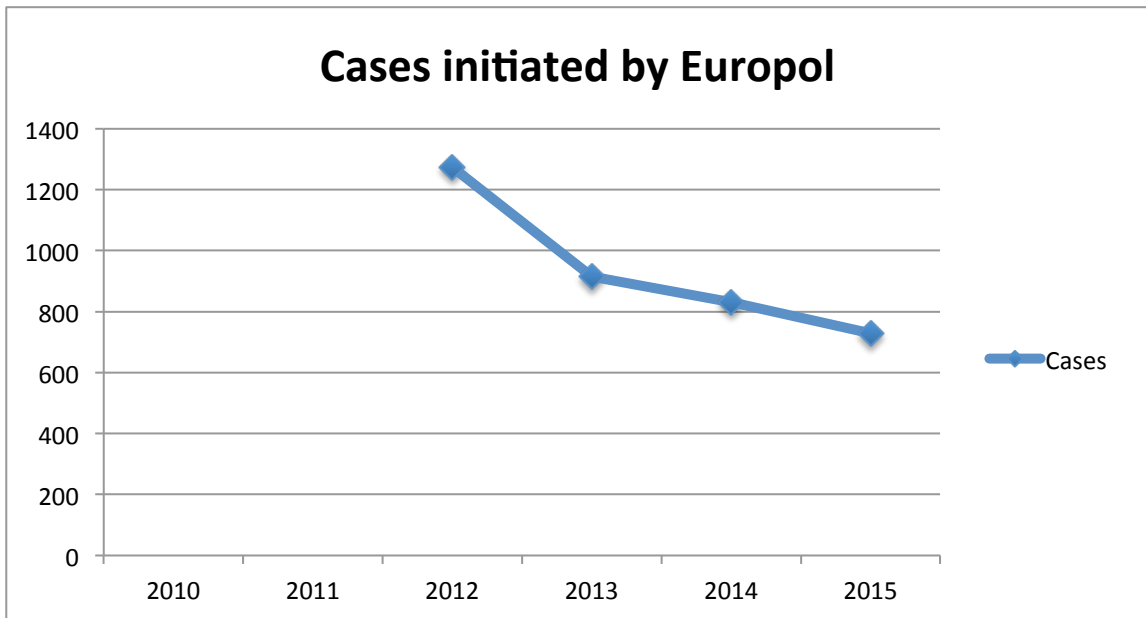

Figure 11: Cases initiated by Europol
*The practice of collecting data on whom initiated cases, was not reported till 2012.

Data Source: Europol Annual Review

There are a number of possible explanations for this occurrence, Europol could be taking a step back due to political pressure or national sensitivities, or maybe MS are demonstrating greater initiative and have access to better technologies. Nevertheless, when comparing this graph to graph 4.5, one is left to wonder, if the cases initiated yearly through SIENA are a steady incline and Europol is initiating less and less cases, then couldn't one assume that this inverse relationship corroborates that the decline in cases initiated by Europol is due to MS playing a bigger role within Europol's communication mechanism? Europol no longer needs to initiate cases because MS are doing it through its infrastructure without having to be prompted. This conclusion generates mixed feelings, on the one hand, MS taking advantage of Europol's mechanisms is encouraging, but on the other hand, Europol's executive power to initiate an investigation is also a tool to compel MS to go through Europol's mechanisms, which could either be perceived as a way of self-promotion. This is not to say that all cases that Europol initiates are bound to go from the beginning to the end through Europol, but when Europol initiates a case it does it through SIENA, therefore MS must initially conduct their investigation through Europol.

Nevertheless, the motives behind the results are not this study's preoccupation, what is germane to this research is whether this mechanism as a whole has affected LEC? As the graphs show, the results are mix. Operation analysis reports are on a general incline even though there are some inconsistent data recording practices. The deployment of mobile units and experts, shows that MS are cooperating at a greater extend with Europol and taking advantages of the operational mechanism that it offers. Finally, as to

Europol's most coercive operational tool, it would seem that it has severely restricted itself in using it, which is incredibly promising and somewhat surprising; yet the question that these components of the operational mechanism have yet to answer is whether or not it solves recurring issue ONE of LEC.

Engaging with Number ONE

Recurring issue ONE could be addressed by creating awareness campaigns and promoting LEC through Europe. Furthermore, as it was stated in chapter three, this issue is the "great unifier" when it comes to LEC issues, the grand majority of obstacles that LEC faces can often be removed by applying the correct amount of *political will* within the corresponding sectors. Additionally, softening of *political will* can also help to ease LEC in situation where political pressures are running high and rampant. Nonetheless, what the researcher experienced throughout the interviews was a constant recounting of how trust needs to be created for effective LEC to occur. How is trust built? Through time, and by proving reliability, trust is created and molded into a working relationship or at least a functional one. Every tool within the operational mechanism engages with this process of trust building. The reports are an example of dependability and of willingness to participate. The rise in the use of mobile units shows the progress in generating trust between Europol and local law enforcement. Egos can often get in the way of requesting support when it is needed, but graph 4.8 shows that MS have started to surmount that obstacle, which in turn proves the existence of *political will* in cooperating with Europol.

On a last note, Europol has shown restraint with its operational powers, which is an encouraging phenomenon. Whether Europol is purposefully restraining itself, or is just

afraid of angering or creating a drift between itself and its clients (MS), is the real

question. In any case this power is critical to managing *political will*, if Europol ever

decided to abuse it, it could create large amounts of flak for Europol. To conclude, issue

ONE is addressed and targeted by the operational mechanism. Has it solved it? No, in a

few years if Europol does not stumble or damage itself, and trust and dependence are

cemented, then maybe *political will* will not be an issue anymore.

Networking Mechanism

Of the three mechanisms, networking is the hardest to quantify. The data that was the

most critical to this mechanism - the amount of training offered by Europol yearly - was

impossible to find, and the few sources that did have numbers, only had them for certain

years, making it impossible to establish salient quantitative results. Yet, there is a silver

lining, the data that is available is promising and the interviewees were rather vocal about

this subject, especially of one of its components, law enforcement trainings. Therefore,

constructing an informed opinion of the effects this mechanism has on LEC and whether

or not it solve recurring issue TWO, will be feasible.

Affects on LEC

The first component to be broached in chapter 3, within this mechanism, was the

EPE; the EPE is one of the few tools that belongs in two separate mechanisms. It was not

elaborated on in the communication mechanism's section because its data is more

appropriate for this section, seeing as it demonstrated exactly how Europol is expanding

law enforcement networks. Moreover, the communication mechanism was, and is,

oversaturated with data. EPEs, are platforms for law enforcement, academics, and private

security to meet and discusses best practice, or to share information and new criminal trends. Each platform concerns itself wit a specific crime, and individuals must be invited, admission is restricted. Figure 12 is sadly missing the inputs of year 2010 and 2011, as it was explained above, the data for this mechanism is often incomplete.

Europol platform for experts (EPE)
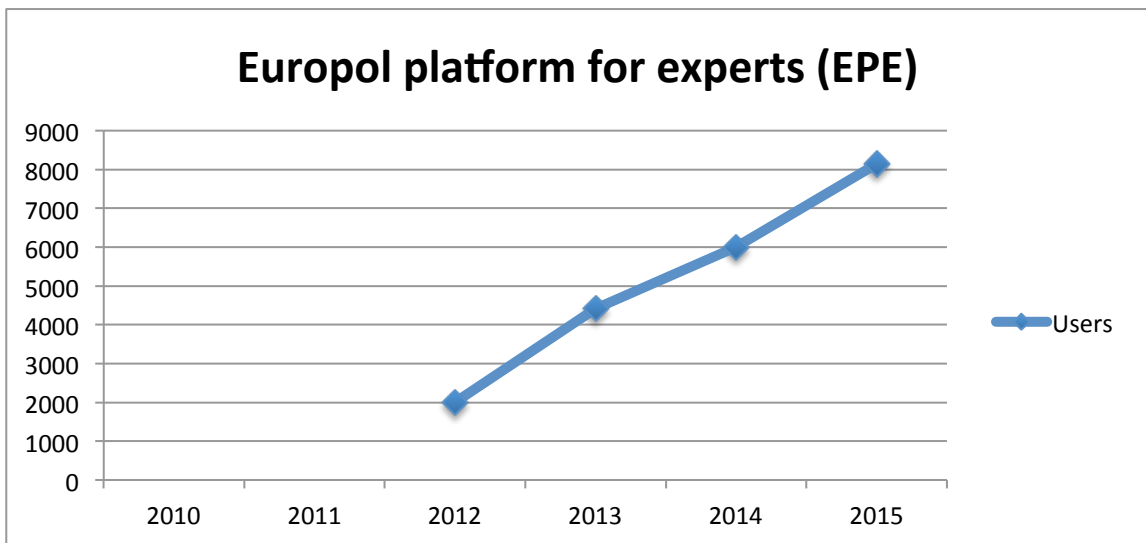
Figure 12: Europol platform for experts (EPE)

Data Source: Europol Annual Review

Yet, as one can see the four years that do have data show a steady increase in EPE participants. In 2015 the 8140 users where comprised of two percent academics, nine percent Europol staff, seventy-seven percent law enforcement, nine percent other organization, and three percent private industry (European Police Office, 2015). Therefore, law enforcement is to whom this tool caters too, but it also allows for outside comments and opinions, which not only diversifies the LEC environment but also law enforcement itself.

The diversification of LEC is apparent and one only needs to look at Europol to see this phenomenon in action. In 2010, 124 liaisons officer where stationed at Europol, in 2015 nearly 200 different national and international agencies had a presence at Europol. Figure 13 illustrates this quite clearly. Liaison officer can either be, representatives from agencies within the MS, or an officer from and agency that have signed an operational agreement with Europol. The increase in liaison officers throughout the years has only expanded Europol's network, which in turn has affected LEC. Latvia now has access to a point of contact within the agencies of seventeen "third party" states, without ever having to negotiate any LEC agreement (European Police Office (C), 2017). The graph demonstrates a current positive trend, but it does not have exponential growth, like some of the previous graphs. This slow growth would seem to show steady positive expansion for the years to come, but for how long and will there be animosity between Europol and Interpol if Europol expands to a worldwide scale?
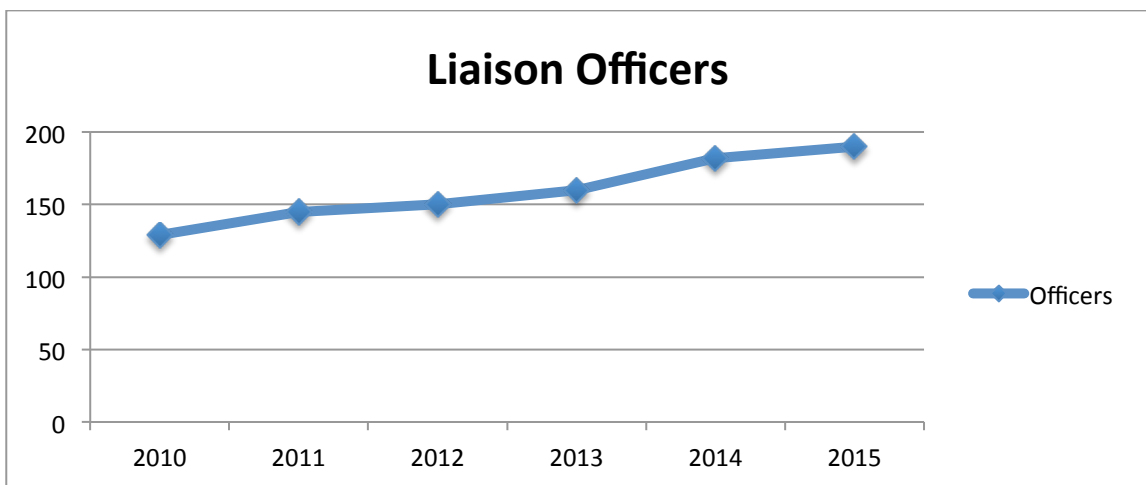

Figure 13: Liaison Officers

Data Source: Europol Annual Review

For the last component, trainings, the interviews are all the data that was found suitable for this study. Therefore, here are some of the comments that the interviewees had about Europol trainings. Respondent A said the following: "A lot of trainings, they organize a lot of trainings and that's good, because when they organized training, they try to get people from every country so that you can make contacts, the main point of Europol is to make contacts. That is one of their main objectives, they want to create a network" (See Appendix B).

Respondent B had a similar opinion but approached it form a different perspective: "Yes we've had a lot of training. I've had training with CEPOL, I've had training on witness protection, on a lot of materials, so we do fly, and I am abroad at least once a month for training. The EU funds the training. There aren't any issues of expenses; therefore we do get a lot of training. So I know who is in the force in regards to which country because of these trainings. So whenever its informal its on a one to one bases. And yes trainings are used to create networks. Most of us have at some point in time been trained by Europol" (See Appendix B).

The last interviewee, respondent C, said the following: "When I attend a course abroad there is always a presence of Europol that is there to promote their services. They promote themselves at these training that CEPOL runs" (See Appendix B). All three interviewees agree on the benefits of training, which are creating contacts and establishing of networks, but it seems that each has an original comment to make on the subject.

Respondent A is adamant about networking being a primary objective of Europol, while B is fixed on the fact that there is a vast quantity of trainings and that funds rarely run low; and finally, respondent C, apparently hasn't had any training with Europol but instead with the Police College CEPOL, and has recounted how each training they went to, Europol was often there with their PowerPoints and contact cards. Thus, it would seem that trainings are a crucial component of the network mechanism, seeing as it is the one time for local law enforcement to leave their country on work and meet with other professionals within the same field.

Have these components that comprise this mechanism had an affect on LEC? It would seem that out of all these mechanism this one is by far the most promising. There is no quantitative data, but it would seem unlikely that out of the three interviewees, all three of them mentioned trainings as great opportunities to establish contacts for future LEC. Even if, the motivation to establish these contacts is so that the information shared can go through back channels and not through the official ones, it still has the promising result of creating some unity within the law enforcement agencies of the EU.

Engaging with Number TWO

Ignoring the transnational context of organized crime can not only cause an unnecessary waste of resources, but can also be incredibly dangerous. Categorizing organized crime and local when it often has transnational elements, is a similar mistake to confusing a fox for a bear, they'll both bit for sure, but one is most definitely a bigger threat then the other. Therefore, when facing a new opponent, it is of the outmost importance to identify and recognize the potential threat this new opponent poses.

In regards to this mechanism, the EPE, plus the trainings, and the liaison officer all create a network with the goal of fighting crime, and in many cases, organized crime. Hence, these platforms and trainings are ideal ways to solve issue TWO by destroying this myth that organized crime is a local problem and not a transnational one. How is it done? By allowing officers to share their experiences, in the EPEs or trainings, as a way to demonstrate that there are common trends across Europe. Furthermore, Europol has included training and education as a critical component within its strategy to impede organized crime (Allum & Den Boer, United We Stand? Conceptual Diversity in the EU Strategy Against Organized Crime, 2013).

Chapter four demonstrated that criminals from the same organization can be spread across five different countries and still be committing the same crime. The EPEs are especially crucial in defeating this myth, because through them and their focus on specific crime areas, participants can create a community of common interest and have a united objective. To conclude, does this mechanism solve issue TWO? Yes, it most definitely does, a few more years of this mechanism and soon enough, viewing organized crime as a local problem will be seen as ridiculous. There is still some time needed to fully engrain this notion into all MS law enforcement but Europol is on the right track with this mechanism.

Closing Remarks

Fully exposing these mechanisms was the goal of this chapter. The reader now understands how Europol's mechanisms affect LEC; from the communication mechanism and its cyber capabilities, to the operational mechanism and its support

capacities, and last but not least the networking mechanism and its emphasis on creating new norms and best practices. Pairing these mechanism against the recurring LEC issue was a test to evaluate these mechanisms and their ability to address issues that have been plaguing LEC for decades. Therefore, these mechanisms were not just assessed for their influence on LEC but also in how they respond to some of the most obstinate obstacles to LEC.

CHAPTER SIX: CONCLUSION

This conclusion will follow the subsequent roadmap; it will restate why this research was conducted and what it was researching. Then, a summary of the research, including a review of the recurring LEC issues and Europol's LEC mechanisms will be needed. Finally, an amalgamation of the results, and the conclusion and recommendations that can be drawn from them will this chapter and this study. All in all, the overall objective is to be concise and direct without an oversaturation of speculations or banter. This strategy will allow for the reader to have a clear picture of what these results and deductions truly signify for the future of LEC.

Purpose

Organized crime is going no where, if anything it was become more visible recently, which is proven by the extensive amount of literature praising, vilifying, and theorizing the phenomenon that it is. Within Schengen, the freedom of movement has generated an implosion of European travel, spurring national organization and companies to become more "European." The integration of various national markets has created an incredibly diverse and grand new market that exists in part because there is freedom of movement within Schengen. Yet, since all actions create an opposite reaction, the integration of the legal economies also facilitated the integration of the illicit economies.

Schengen was not a disaster for law enforcement, but it was a complication. At first law enforcement operated as it had for years, cooperation was mainly a question of extradition and prosecutorial rights. However, once the Europol Drug Unit (EDU) was created, there was a realization that integrating law enforcement could have better results, especially with transnational criminals. The EDU had no power to arrest but just by serving as a source of information and analysis, local law enforcement no longer had to wonder where their criminal organization were being supplied from and could cooperate with the countries of production directly. Even if Europol has greater operational capabilities today then it did at its initiation, it still serves the same purpose, or providing support to the law enforcement of MS.

With this notion of illegal markets integrating and Europol being mandated to help MS face the repercussion of Schengen, this study deemed it necessary to fully comprehend what Europol is doing to facilitate LEC and whether it was having the desired effect. If anything, this study has made it clear that drafting an effective way to quantify Europol's efforts is nearly impossible. The Rand Report of 2012 addressed this problem through customer satisfaction polling and Europol has used a similar technique in its annual consolidates activity reports. Unfortunately, these were not options for this study, due to its lack of funding and time. Yet the research question: "How are Europol's mechanisms affecting law enforcement cooperation and addressing its recurring issues in the fight against organized crime, since its adoption into the European Union's framework in 2010?" still needed an answer. Hence, through data collected from Europol and independent sources, this study has approached the research question from a strong

literature base with additional information provided by the opinions of law enforcement officers. Through this mixed method and combination of literature and testimonies, this study strived to encapsulate a complete picture of what Europol is doing to improve LEC. In the end, the study was burden by several shortcomings and impasses, but were one door closes, another opens and this research has adapted as best as it could, to produce a scholarly research project.

<div align="center">**Summary of Research**</div>

There are two groups of collated findings that were illustrated in this study, therefore this section with have two sub-sections reiterating them. The first sub-section will cover the recurring issues of LEC that were identifies in chapter two. Issue ONE: *political will*; issue TWO: perceptions of organized crime as local rather then transnational and; issue THREE: multilateralism vs. bilateralism. The second sub-section will address Europol's three mechanisms - communication, operational, and networking - and will briefly mention some of their key components. All in all, this section will strive to fully encompass the core notions of this study.

Recurring LEC issues

The drafting of these issues took several hours of consideration, seeing as LEC has several other current issues that were not including within this category. Naming these issues "recurring" issues was obviously not a redundant mistake, but a way to distinguish these issues from the past issue of LEC and the current ones. Finding common issue to both periods was this studies way of filtering serious barriers to LEC compared to temporal ones. Hence, the perseverance of these issues across the years

classifies them in a different category to other contemporary LEC issues, which are caused by transient geopolitical situations or economic pressures. Therefore, these issues truly show the core problems of LEC and what Europol is up against.

Issue ONE is not going to be solved tomorrow nor next year sadly. *Political will* is too ephemeral; asking it to remain steady and constant is similar to asking water to remain still. It can happen, but all it takes to disturb it is a small breeze or a tiny pebble. Nonetheless, ignoring it or resorting to pessimism will not solve it and thus Europol must find a way to engender and maintain political will to cooperate among the MS.

Issue TWO combines several smaller issues. The first is what some call "small thinking" and the second is ignorance. In this context ignorance is not a negative trait it's just a fact, if a law enforcement officer gets assigned a burglary committed by a gang that is going around Europe with the same *Modi Operandi,* how is he or she suppose to know what this gangs next steps will be if he does not have access to a database that has their past crimes in previous countries? How is this officer supposed to put two and two if he does not have the necessary information? As for the first part, well small thinking is difficult to address. It's often accompanied with stubbornness and traditionalism. Trying to modify the latter can exacerbate the former therefore proceed with caution. In the end, dismantling the perception that organized crime is a local problem rather than a transnational one is feasible, but it will require a impressive amount of social engineering and norm building.

Issue THREE, is the perfect example of an issue that is not an issue. The debate is so centered around pitting one process against the other, that the majority of practitioners

seems to be blind to the fact that each process has its own merits and that the relationship between the two shouldn't be a competitive one but instead a mutually beneficial one. It shouldn't be bilateralism versus multilateralism, but instead, when should multilateralism be applied and when does bilateralism have a role to play? Within law enforcement, both process are necessary and crucial to addressing the problem of serious organized crime; if the current argument remains around which is better, then the whole of the field will miss out on the opportunities that combining both process has to offer.

Europol's mechanisms

Following the order with which these mechanisms were presented in the study is would be the logical order to proceed, but if the reader notices these mechanisms are not matched with their recurring issue in that manner. Thus for this conclusion the mechanism will be listed in accordance with which issue they were matched to. This process will facilitate the following of the conversation and points that will be made throughout the following paragraphs, particularly when referring to the previous issues. So without further ado, Europol's communication, operational, and networking mechanisms.

The operational mechanism is the most direct mechanism that Europol employs. Of the three it is the most hands on in regards to producing instant results. Every component within it is active and is dynamically supporting LEC. From the analyst transforming raw information into intelligence, to the mobile units hat deploy to provide on location support, each tool serves an active role in facilitating LEC among MS and third parties. Matching with recurring issue ONE was a late move, and at first it looked

like *political will* had no equal. Well it still doesn't but at least there is a mechanism that is actively trying to generate favorable political will towards Europol directly, and indirectly towards LEC.

It would be reasonable to state that networking is the trend of this day and age. Why? Because it has been the preferred method of cooperation for decades, and not just within the law enforcement realm. Networking is an age-old tradition of establishing contacts within sectors or offices that could one day be useful to accomplishing a certain task or solving a problem. Hence, this mechanism strives to reproduce this model by inviting law enforcement practitioners from all MS to training, promoting EPEs, and housing liaison officers. By creating spaces and platforms for experts and practitioners to convers Europol is trying to create a sense of unity and common purpose, which is an excellent recipe for addressing recurring issue TWO. These two were matched a bit before the first two, and epiphany occurred and since then it only seemed logical to match them; especially because the "norm building" discussed previously in the paragraph relating to issue TWO, can be accomplished with this mechanism, which is pushing for uniform investigation processes but also allowing for individual creativity.

The communication mechanism, since the beginning of this endeavor, was going to be the one that most of the study rested on. It has the best data, it matched perfectly with recurring issue THREE, and is the most used by law enforcement practitioners of the three mechanisms. Both SIENA and EIS comprise somewhat ideally the debate on multilateralism and bilateralism. Additionally, the communication mechanism was one of the simplest of the mechanism, with two predominant components clearly representing

one of Europol's more crucial tasks. All in all, the communication mechanism was the easiest research and simplest to present.

Results

As it was stated in the purpose section of this chapter, the research question of this study can be broken down into two separate questions. The first is a affect question, hence one looks at a baseline - in this study the baseline refers to numbers from 2010 or the next earliest available data - and establishes is there has been any change. The second part asks if the specific recurring issues are addressed by the mechanisms illustrated within the study. Thus, the results arrived at in this study must address both parts of the research question. Once again, for the sake of order and continuity, this section will follow the same order as the recurring issues, where the mechanism will be listed, how it affected LEC according to the data will be explained, and finally, how it try to solve the recurring will be summarized.

Issue ONE and the Operational Mechanism

Three graphs were analyzed for this mechanism in order to establish its affect on LEC. The first graph (Figure 9) demonstrated the number of *operational analysis reports* for each year, from 2010 to 2015. As the graph shows, it lacks uniformity or even a gradual incline like most of the other graphs. Yet, this could be due to a change in the categorization of the reports, which change in 2013. What this graph reveals in terms of how it is affecting LEC, is to see how involved Europol is and to what extent MS are using Europol's operational mechanism. As the graph shows, it would seem that this component is used intermittently and not in any regular manner. However, the

mechanism is there for law enforcement, and visibly it is being used, therefore it would be correct to state that this tool is helping to increase LEC between MS and Europol. The second graph (Figure 10) exhibits the deployment of Europol's mobile unit. As the graph portrays, the deployments of the mobile unit have been steadily increasing since 2012 with no alteration or drops. This indicates the willingness of MS to request help from Europol when it is needed, thus, upholding the premise that Europol is affecting LEC significantly and is involved in it quite intimately.

The last graph (Figure 11) refers to Europol's executive power to request that local law enforcement initiate an investigation, which within Europol's annual review is classified under: "Europol initiated investigation." Intriguingly, the number of cases initiated through SIENA have only increased throughout the years, yet, Europol has decreased its use of this executive power each year. The conclusion that this study will draw form this observation is that Europol wishes to maintain a productive relationship with MS and does not wish to antagonize them in any way. Hence, Europol is positively affecting LEC by not abusing its most coercive tool, which is both encouraging and clever. To conclude, the data presented for the communication mechanism substantiates that this mechanism is having a positive effect on Europol.

As for solving recurring issue ONE, there is still tremendous work to be done before LEC is formalized and no longer requires *political will* to guide and encourage it. Nonetheless this mechanism does strive to build trust and cooperation, and in the end that is how *political will* is subtracted from the equation of LEC. If channels for LEC have been established between law enforcement practitioners and trust is present; then *political*

will is no longer needed, it can still be a hindrance and interfere with cooperation, but it is no longer necessary to launching LEC. The researcher's recommendation for this mechanism is to increase the clarity of the reporting conducted by Europol. If Europol wishes to present data regarding their reporting abilities and data analysis, there should be a clearly explanation as to what Europol is providing to MS. This should be pitched as a selling point to law enforcement practitioners, that their work can be cut in half by Europol providing them with (….). It needs to be clear what they are providing, and should not be reduced to the generic term: "expert analysis."

Issues TWO and the Networking Mechanism

Of the three recurring issues and the three mechanisms, these two were the most difficult to justify. How is one suppose to prove that the perception of organized crime as local rather then transnational are being altered without a Rand report size participant base for opinion polling? Nevertheless, obstacles are mean to be over come and therefore finding a different angle to this mechanism and issue was the only path available. Finding data that demonstrated multilateral action on an individual base but also on a supranational scale in order to address organized crime was the way to go. Hence, including the EPEs within this section and the Liaison Officers graphs (Figure 12 & Figure 13). Both of which have a had a steady increase in participants and officers within the last four years, and they both demonstrate different level of multilateral cooperation but still share the same goal of impeding serious organized crime. Additionally, finding significant data for the amount of trainings that Europol conducts and how successful they are is not possible; which is why the opinions of the interviews were presented. They

are to be read and acknowledged but their importance is in regards to whether or not they can substantiate the data provided via other sources.

Why do local and supranational multilateral systems matter? Because, they engender common purpose in the participants when they work together for a similar goal. Especially in the case of the EPEs, the norm building within these platforms slowly fuses new perceptions and practices that law enforcement from various MS unknowingly begin to incorporate back home. Perceptions such as organized crime being local rather then transnational are being dismantled by these processes. The more multilateralism that occurs in regards to organized rime, the less individuals perceive it as a unilateral problem. Interviewee A is the perfect example of this process; they participate in a working group that addresses cocaine importation and distribution throughout Europe, and the respondent was clear that they believed that the only way to tackle organized crime was through international cooperation, which is a change in perceiving organized crime as local to seeing it as transnational. Whether the respondent's perception changed due to Europol or was caused by another factor is unknown, what is known is that the respondent has accepted this fact and Europol has only encouraged full assimilation of this reality. Furthermore, this respondent is head of their section so imagine the trickle down effect that their perceptions will have on the rest of the squad, which in the end is how perceptions are absorbed and norms are built.

The networking mechanism is having a positive impact on LEC, by cementing multilateral practices and changing unilateral perceptions. This in turn is addressing recurring issue TWO by creating a narrative of cooperation and unity. Organized crime

will not be solved by just one agency everyone needs to be involved. Moreover, this mechanism creates bonds between law enforcement practitioners, further entrenching the habit of cooperating when dealing with transnational organized crime. Therefore, this study recommends, maintain and increasing the reach of this mechanism, so that it might one-day change the unilateral perceptions of all MS's law enforcement.

Issue THREE and the Communication mechanism

Of the three mechanisms, this one had the most data, which was thoroughly deconstructed and analyzed in the previous chapter. The communication mechanism has five graphs, three in regards to Europol's information system (EIS), and two reflecting the actions conducted through the Secure Information Exchange Network Application (SIENA). None of the EIS graphs showed any hint at a decline and there only seems to be more searches conducted, more new persons of interest entered, and more new object added. The EIS is being used and by that fact alone it is facilitating LEC. The increase in searches demonstrates that the tool is useful, or else it would have a decreasing incline. As for SIENA, the number of cases initiated through it has only increased and the operational messages exchange through SIENA have as well; further fortifying the premise that this mechanism is encouraging LEC.

Does it solve recurring issue THREE however? Well as it was said in chapter five, yes and no. The bilateral capabilities of SIENA and the multilateral project that is the EIS, are a joining of two worlds that have been at odds with each other for years. Each one only see flaws in the other and for LEC, this type of in fighting is deadly. Yet, the mechanism does try to please both camps and is addressing the issue, therefore it

would be fair to state that it is in the process of solving the issue. In the end however, the key factor will be changing the perception that these two process are at war with each other and instead acknowledge that they can actually compliment each other in a mutually beneficial way. Therefore, this study recommends addressing the shortcomings of the already existing tools (SIENA & EIS), but also investing in searching for new methods of combining the speed of bilateral cooperation with the general applicability of multilateral cooperation.

Appendix A – Survey for law enforcement practitioners 2017

George Mason University
School for Conflict Analysis and Resolution

Master Thesis Research

Evaluating Europol's Mechanisms to Increase Law Enforcement Cooperation among Member States in Fighting Organized Crime since 2010.

Interview Protocol

Protocol Sections:
1) Demographic Information
2) Organized Crime
3) Law Enforcement Cooperation
4) Interaction with Europol
5) Perceptions of Europol
6) Closing Remarks/Additional Topics

1) **Demographic Information:**

    Name (will not be used in the actual thesis):
    Occupation:

2) **Organized Crime:**

    a) What does organized crime look like here in Malta? What crimes do organized crimes groups commit most often in Malta?
    b) Is it a serious threat? Compared to other crimes, crimes such as murder or grand theft, how would you rate it on a scale from 1-10 in concerns to Malta's security?
    c) In your opinion what is the most effective way to reduce organized crime? Would your answer change if you had access to unlimited resources?

3) **Law Enforcement Cooperation:**

    a) Could you describe what law enforcement cooperation entails? And what do you deem as effective cooperation? Access to information, support from other investigators, financial/technical resources, and etc…?
    b) Advantages of bilateral versus multilateral cooperation?
    c) What is the protocol in Malta when Maltese law enforcement cooperates with another country's law enforcement agency? Does it differ greatly from the protocol of local cooperation?
    d) Have you experienced any problems with jurisdiction in international cases? If so, what have they been?
    e) Is cooperation helpful to an investigation? Can it be harmful?
    f) Can cooperation become competitive?
        1. **If yes**, does competitiveness between agencies/branches internationally and locally generate conflict, often or rarely?

4) **Interaction with Europol:**

    a) Have you interacted with any of Europol's tools (trainings or databases) within the last 7 years?
        1. If yes, with which tools? And how often? Was it useful in your investigation? Any examples?
        2. If no, why? Have you had no need to? Or does it not have any tools available to help you in your investigations?

b) Have you called/written to your liaison officer at Europol within the last 7 years?
    1. If yes, was he/she able to provide you with the information you needed? Was that information useful in closing your investigation? Any examples?
    2. If no, have you not needed to? Have you used other channels to obtain the information you've needed? Or is communication with the liaison officer at Europol handled by another department?
c) Have you ever requested or worked with any Europol specialist?
    1. If yes, why? Was it difficult to request help? And was it beneficial in finishing the investigation? Any example?
    2. If no, have you not needed to? Did you know that these resources were available to you? Or would it have been a detriment to your investigation?

5) **Perceptions of Europol:**

a) Europol: effective or ineffective? Or is it more complicated then that?
b) Should Europol just be a database or should it take a more active role in European Law enforcement cooperation?
c) Does Europol facilitate Law Enforcement cooperation?
    1. If yes, how does it do this best?
    2. If no, what is its most detrimental aspect to law enforcement cooperation?
d) Would you support the creation of a European Police Force for dealing with transnational crimes such as terrorism and organized crime? An FBI of Europe? Or does that seem unappealing and ineffective?

6) **Closing remarks/Additional topics:**

_____

_____

_____

George Mason University
School for conflict Analysis and Resolution

MASTER THESIS RESEARCH:
Evaluating Europol's Mechanism to Increase Law Enforcement
Cooperation among Member States in Fighting Organized Crime –
Since 2010

<u>Consent Form</u>

The following information is being presented to help you decide whether or not you wish to take part in a research project. Please read this document thoroughly.

PRINCIPAL INVESTIGATOR/STUDENT RESEARCHER:
Dr. Juliette Shedd/Mr. Gabriel Monterrosa

RESEARCH PROCEDURES:
This master thesis' goal is to identify the benefits and shortcomings of the mechanisms that Europol offers to member state law enforcement in the constant struggle to dismantle organized crime networks. If you agree to participate, the student researcher (Gabriel Monterrosa) will interview you in hopes that you will provide this study with your insight and expertise on the subject. Your insight will be greatly beneficial to arriving at a conclusion and determining where Europol can improve. The expected duration of the interview will be 1 hour.
The interview will be audio recorded as a means to best capture your responses. Audio records will be securely stored at the George Mason University School for Conflict Analysis and Resolution John Burton Library. No audio records or any individually identifiable information will be shared outside the researcher team.

RISKS:
There are no foreseeable risks for participating in this research.

BENEFITS:
There are no direct benefits to you, but with your insight being a part of the research this study has a better chance of accurately identifying the mechanisms that Europol should improve as an effort to improve law enforcement cooperation throughout the European Union.

CONFIDENTIALITY:

The data in this study will be confidential. While personal information (name and occupation) will be included in the interview questionnaire, this info will be coded by the student researcher, who will be the only person that will have access to the identification key. Moreover, the thesis that will come out as a product of this research will include no individually identifiable information. Audio recordings will be securely stored at the George Mason University School for Conflict Analysis and Resolution, John Burton Library for 5 years. Upon the completion of the 5-year period, audio recordings will be destroyed

PARTICIPATION:
Your participation is voluntary, and you may withdraw from the study at any time and for any reason. If you decide not to participate or if you withdraw from the study, there is no penalty. There are no costs to you or any other party.

CONTACT:
This research is being conducted by Gabriel Monterrosa, master student at the School for Conflict Analysis and Resolution, George Mason University. He may be reached at +356 99763458, or at gab.emm19@gmail.com for questions or to report a research-related problem. The faculty advisor supervising this master thesis research is Dr. Juliette Shedd, of Conflict Analysis and Resolution, School for Conflict Analysis and Resolution, George Mason University. You may contact Dr. Shedd at jshedd@gmu.edu, or at +1 703-993-3650. You may contact the George Mason University Institutional Review Board office 001 703-993-4121 if you have questions or comments regarding your rights as a participant in the research.

This research has been reviewed according to George Mason University procedures governing your participation in this research.
CONSENT
I have read this form, all of my questions have been answered by the research staff, and I agree to participate in this study.

_____I agree to be audio recorded.

_____I do not agree to be audio recorded.

_____
Name/Signature

_____
Date of Signature

Appendix C – Interview Notes 2017

Interview notes for respondent A:

2) Organized Crime
> c) Of course, but I think the realistic case scenario is that we need, like the criminals are doing it, they are more open between them.as a law enforcement agency we need to be more open to share our information, to share our databases. The worst thing we have so far is that we share, but limited as to for example, in who knows your face. The reason why there is cooperation isn't because there is a system, its because individuals know each other and build trust that way. It's more efficient when there is a point of contact, a face to represent the country. It needs to be more flexible and we need more human contact. It can't just be an IT system. Police cooperation is essential to deal with organized crime. A platform for just common informal exchange of information would be good.

3) LEC
> b) Depends, like I was saying if you take the example of Italy, it's a little bit more complicated, because, as I told you there are more then one law enforcement agency, but if they are centralized, and here is a person that is in charge of all of them. And you can talk just to that one person, it would be much better. Because like that the message won't break down. Bilateral is more focused and would be an interaction one on one.

4) Interactions with Europol:
> a) A lot of trainings, they're organize a lot of trainings and that's good, because when they organized training in different they try to get people from every country so that you can make contacts, the main point of Europol is to make contacts. That is one of their main objectives, they want to create a network.
> We've had experts that have come from Europol, they fly over to Malta, or even if they cannot come you can do video conference so that they can supply you with an expert opinion.

And there are meetings, like I was telling you I'm in the EMPACT cocaine, its like, we're a group and we organize operations, because each country will give its input and we see what is the priority. We take these priorities and see what we can do as far as cooperative operations. Europol is doing its part, like its the platform where each country comes together and we start it from there [cooperation].
> > 1. [talking about the usefulness of trainings] Yes, yes, because you're hands on, we're not just sitting watching power points, but we're active within the discussion and we're conducting operations. Trying to figure out what we can do with our resources and our capabilities.

b) Well that's not a problem because we're teammates. He just sent me an email asking fro some information on a case unrelated to drugs, with technology now days it's a daily thing now. Were in continuous communication.

　　　　1) Liaison officer not only serves as a source of information, but also a disseminator of information. Through his contacts, and the network at Europol, he informs all the other officers.

c) Yes Yes, we had a big case and he came over to assist us in certain investigations.

　　　　1) No, it was really quick in fact within the next day he was here in Malta. Yes for sure it was beneficial to the investigation. Because at that time its was something new, we didn't have that technology.

5) Perceptions of Europol:

　　　　a) It's effective, it can be more, the problem I think is that it is related to bureaucracy. We need to find new ways on how to facilitate the sharing of information between countries. I know you have to protect the information that you are sharing but still nowadays there applications which are available on mobile phones that are so encrypted that even the companies themselves can't decipher them. If we share more then we will all benefit. Europol is quite secure, never had any leaks.

　　　　b) Europol should be active and not just a database. Europol can help to standardize a common level of security among the Schengen zone.

　　　　c) The networks is the most crucial, it's the basement of the LEC structure.

Interview Notes for repsondent B:

2) Organized Crime

　　　　c) yes of course with regards to resources, everything is based on intelligence, you need to have good communication between other member states within Europe. A lot depends on new trends new variations of the crime, you have to keep in line with what is happening. Intelligence sharing is the most important issue.

3) LEC

　　　　b) I think multilateral is more convenient because you have a consensus, and everything is unified. With multilateralism there is no guessing, you know what to ask of a MS and you would know what to expect because of the unison that they would share. I think that within the EU we have a good cooperation with regards to anything. So there are a lot of mechanism and trademark decisions that allow for swifter fight against crime.

4) Interaction with Europol

　　　　a) Yes we've had a lot of training. I've had training with CEPOL, I've had training on witness protection, on a lot of materials, so we do fly, and I am abroad at

least once a month for a training. The training is funded by the EU. There aren't any issues of expenses; therefore we do get a lot of training. So I know who is in the force in regards to which country because of these trainings. So whenever its informal its on a one to one bases. And yes training are used to create networks. Most of us have at some point in time been trained by Europol.

b) Our liaison officer happens to be one of our superiors. So I do tend to phone him quite a lot when it comes to anything related to Europe. But still its only because I have a good relationship with him. And I know that he is there to help. But if there had not been this friendship, I would have had to go through the international relations unit.

1) The last thing I asked was for his data. For certain cases we will ask for data, but often we also ask fro modi of operandi, we're asking for flight information Who issued a Schengen visa to a third party national, which was the country of entry, basically anything we ask at a national level you can ask at a international level. So we have Malta as a country, but then we was Malta as a part of a whole.

c) In my case no but if we needed help we would be asking , everyone would be asking for. Well I don't know how to put it, we as Maltese are use to listening to others, I wouldn't imagine myself, with all do respect, going to the US and explaining to a federal officer how we do our policing. However, we do have federal officers coming here to Malta, It is more of an individual issue however.

5) Perception with Europol

a) I think it is effective, so some cases we do wait a lot, but still, we understand that files do pile up on peoples desk, but when it comes to something which is urgent, its going to be urgent for everybody, if you're asking me about a missing person that has left your country over three weeks ago, and now you're asking me, I wouldn't be missing my lunch to search for this person. Depends on the severity of the case.

b) I don't think it should remain as a database, I think it should evolve into, since cross border crime has become easier.so we need to have a mechanism that is in line with what new in the market. Law enforcement needs to be adapt to what crime is doing, and Europol should do the same.

Interview Notes for respondent C

2) Organized Crime

c) We have to have an active network with all the police, so cooperation, sharing of information, we have Europol, Interpol, we have all the mechanism, however, and we also go to courses and get to meet new people. And you make contacts. Europol supports law enforcement, but sometimes when you need to share information and you have to go through the proper channels, precious time is often lost. There has to be an active network. For example I have whatsapp groups with people all around the world. We share information automatically. Email updates to spread the information of seizures and

the altering of criminal tactics. If you have to wait for reports to come out to find out trends, then its already to late.

3) LEC
      b) The contacts in the whatsapp group is from the contacts that you make in the course and friends made during those courses. Multilateralism is an important way because you can't work on your own, especially when considering our small island. Where drugs are not manufactured so they're coming from somewhere. Attacking these markets has to be multilateral. With the proper channels okay, but it has to be accessible. So its both of the multilateral and the bilateral.

4) Interaction with Europol
      a) When I tend a course abroad there is always a presence of Europol that are there to promote their services. They promote themselves at these training that CEPOL runs.
            1) Training and database are the two tools used by this interviewee.
      c) Yes once, yes, I know that our liaison officer is ….. and basically I have met him, and have spoken with. He's also the one that was involved in the emails . So data, but specific information on certain vessels and things like that.
      b) No never have had to request a specialist, just emails and phone calls.

5) Perception with Europol
      a) From the point of view it is effective, because if there was nothing it would be more ineffective, it is there to support and everything. What I can say is that they promote themselves quite well and I think if need be they can be very efficient.
      b) Much more active role, if there was a forum and if the forum was for instance a specific officer who can update the database and everything , and then share it with the others, and then there would be a different liaison officer fro each branch and crime, that would be part of these platforms. So that we can be updates right away.
      c) Yeah of course, they are there, to support. I think it's a combination of all the mechanisms, and that is what Europol uses to facilitate LEC,
      d) A European FBI would be awesome.

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BIOGRAPHY

   Gabriel Monterrosa Métaion was born in Atlantic Beach Florida, in Duval County. Throughout his youth he travelled the world with his family and explored the communities and cultures of Europe, Africa, the Middle East, and South America. He went to a beautiful but chaotic college and then later graduated from a joint master program in Malta. Thank you.