Assessing the consequences of Brexit on UK police cooperation with the EU

by

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Abstract

The full impact of Brexit on international police cooperation has yet to be understood. This thesis analyses the operational experiences of police officers in the UK in the post-Brexit environment. The loss of access to many of the European Union's policing tools will impact police cooperation in the UK and this research will explore the extent of this and examine how the UK is reacting.

This study highlights the loss of cooperation across the 'Formal', 'formal' and 'informal' routes as described by (Sheptycki, 2002a.), and explores whether the introduction of a new model of police cooperation is developing, called 'International Nodal Police Cooperation', with a specific reference to the International Crime Coordination Centre. The concept of this model is contemporary, and its application may create a greater structural balance between the UK and EU-wide police forces, where multiple agencies can share information more quickly and work more closely across Benyon's micro and meso levels (Benyon *et al*.,1994). This could generate greater reciprocity and trust, and in turn help ensure effective and efficient police cooperation.

The research was conducted by interviewing a range of UK based police officers in various roles in international policing with specific focus on Anglo-Dutch police cooperation. It was hoped to include police participants from The Netherlands. However, this could not be arranged, and the thesis focuses on UK police officers and academics referencing cooperation with The Netherlands where appropriate. Although a comparison of perspectives may have further developed the analysis of post-Brexit police cooperation, the research has provided the groundwork for further research to be conducted.

The conclusion of the research reflects upon the interview analysis and discussion chapters. It highlights two theoretical options for the UK: the systematic development of international nodal police cooperation or the UK needing to rejoin some EU policing mechanisms to tackle operational difficulties which are already being identified. Currently, it is too early to state which avenue the UK will take, as further issues may arise and some of the operational problems explored throughout this thesis are addressed.

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Abbreviations

ANPR	Automatic Number Plate Recognition	**LO**	Liaison Officer
CCCU	Canterbury Christ Church University	**LE**	Landelijke Eenheid
CCIC	Cross Channel Intelligence Conference	**MLA**	Mutual Legal Assistance
CPS	Crown Prosecution Service	**NCA**	Nation Crime Agency
DLI	Dienst Landelijke Informatie-organisatie	**NPCC**	Nation Police Chiefs Council
DLR	Dienst Landelijke Recherche	**OC**	Organised Crime
EAW	European Arrest Warrant	**OCG**	Organised Crime Group
ECAS	Europol Crime Analysis System	**PNC**	Police National Computer
ECRIS	European Criminal Records Information System	**PNR**	Passenger Name Record
EIO	European Investigation Order	**ROCU**	Regional Organised Crime Unit
EU	European Union	**SIENA**	Secure Information Exchange Network Application
EUCARIS	European Car and Driving Licence Information System	**SIS II**	Schengen Information System
GDPR	General Data Protection Regulations	**SPOC**	Special Point of Contact
ICCC	International Crime Coordination Centre	**TCA**	Trade and Cooperation Agreement
ILoR	International Letter of Request	**TEU**	Treaty of the European Union
ITAC	International Tactical Advisors	**TFEU**	Treaty on the Functioning of the European Union
JIT	Joint Investigation Team	**UCLAT**	Co-ordination Unit of the Fight Against Terrorism

Contents

1. Introduction

In 2015, an Anglo-Dutch police operation called Operation Trivium IV took place. It was a coordinated operation tackling human and drug trafficking and organised property crime. Using Automatic Number Plate Recognition (ANPR), 800 people were arrested in the UK, of whom 30 were foreign national offenders that had outstanding European Arrest Warrants (EAW) (Europol, 2015). The multiagency operation consisted of Regional Organised Crime Units (ROCU), West Midlands Police, the National Crime Agency (NCA), Europol and the Dutch '*landelijke eenheid*' (National Unit, LE). This operation was conducted under police and judicial rules, aimed at improving cooperation between the police forces of the European Union (EU). West Midlands Police Superintendent Paul Keasey stated that, *"The operation has allowed us to forge strong links... share information on criminals and any emerging tactics used by offenders"* (NPCC, 2015. Para.11). However, the success of UK-EU police cooperation, exemplified by Operation Trivium IV, has now come under threat from the UK's decision to leave the EU, as it involves the loss of access to most of the EU's police cooperation mechanisms such as the Schengen Information System.

The UK decided to withdraw from the EU after a referendum on 23rd June 2016, now commonly referred to as 'Brexit'. Subsequently, former Prime Minister Theresa May in 2017 notified the European Council of the implementation of Article 50 of the Lisbon Treaty (2009). This is the legal mechanism for a member state to withdraw its membership of the EU (European Parliament, 2020). As of the 1st of January 2021, the UK revoked its membership status of the EU and has now become a third-party country, negotiating a new arrangement with the EU through the establishment of the 'Trade and Cooperation Agreement' (TCA). This will be discussed further below and in section five of the literature review. There were numerous reasons for the UK wanting to leave the EU. Perhaps one reason can be traced back to the Lisbon Treaty (2009), which was deemed to diminish UK sovereignty (Gifford, 2010; Wellings and Vines, 2016). Other factors involved were perceptions of increased immigration owing to the EU's 'free movement of people' rules and strict regulations in trade and policy (Curtice, 2017).

The Lisbon Treaty (2009) replaced the 'Three Pillar' model of the EU, which was established under the 1992 Treaty on European Union (TEU), also known as the Maastricht Treaty (1992). The TEU brought into orbit the 'Weberian' concepts of 'force' for the first time, in the form of

the 'Foreign and Security Policy Area' known as the Second Pillar; and through police and judicial cooperation, in the form of the 'Justice and Home Affairs policy area' being the Third Pillar (Monar, 2012). The Lisbon Treaty increased legal and operational powers to EU organisations enhancing the legitimacy of the EU. This created further checks and balances into the EU legal system and increased the powers of the European Parliament (Mitsilegas, Carrera and Eisele, 2014), eroding the 'unanimity' principle in police and judicial decision making.

Despite the Lisbon Treaty increasing the binding character of EU mechanisms in policing, an implementation gap exists, as member states have not ingrained their own policing bodies within the EU (den Boer, 2014a). This is due to existing issues that have not been resolved, such as accountability deficits and the complex relationship between national and international actors. This indicates the lack of domestic integration of member states' policies, as they look to defend their national sovereignty, whilst seeking maximum cooperation and information sharing (den Boer, 2014a. Marks, 2020).

The Lisbon Treaty established a greater enhancement of harmonisation, yet, this forced the UK further away as it looked to maintain sovereignty via opt-in/opt-out mechanisms (Mitsilegas, Carrera and Eisele, 2014. Mitsilegas, 2016) later leading to the Brexit referendum. The UK's unique opt-in/opt-out approach within the EU was negotiated under Article 10 of Protocol 36 (Title VII) of the Lisbon Treaty (2009). This approach meant that the UK had *"the right to decide to 'opt out' of a raft of around 130 police and criminal justice measures adopted before the Treaty of Lisbon came into force"* (Chalmers, 2013. pp. 215). This aimed to maintain maximum levels of sovereignty in criminal law, whilst maintaining maximum cooperation with EU agencies. The concept of sovereignty consequently serves as a challenge to effective police cooperation and as Gerspacher and Dupont (2007) argued, police cooperation must meet the capabilities of their criminal counterparts but must do so without breaching Nation State sovereignty.

Although the final 'shape' of Brexit has still to be finalised, there is still doubt to the extent of impact it will have on UK policing and security cooperation. In brief, Brexit means that the UK no longer has access to many of the EU's police and judicial cooperation mechanisms developed since the 1980s. Additionally, the UK will need to rely on early cooperation mechanisms such as Interpol, founded in 1923 (Fijnaut, 1992), informal police cooperation bodies such as the CCIC established in the 1960s (Gallagher, 2002), Council of Europe

conventions such as European Convention on Mutual Assistance in Criminal Matters in 1959 and Liaison Officers from the 1970s (Block, 2010).

Michael Gove, a Conservative Minister has said that the UK will be able to 'cooperate more effectively' outside the EU after Brexit. Gove further stated that, the Schengen Information System (SIS II) is 'just one system' and that the UK will benefit from 'taking back control of its borders' (Morris, 2020). However, the Assistant Chief Constable for Kent, Peter Ayling argued, that the loss of SIS II *"is a significant loss of capability in terms of access to data, which is automated and integrated within our systems"* (House of Lords, 2021. pp.2). Police Crime Commissioner Lord Willy Bach also added that the *"loss of the European Arrest Warrant is particularly troubling…"* (Association of Police Crime Commissioners, 2019. Para 6).

After months of negotiations, the TCA between the UK and the EU was delivered in December 2020. Yet, to identify the way in which the UK will cooperate with the EU post-Brexit, it is beneficial to discuss the arrangements set forth under the TCA. One area that should be highlighted is Article LAW.EUROPOL.54 (Trade and Cooperation Agreement, 2020. pp. 746), which states that both parties…

> *"shall endeavour to cooperate in the future with a view to ensuring that data exchanges between Europol and the competent authorities of the United Kingdom can take place as quickly as possible, and to consider the incorporation of any new processes and technical developments which might assist with that objective"* …

A clear principle of the TCA is the exchange of data that may take place via new data sharing systems. However, these new systems are yet to be developed and it is currently difficult to analyse how this will affect police officers on a day to day basis in the future.

Under the TCA the UK have maintained access to some data sharing cooperation mechanisms, such as the EU's Prüm databases. The Prüm databases include DNA, fingerprints and vehicle registration data, allowing investigations between the UK and EU member state police forces to continue. Furthermore, the UK has maintained access to PNR data (Passenger Name Record), where passenger names for flights between the UK and EU are shared (Trade and Cooperation Agreement, 2020). This enables the UK, Europol and EU member states to effectively share data to continue and maintain an effective fight against organised crime (OC) and terrorism.

Although the UK has lost access to some tools and information systems such as SIS II, resulting in the loss of real-time access to EU-wide criminal and police data (Trade and Cooperation Agreement, 2020); criminal data can still be shared between both parties to maintain the safety of UK and EU citizens. Therefore, even though the UK has lost access to Europol databases, individual member states such as France may still be able to share information with the UK informally, via cooperation networks that have been developed over time such as the Cross-Channel Intelligence Conference (CCIC) (O'Donnell, 2011. Biscop, 2012., as cited by Sweeney and Winn, 2020). This would be beneficial as academics have argued that greater trust between police forces can be developed by using informal networks, instead of more cumbersome routes such as Interpol (Sheptycki, 2002b. Guille, 2010. O'Donnell, 2011).

The CCIC was a Kent Police initiative in 1968 to develop cross border policing between the UK, France, Belgium and the Netherlands (Gallagher, 2002). The conference was largely informal allowing forces to try and resolve problems that faced their national borders. Kent Police found the CCIC helpful in developing agreements specifically with the French police in the Nord-Pas-de-Calais region. This aimed to improve working relationships with the view of generating greater reciprocity, which was required due to increasingly complex international investigations (Gallagher, 2002). The CCIC later led to the development of the Kent Police European Liaison Unit, which was created to maintain and facilitate cross border investigations across the channel area. The CCIC is an example where both Kent and French police officers developed trust, which enhanced the progression of cross border cooperation. Therefore, cooperation requires a high level of trust (den Boer, 2010). However, it should be noted that the CCIC has now ceased to function, with some interviewees for this research attributing this to Brexit.

Another section of the TCA that should be highlighted is Article LAW.EUROPOL.59, which discusses the UK's working arrangements with Europol. This specifies that the UK is no longer an EU member state and along with it, ceases to be a member of Europol and the Europol Management Board (Trade and Cooperation Agreement, 2020). Stephan and Giuffrida (2018) illustrated that this may not have a direct impact on 'on the ground' cooperation but will lead to a loss at a strategic level. Ultimately, the lack of cooperation will decrease the effectiveness of tackling transnational crime (Weyembergh, 2017). However, Part Three, Title V of the TCA, highlights the scope to which the UK will cooperate with Europol. This states that British Liaison Officers (LO) can still be posted at Europol headquarters to facilitate greater

cooperation via access to the Secure Information Exchange Network Application (SIENNA). This provides a communication avenue for police officers across the EU and in turn will allow faster and more effective exchanges between Europol, EU member states and the UK (Trade and Cooperation Agreement, 2020). Although, some authors have argued that cooperation will still decrease, as third-party countries do not have complete direct access to all Europol databases (Curtin, 2017. Carrapico, Niehuss and Berthélémy, 2019).

Although the UK may no longer be a member of the EU, over the past decade the UK has been a key member of Europol and has helped to develop the institution, seen through Europol's use of UK developed intelligence-led security cooperation (Mortera-Martinez, 2017). The separation of the UK from the EU will remove the UK's influence on EU foreign security policy, strategic development and legislation, most notably in organisations such as Europol (Whitman, 2016. Carrapico, Niehuss and Berthélémy, 2019). As a result, the UK will have a unique relationship with Europol, which may develop over time as an operational agreement is formulated, due to already existing frameworks in place that allow Europol to engage with third countries (Baches, 2017).

Police cooperation relies on the police having institutional independence from Nation States and governing bodies such as the EU (Defelm, 2000), as *"Bureaucratic autonomy allows public police institutions… to autonomously plan and execute relevant strategies of crime control and order maintenance"* (Deflem, 2006b. pp. 338). Europol was granted 'institutional independence' in 2009 under the European Council Decision 2009/371/JHA (Graziani, 2019. Curtin, 2017). Due to this, Europol has independently generated strategic and operational agreements with third party countries such as Iceland, Canada and Australia (Europol, 2021b.). As such, Weyembergh (2017) argued that the UK's third-party membership will not prevent it from maintaining a relationship with Europol, where even countries such as Russia have a strategic agreement. Strategic agreements are limited to the exchange of intelligence and strategic and technical information, whilst operational agreements additionally allow for a greater exchange of information and personal data (Europol, 2021a.)

Another area of interest is the judicial impact on police cooperation. Mutual recognition under Articles 82 to 86 of the Treaty on the Functioning of the European Union (TFEU) (2012), has created the understanding that although legal systems may differ, judicial authorities shall accept judicial decisions as equivalent (Alegre and Leaf, 2004. Niblock, 2016). Mutual recognition is based on mutual trust, and ultimately being a third-party country decreases the

trust in implementing equivalent standards of EU Law and Human Rights (Mitsilegas, 2016, 2017b. Xanthopoulou, 2018). This has affected the UK by losing access to the European Arrest Warrant (EAW) and has been replaced by the 'surrender' agreement of the TCA, introducing a 'Norway/Iceland' style model. This will be discussed further in section five of the literature review. The EAW is based on mutual trust and judicial cooperation between EU Nation States and with the UK leaving the EU, this principle has been jeopardised (Ventrella, 2018). However, some authors have argued that future cooperation may rely on use of the European Convention on Mutual Assistance in Criminal Matters (MLA) (Curtin, 2017. Niehuss *et al*., 2018., as cited by Carrapico, Niehuss and Berthélémy, 2019). MLA is a cooperation tool to acquire assistance in the investigation or prosecution of criminal offences (Home Office, 2021).

The TCA provides direct cooperation between judicial authorities, such as through the use of Joint Investigation Teams (JITs). JITs are a cooperation tool involving two or more EU member states with the aim of conducting a joint criminal investigation and tend to be comprised of judicial authorities, law enforcement, prosecutors and judges (Eurojust, 2021). The loss of access to the EAW may result in more bureaucratic extradition processes for the UK (MacPartholán, 2020). Additionally, EU member states may cease to accept extradition requests involving the UK, where there may be a risk that data protection standards are not met, as human rights in EAWs have only recently been taken more seriously, which may prove costly to the UK (Mitsilegas, 2017b. Carrera, Mitsilegas, Stefan and Giuffrida, 2018. Ventrella, 2018). This is demonstrated in Article LAW.GEN.4 of the TCA which highlights the EU's position on maintaining strong data protection (Trade and Cooperation Agreement, 2020). The UK must continue to match the EU's data protection standards if they wish to maintain close cooperation in the future. Consequently, it is difficult to examine the scope of which judicial cooperation will be affected, as the EU judicial system will look to ensure that criminals are treated similarly within the UK and the EU (Trade and Cooperation Agreement, 2020).

Although it has been briefly discussed, the security agreements within TCA appear to be comprehensive, yet it is unclear how police cooperation will be affected in the UK. This thesis will investigate the experiences of police officers that have worked or are still working in the field of cooperation pre-and post-Brexit. This in turn will highlight the immediate consequences of Brexit upon police cooperation in the UK. To achieve this, the thesis has been divided into six chapters.

The introduction has delivered a general overview of the thesis and topics that will be analysed. Next, chapter two will critically analyse the literature surrounding police cooperation and will provide theory that has been developed by academics. The literature review is broken down into several sections, firstly it will look at the police cooperation theory which has been developed by key authors such as Anderson (1989) and Benyon (1990) and how globalisation has impacted Nation State sovereignty and in turn police cooperation. The second section analyses the literature that concentrates on international policing agencies with a specific focus on Interpol and Europol. The following section compares police cooperation within the UK and the Netherlands, leading to an analysis of the limited literature that focus on post-Brexit cooperation. The third chapter is the theoretical framework, which will provide a blueprint for theoretical enquiry from the identified research questions within the literature review. It will demonstrate that a new model of police cooperation must be considered, due to the loss of police cooperation mechanisms such as SIS II and the EAW. The fourth chapter is the methodology, it too is broken into several sections. It will first deliberate different methodological philosophies, leading to a discussion on qualitative methods. Next the author will demonstrate the applicability of different research techniques and why they are beneficial to the research project. This leads to the final section which will scrutinise the applied methodology and its effectiveness. The fifth chapter executes the research synthesised from the methodology, adopting semi-structed interviews and will provide an analysis of the research undertaken. In the penultimate chapter, the author will discuss the findings of the conducted research and will deliver arguments for a new model of police cooperation previously discussed in the theoretical framework. This leads to a sound conclusion in the final chapter.

The succeeding chapter will now analyse the literature surrounding police cooperation, considering theory, policing within the UK and the Netherlands, cooperation mechanisms across the EU and cooperation post-Brexit.

2. Literature Review

2.1 Introduction

The previous chapter set the scene and introduced the thesis' structure. This Literature Review will now consider the academic research that has already taken place into this area with the intention of identifying the areas where this research will add new academic knowledge. The academic literature on international police cooperation is quite extensive but due to Brexit being a new phenomenon there is little literature on post-Brexit police cooperation. Due to this there is a greater focus on police cooperation literature pre-Brexit. This leads to the review being broken down into the following sections. The first section will discuss the theory and principles of police cooperation, what causes and affects cooperation internationally. The second section considers international policing agencies such as Interpol and Europol and their effectiveness. The third section will look at the UK and Dutch police, with a brief analysis of their current formation and how they cooperate internationally with reference to tackling OC. The penultimate section will analyse sparse literature that discusses police cooperation post-Brexit. This leads to the conclusion, which will assess the literature review and demonstrate the gaps within the research field, allowing the construction of research questions for this thesis.

Literature on international police cooperation can be traced back to the 1950s with early texts like Forrest's 'Interpol' (1955) but was relatively sparse until the late 1980s with key works appearing from Anderson (1989) and Benyon *et al*., (1994). Since then, there has been an array of academic literature on police cooperation and transnational policing with publications of den Boer (2002, 2014a.) Sheptycki (2002a.) and Lemieux (2013). With an increase of academic literature on the subject from the 1990s, there has also been an increase in contrary definitions of police cooperation. Lemieux, who discussed the development of European policing (2010. pp. 1), defined police cooperation as the "*intentional or unintentional interaction between two or more police entities for the purpose of sharing criminal intelligence, conducting investigations and apprehending suspects*". Others have argued that police cooperation moves beyond this and can involve any policing activity. Therefore, for the purpose of this thesis, international police cooperation will be conceived as a dynamic by which policing activities and intelligence are shared across geo-political borders via 'Formal', 'formal' and 'informal' networks (Robertson, 1994. Deflem, 2000, 2004, 2006a, 2006b. Sheptycki, 2002a. Gerspacher, 2005. Friedrichs, 2007. Bigo, 2008. Gerspacher, 2008).

Therefore, the sharing of intelligence is a key aspect of police cooperation and should be defined, yet there are several definitions of intelligence (Laqueur, 1985. Warner, 2002. Wheaton and Beerbower, 2006. Kleiven, 2007. Spinelli and Sharma, 2007). Intelligence can be defined as information from external and internal sources that has been subject to analysis, evaluation and a risk assessment process (National Centre for Policing Excellence, 2005., as cited by Kleiven, 2007. Spinelli and Sharma, 2007). Lemieux (2010) argued that intelligence sharing is one of the most important drivers of international police cooperation, as it helps establish relationships and creates trust between police officers from different Nation States, based on the principles of reciprocity. Reciprocity is a key principle of police cooperation across Europe, it is the notion that helpful or unhelpful acts will be reciprocated. (Falk and Fischbacher, 2006). Reciprocity promotes trust between police officers, where individuals perceive a willingness to share information, they will voluntarily do the same in return, as individuals want to be seen as trustworthy and cooperative (Kahan, 2003). Having briefly discussed key definitions, the literature review will now discuss key principles of police cooperation and the work of key authors that have developed the academic field of police cooperation.

2.2 Principles That Underpin Police Cooperation

Anderson (1989) wrote on the politics of international police cooperation, but more importantly he discussed different models of international cooperation of which there are four to note. Firstly, the 'centralised model' is based on the complete protection of state sovereignty where foreign police forces cannot directly communicate with other Nation State police forces. The 'decentralised model' sits at the other end of the spectrum where police forces can communicate freely with foreign police forces, most of which occurs through informal cooperation. The last two sit either side of the centre, which are the 'qualified centralised and decentralised' models. The qualified centralised model depicts that a national unit has control over how police officers share information internationally. Police officers can have complete communication with foreign police officers via bilateral agreements and in special situations such as terrorist attacks. The qualified decentralised model is where police forces can have open communication with foreign states, however, this must be reported to the national unit to ensure that the right information is distributed via the correct channels. Anderson's (1989) model can be seen within EU Nation States, where mechanisms such as SIS II, JITs, SIENNA and Prüm all allow free and open communication between member state police forces. Where

the UK has now left the EU, it has shifted towards a 'qualified' model, although as of yet it is difficult to see where it sits on the spectrum that Anderson refers too.

There are also different theoretical structures of international police cooperation seen by academics. Bigo (1996., as cited by Lemieux, 2010) describes a 'horizontal' model, where international police cooperation takes place as a consequence of individual Nation State bureaucratic priorities and strategies. The pursuit of achieving these priorities, leads to the development of three specific elements, that when overlap, create an environment for police cooperation to take place. These three elements are, an international environment suitable for quick and effective information exchanges, the mobilisation of resources and the legitimacy of a multilateral agreements. Deflem (2004., as cited by Lemieux, 2010. pp. 5) describes a model based upon the *"bureaucratic nature of police structures"*, arguing that only when police organisations have appropriate autonomy from their political centres would there be information exchanges on operational levels.

Benyon *et al.*, (1994) delivers a 'vertical' model, where police cooperation is delivered at three levels which he calls the Macro, Meso and Micro. Each level represents different actors with separate functionalities to allow international police cooperation to work. The Macro level is where governmental decisions are made, where bilateral agreements are established, judicial issues encompassing extradition are harmonised and any issue that involves national sovereignty are resolved. The meso level concerns the operational management of police cooperation. Benyon noted that the important feature of this level of cooperation is face to face meetings, where mid and senior police officers can discuss specific criminal investigations and where collaboration and communication are imperative. Micro Level cooperation is where crime prevention and management take place, however this can vary from country to country. This is where police officers work directly with foreign counterparts to assist each other, most notably in tackling serious and organised crime. Commonly, micro level cooperation is created through informal police networks, however they also depend on good relationships at a meso-level.

All levels of cooperation have seen an increase in demand as a result of globalisation, as such, policing within Europe has increasingly taken place through central communication points such as Europol, Eurojust and Interpol (Guille, 2010). Yet, academics are conflicted on the effectiveness of multilateral cooperation. Anderson *et al.,* (1995) and Ekengren *et al.,* (2006) argued that 'Formal' mechanisms provide greater legal support. Furthermore, Klosek (1998)

stated that membership of international organisations such as Interpol, Europol and Eurojust play a major role in advancing harmonisation. Whereas, other authors argued that communication via 'Formal' routes are slower and therefore less effective than bilateral and informal cooperation (Robertson, 1994; Bigo, 1996., as cited by Lemieux, 2010).

Sheptycki (2002a., as cited by Marks, 2020) provides a distinction between 'Formal' and 'informal' cooperation whilst establishing an additional level. 'Formal' cooperation (with a capital 'F') is where legal cooperation takes place between Nation States, such as extradition, which tends to be slow and bureaucratic. The 'formal' routes (with a lowercase 'f'), are used for intelligence exchanges, such as the use of European Investigation orders (EIO). This involves fewer legal processes than the 'Formal' routes, resulting in a greater speed of cooperation. The 'informal' level is used for information exchanges, which are subject to fewer accountability processes and are quicker than the 'Formal' and 'formal' routes but cannot be used for the sharing of evidence.

Bowling and Kopf (2016. pp. 50) writing on the globalisation of local policing stated that, *"some of the most interesting transnational policing dynamics are occurring at the local level"*. This can be seen in the UK and the Netherlands where local policing now has a greater effect on tackling OC. Globalisation has eroded national borders (Beck, 2000., as cited by Bowling and Kopf, 2016) and in turn organised crime groups (OCGs) have adapted to gain profit from legal and illegal markets by whatever means necessary (Galeotti, 2014). Globalisation is changing the structure and development of OCGs from the traditional strict hierarchical structures based upon family ties, into fluid social networks that work transnationally (Duijin *et al*., 2014. Roth 2017). Much of the literature surrounding police cooperation has been driven by the need to tackle OC. Varese (2010) identified 115 definitions of OC, yet academics have found it difficult to create a clear and unambiguous definition (Finckenauer, 2005. Symeonidou-Kastanidou, 2007. Mallory, 2011).

The UK defines OC as *"planned and co-ordinated criminal behaviour and conduct by people working together on a continuing basis. Their motivation is often, but not always, financial gain"* (Crown Prosecution Service, 2017. Para 1). As OC has become more globalised, so too has policing. Bowling and Kopf (2016. pp. 48) deliver the term *"glocal policing', where local, national, and global police organisations and agencies are interlinked"*, which is underpinned by bilateral and multilateral agreements. In recent years Europol, Interpol, bilateral and multilateral arrangements have provided the UK with mechanisms for cooperation with EU

member states. Consequently, the loss of SIS II, the EAW and full access to Europol will impact the success of 'glocal policing'.

Friedrichs (2007) delivered a key argument when writing about European Police cooperation when tackling drug trafficking and terrorism. Friedrichs claimed that international police cooperation can restrict and pose a threat to a Nation State's sovereignty and its 'monopoly of legitimate use of force in a geo-political area' (Weber, 1978), which is embodied within the police and army. Adding that there should be limitations to international police cooperation (Friedrichs, 2007). Although *"the sovereignty of parliament is a fundamental principle of the UK constitution"* (UK Parliament, 2021. Para. 1), there is a lack of understanding of what sovereignty means and why it is important. Whilst attempts at defining it have been described as imprecise and subjective (Radon, 2004), political philosophers have not delivered a singular definition of sovereignty (Bodin, 1992. Philpott, 2003). Bodin (1992) perceives the notion of sovereignty as the supreme authority in a given territory. If sovereignty is defined by supreme authority, it is important to note that authority as argued by Wolff (1990., as cited by Philpott, 2003. Para. 5) is *"the right to command and correlatively the right to be obeyed"*. While Schmitt (1922., as cited by Cristi, 1997. pp. 189) argued that the essence of sovereignty is *"the monopoly of decision"*. These issues came to the fore during the Brexit debate.

Hobbes (1914., as cited by Radon, 2004. pp. 195) argued that *"the absence of ... or limitation on sovereignty was synonymous with weakness or surrender"*. Combined with the notion that sovereignty is a symbol of national self-identity (Radon, 2004), sovereignty is seen as a 'good thing' and restraining it is seen as a 'bad thing' in the eyes of patriotism. Arguably, the term itself has become more powerful through the ideas of nationalism and globalisation as the definition has become less meaningful (Toulmin, 1992. Giddes, 1999. Fine and Chernilo, 2003. Radon, 2004. Bauman, 1998; Beck, 2000, 2002., as cited by Chernilo, 2008). Den Boer (2014b.) has argued that Nation States are trapped between a defence of national sovereignty and the need for more cooperation. EU Nation States experience non-absolute sovereignty, they are sovereign in governing defence, but not in governing social policies, which they control in cooperation with the EU, as set under EU law (Philpott, 2003). Whereas the UK has now shifted to absolute sovereignty.

When writing on how EU member states have been caught between a need for deeper integration in policing, policy and a defence of their national sovereignty, den Boer (2014b. pp. 61) argued that:

"EU institutions may exploit their extended powers by insisting on open and transparent decision-making, on good quality of legislation, on regular and independent review of legislative instruments and formally adopted policies, and by working together with national authorities to coordinate the governance of police cooperation in the EU"…

As Hobbes (1914) and Radon (2004) show, this limits Nation State sovereignty; increasing EU institutional power, denies states of the monopoly of power and decision making (Wolff, 1990. Schmitt, 1922., as cited by Cristi, 1997).

Bureaucratisation theory suggests that policing bodies need independence from their political centres to set and achieve their own objectives (Deflem 2000, 2002). International police cooperation relies on institutional independence among policing organisations from their respective Nation States and governing bodies such as the EU (Deflem, 2000). Consequently, as Gerspacher and Dupont (2007) argued, new conditions need to be created to allow security networks to match the capabilities of OCGs and transnational criminality without infringing upon national sovereignty. This can be accomplished by generating new frameworks that facilitate the sharing of intelligence and the pooling of resources (Gerspacher and Dupont, 2007). Security networks can be defined as a set of *"institutional, organizational, communal or individual agents or nodes (Shearing & Wood, 2000) that are interconnected in order to authorize and/or provide security to the benefit of internal or external stakeholders"* (Dupont, 2004. pp. 78).

Lemieux (2010. pp. 1) stated international police cooperation relies on Nation States to establish *"bilateral agreements, regional accords and intergovernmental organisations"*; further arguing that the effectiveness of international police cooperation is dependent on Nation States developing a cooperative mindset. Compromise can lead to greater harmonisation, as Klosek (1998), who wrote upon the development of police cooperation within the EU, contended that police cooperation demands a need for greater harmonisation. However, the harmony of cooperation has a direct relationship with sovereignty (Friedrichs, 2007). Consequently, organisations such as Interpol and Europol can help aid harmonisation between Nation States without decreasing Nation State sovereignty, they will now be discussed further.

2.3 International Police Cooperation Agencies

Interpol is an intergovernmental organisation working with 194 members, whose aim is to aid and facilitate international police cooperation (Interpol, 2021a.). However, Interpol has previously been seen to be an ineffective police cooperation tool, due to its operational difficulties (Fijnaut, 1992. Woodward, 1993; Benyon *et al*., 1994., as cited by Swallow, 1996. Stalcup, 2013). This is due to three specific reasons; the first being Article 3 of Interpol's Constitution, which specifies Interpol may not become involved in political, military, religious and racial matters, which had previously prevented Interpol becoming involved in terrorist cases (Fijnaut, 1992. Swallow, 1996. Interpol, 2021b. Martha, Grafton and Bailey, 2020). Secondly, the equivocal legal status of Interpol, which is not based on any international governmental treaty (Fijnaut, 1992). Thirdly, Interpol, whose HQ in Lyons has been granted diplomatic immunity as an organisation by France (Swallow, 1996), has a lack of external accountability, especially relating to data protection (Sheptycki, 2004. Mawby, and Wright, 2005). Therefore, Interpol has limited ability in effective police cooperation especially within Europe.

Recent literature focuses on Europol (Deflem, 2006a. Lemieux, 2010. den Boer, 2014a.), the European Union's Police Office, which came into being in 1999 via the Europol Convention in 1995 (Carrapiço and Trauner, 2013). Since its establishment, the organisation has evolved through an amendment process from politicians and academics to improve accountability (den Boer, 2002. Kaunert, 2010. Busuioc, Curtin, and Groenleer, 2011. Carrapiço and Trauner, 2013. Rozée, Kaunert and Léonard, 2013. Carrera *et al*., 2016). As such, Europol is now established as the law enforcement cooperation hub for the EU aiming to support EU member states in tackling OC, cyber-crime and terrorism via technical operations (Busuioc, Curtin, and Groenleer, 2011. Europol, 2021).

Guille (2010) has previously argued that Europol does not work as effectively as it should, due to the high level of bureaucracy and their conventions being too broad. Yet, the effectiveness of Europol was further analysed by Safjański and James (2021). They argued that the introduction of Europol's crime analysis system (ECAS), which aids the systematic collection, analysis and evaluation of criminal data, to prevent, diagnose and detect transnational criminality, is particularly not effective in providing police cooperation. They argued that is due to police officers being unwilling to provide sensitive criminal information, particularly when information *"sharing goes beyond their own operating environment"*, owing to a lack of

trust (Safjański and James, 2021. pp. 475). This further supports the idea that trust is a key component to police cooperation, as highlighted throughout the thesis.

Consequently, police practitioners use the SIS II and LOs for information, as it is seen as a quicker and more effective process. This is later supported by Bureš (2016) who argued that many EU member states police officers are also using a variety of informal networks at the expense of Europol. SIS II is the EU information system for public security, allowing information and arrest warrant exchanges between Nation State police and custom authorities. SIS II also holds alerts on missing persons and property, that have been stolen or lost (Dumbrava, 2018). LOs allow a practical form of cooperation between police, allowing an exchange of information and to coordinate criminal investigations, largely on a semi-formal basis, where intelligence is shared via 'formal' channels so it can be used in evidence whilst information is shared informally via email or phone (Block, 2007, 2010). LOs hold a significant strategic point for cooperation not only between EU member states, but they also allow greater cooperation with third party countries (Bayer, 2013). Networks of LOs allow greater efficiency and can generate trust between police forces rather than the use of a cumbersome organisation such as Interpol (Swallow, 1998). Den Boer and Block (2013) have written on the use of LOs around the world. They stated that Nation States recruit LOs differently, whether that be dependent on rank, experience or even chance. Therefore, the quality of LOs may vary between different countries, which results in less effective intelligence and data sharing.

Increased data access by Europol for third party LOs requires improved accountability with EU member state police forces. However, Europol is also dependent on Nation States sharing data. Therefore, the quantity of data, or lack thereof, can affect accountability (Carrapiço and Trauner, 2013). Where there is a lack of accountability, there is an excess of autonomy…

> "In theory, the need for accountability thus becomes most stringent when a body has been granted a wide margin of formal autonomy and has developed the capacity to act autonomously in practice. The absence of accountability arrangements or their underuse in the case of a body with a high level of de jure autonomy could result in an excess of actual autonomy" (Busuioc, Curtin, and Groenleer, 2011. pp. 853) …

In turn, academics have argued that EU member state police forces and third-party countries with operational agreements may see Europol as more reliable and efficient, in turn increasing

police cooperation and data flows (Busuioc, Curtin, and Groenleer, 2011. Carrapiço and Trauner, 2013).

With that said, freedom of access to Europol for third-party countries with operational agreements, has been seen as unaccountable and damaging to positive functionality, whilst also hindering legitimacy (Busuioc, Curtin, and Groenleer, 2011. Carrera *et al*., 2016). Member states have accepted that the direct input of their own criminal data increases greater accountability (Busuioc, Curtin, and Groenleer, 2011. Brière, 2018). Improved accountability measures between Europol and EU member states, provides Europol with greater autonomy. Therefore, there is a need to balance autonomy and accountability (Busuioc, Curtin, and Groenleer, 2011). By improving the accountability and legitimacy of Europol they are then repaid with greater trust by EU member state police forces (Busuioc, Curtin and Groenleer, 2011. Carrera *et al*., 2016). Trust between member states and Europol increases accountable criminal data sharing, ensuring a more effective fight against OCG's and transnational criminality (Busuioc, Curtin, and Groenleer, 2011. Carrapiço and Trauner, 2013. Rozée, Kaunert and Léonard, 2013. Carrera *et al*., 2016. Brière, 2018).

'Formal' policing networks via Europol are vital for the long term and sustainable storage and analysis of intelligence, but Cotter (2017) recognised that informal networks amongst police officers are equally important in the sharing of intelligence amongst the policing community. Al-Alawi *et al.* (2007) added to this, accentuating that social relationships are important for informal information and intelligence sharing. However, intelligence sharing via informal networks often resist accountability, and so trust is integral to informal intelligence sharing. Trust between police officers influences the efficiency, accuracy and quantity of intelligence exchanges (Cotter, 2017).

Academics (Sheptycki, 2002b. Guille, 2010. O'Donnell, 2011) have argued that trust developed through informal networks can help provide mutual assistance, which is hard to develop at 'Formal' and 'formal' levels, though, this is dependent on reciprocity. Guille (2010) stated that the informal and bilateral levels of cooperation are greater than the 'formal' and European levels, arguing that if police officers need information quickly, they will not go through the EU route, which could take several working days. Police officers prefer to use good contacts that have been established from working partnerships, most notably used in the UK at the juxtaposed border controls with France at the Channel Tunnel in Folkstone. Direct contact reduces bureaucracy within the process. Authors have historically analysed that direct contact

between police officers formed the backbone for operational police cooperation within the EU (Benyon *et al.*, 1994; den Boer and Spapens, 2002; Harfield, 2005., as cited by Block, 2008). Due to the previous history and connection that the UK has with EU member state police forces (most notably the Kent and Nord/Pas-de-Calais (Gallagher, 2002), direct contact for operational support as discussed by Block (2008) is a necessity; seen from the British government designating Kent Police as a point of contact for international police cooperation (Cahn, 2017). Policing in the UK will now be discussed further, as too will be policing in the Netherlands. The following section will briefly analyse how community policing and partnership working can help tackle transnational crime on a local, national and international level.

2.4 UK and Dutch Police

As the original intention of this thesis was to focus on Anglo-Dutch police cooperation, this section will now focus on the limited literature regarding this.

Since the Second World War policing in the Netherlands has been a gradual '*but certainly not linear process'* (Terpstra and Fyfe, 2014. pp. 373). The Dutch police reform of 2013 merged 25 regional police forces and the Dutch Police Services Agency (KLPD) into a single national police force (Ministry of the Interior and Kingdom Relations, 2009. Gössel, 2015). Currently, the Dutch 'Politie' is comprised of ten regional units and a national unit called the Landelijke Eenheid (Gössel, 2015). The Landelijke Eenheid (LE) is broken down into several different sub bodies, two of which will be recognised for their importance to Dutch police cooperation. The Dienst Landelijke Recherche (DLR) is the national criminal investigation department and is the lead for tackling serious and organised crime (Visschedijk, 2014). The Dienst Landelijke Informatie-organisatie (DLI) is the national information organisation department and is the national contact point for international police cooperation. The DLI exchanges information and ensures legal assistance and also manages the messaging and international information service for Interpol and Europol (Popescu, 2014. Visschedijk, 2014). The DLI also oversees a network of Dutch LOs tackling organised crime and terrorism. Further to this the DLI assists foreign LOs situated in the Netherlands. Both the DLR and DLI include Interpol personnel, the Dutch Europol National Unit and it is also the Dutch centre for the Schengen Information System (Popescu, 2014. Visschedijk, 2014).

The police service in England and Wales has also undergone changes since its inception starting with the Metropolitan Police in 1829. Currently the UK has 43 regional police forces and national and international police agencies to ensure effective police cooperation, two key agencies being the National Crime Agency (NCA) and the International Crime Coordination Centre (ICCC). The NCA is the lead agency for tackling OC within the UK, combining intelligence from agencies locally, nationally and internationally. The NCA develop intelligence capabilities to coordinate with partners within the UK and overseas, such as the ten Regional Organised Crime Units (ROCU). ROCUs were established in 2010 to operate across police force boundaries, with the aim to provide a bridge between the NCA and local police forces to disrupt organised criminals working in regions across the UK (SEROCU, 2021).

The recent creation of the International Crime Coordination Centre (ICCC) established by the National Police Chiefs' Council (NPCC) was designed to prepare UK law enforcement for policing post-Brexit. Its aim is to provide guidance and support to all UK forces in international policing matters when using mechanisms and tools to tackle transnational crime and identify foreign offenders (NPCC, 2021). The ICCC is there for all UK police officers 24 hours a day, for day to day policing issues that have a transnational footprint, helping police officers navigate any further changes in post-Brexit policing. The ICCC also has a three-tiered framework which consists of a central unit, regional special points of contact (SPOCs) fixed within all UK forces and a unit of international tactical advisors (ITAC) (NPCC, 2021). As the UK's relationship with the EU changes over time and as issues that arise are fixed, the ICCC will help advise UK law enforcement on the different approaches that will need to be taken. They will also advise police officers on: which mechanisms will need to be utilised, help establish policy changes, monitor how UK police officers are adapting to post-Brexit policing so further changes can be made, develop officer training in international policing matters and work with policing partners to streamline processes (NPCC, 2021).

As there is little explicit academic literature on operational police cooperation in the UK, it is important to consider local policing to further understand the UK's approach to EU police cooperation (Swallow, 1998). The UK has predominant focus on local and community policing (van Sluis and Cachet, 2013) and by 2025, the police aim to grow their local, national and international networks to improve specialist capabilities (NPCC, 2016). Partnership working is not a particularly new phenomenon (Atkinson, 2019), but by using a range of agencies across

the public, private and voluntary sectors, partnership working has eased the UK towards a networking approach, gradually improving effective and efficient information sharing cross multiple agencies (Kirby, 2018). Combining information from different partners can provide a clearer picture of individuals and behaviour generating a response to OC at a strategic and tactical level (Kibry, 2018).

As previously stated, the UK defines OC as *"planned and co-ordinated criminal behaviour and conduct by people working together on a continuing basis. Their motivation is often, but not always, financial gain"* (Crown Prosecution Service, 2017. Para 1). Section 45 of the 'Serious Crime Act' (2015) further covers any participation where a person knows or suspects criminal activities of an OCG. These definitions have broadened the scope to what can be classed as OC and who can be classed as an organised criminal, leading the UK government to describe urban street gangs as OCGs. Street gangs are evolving and are engaging in transnational crime, such as drugs trafficking, human trafficking and child exploitation (Beckett *et al*., 2012. HM Government, 2013. National Crime Agency, 2021), whilst also becoming more sophisticated and business like, traits commonly linked to traditional OC (Pitts 2007. Densley, 2012).

Crocker *et al*., (2017) noted when assessing OC in UK high crime neighbourhoods, that 17% of recorded crime can be linked to OC. Their study additionally highlighted that on a local level, police officers are not effectively sharing information to other regional forces and there is a lack of clarity at the local level who is responsible for tackling OC. Further recommending, that police forces need to increase proactive approaches to community partnerships and develop a multi-agency strategy based on OC local profiles. Increased engagement via a multi-agency approach to improve intelligence and support for communities, can in turn reduce harm to vulnerable communities. The identification and tackling of specific OC problems within a community can be distributed to the relevant partners, this may also improve community engagement (Crocker *et al*., 2017).

Policing partnerships can help reduce crime as all partners can help deliver longer term solutions (House of Commons, 2018). Greater Manchester police and Durham Constabulary are examples of forces embracing a multi-agency approach to community policing. Greater Manchester established 'Operation Challenger' which was created to understand how OC is affecting local communities. They have pooled information from partner agencies across the public and voluntary sectors to create a clearer picture of OCG's in the area. At the same time,

Police Community Support Officers undertake surveys of OC hotspot areas within communities to help provide any further intelligence. Durham Constabulary have also pursued greater community partnership working. They too, pool information from partner agencies which is later discussed at regular collective meetings. In addition, they have created a bi-monthly panel involving key local partners to discuss OC intervention and disruption. This has improved how Durham Constabulary map OCGs, which are continuously monitored by a neighbourhood officer and a financial investigator (Crocker *et al.*, 2017).

There are some correlations between the UK and the Netherlands using partnerships in different forms to tackle OC at a local level. The Netherlands, however, have a more specific focus on criminal nodes, working with local partners to intercept criminal activity. Criminal nodes are logistical points where criminality intercepts to form a larger interlinked network (Firmani, Italiano and Laura, 2015). To combat criminal nodes, the Netherlands has a strong focus on 'community-oriented policing', implemented in a nodal style (Project Group Vision on Policing, 2006., as cited by Van Steden, Wood, Shearing and Boutellier, 2016. Terpstra and Fyfe, 2019). Nodal oriented policing shifts the attention of police officers to the management of national and global criminal nodes, whilst also focusing on local-oriented policing issues (Van Steden, Wood, Shearing and Boutellier, 2016. Easton, 2020).

However, a central challenge relates to the way in which security issues at the local level are tied to criminal nodes and networks operating transnationally (Dupont, 2012., as cited by Van Steden, *et al.*, 2016). Police officers have continuously sought for active engagement with citizens and professionals to address local crime and safety issues (Prins, *et al.*, 2012) via neighbourhood coordination (Van Steden, *et al.*, 2016). Neighbourhood coordination requires several partners ranging from youth services, to town wardens and voluntary officers, whilst the police *"seek to cement their relationship with the public"* (Ministry of the Interior and Kingdom Relations, 2009. pp. 18).

Amsterdam and Rotterdam have had some success conjoining a style of intelligence-led policing with nodal policing (Prins, *et al.*, 2012), as nodal policing requires a clear representation of criminal nodes and their sub-nodes, which is where one node can be divided into multiple smaller nodes (Van Steden, *et al.*, 2016). However, they have seen difficulties in information exchanges with other regional forces (Van Sluis, Marks and Bekkers, 2010, 2011). To address this, the police developed an information strategy using partnerships to analyse specific criminal nodes (Ministry of the Interior and Kingdom Relations, 2009. Van Steden, *et*

al., 2016). The 'Flows and Networks' programme introduced by the National Police Services Agency, was created to help tackle OC and help facilitate and improve nodal policing (Van Sluis, Marks and Bekkers, 2010, 2011). Although, Duijn, Kashirin and Sloot (2014) argued it has been ineffective in combatting OC networks.

The Netherlands, like most countries, depend on international structures to engage in 'Formal' and informal police cooperation to tackle OCG's (Soeters, Hofstede and Van Twuyver, 1995. Lavers and Chu, 1997. Prins, *et al*., 2012). However, due to the differences in legal systems such as common (UK) and civil law (Netherlands), police cooperation has taken place within EU frameworks, but has also taken place in bilateral agreements (Ministry of the Interior and Kingdom Relations, 2009. Guille, 2010). For example, the Netherlands have agreements with Germany such as the 'Treaty of Enschede' (2005) which aims to increase cross-border exchange of information, increasing cross-border activities and powers going beyond those allowed by the EU Schengen Accords (Gössel, 2015). A further example is the bilateral cooperation between Dutch, Belgian and French police. This allows control checks conducted by joint police teams to combat drug smuggling on the Lille-to-Rotterdam motorway, increasing direct cooperation between police forces (Soeters, Hofstede and Van Twuyver, 1995. Joubert and Bevers, 1996. Ministry of the Interior and Kingdom Relations, 2009).

In summation, although there is limited literature on the UK police specifically working in a nodal style, there are a vast array of policing networks and partnerships working locally, nationally and internationally to tackle OC networks (Fleming and Wood, 2006. Maguire and John, 2006. NPCC, 2016. House of Commons, 2018). However, the very nature of OC forces police officers to work transnationally. Therefore, police cooperation within the UK and the Netherlands comes from the demand to tackle OC at the local level.

Both the UK and Dutch police use multi-agency approaches to share information regionally and nationally. Whilst the UK's NCA and Dutch LE facilitate information sharing nationally and internationally. However, Brexit may increase the difficulty for the UK to share information with the Dutch, although the recent formation of ICCC may help to reduce the impact of this. Additionally, the model of nodal policing within the Netherlands could also be used in the UK, most notably at ports, airports and the channel tunnel in Folkestone. By interrupting the flow of transnational crime by focusing on criminal nodes, it may ease some pressure of tackling OC at the local and regional level within the UK. To further identify the way the UK will cooperate with EU member states, such as the Netherlands post-Brexit, the

following section will now analyse the small amount of literature that discusses post-Brexit police cooperation.

2.5 UK- EU Cooperation Post-Brexit

Mitsilegas has written several times on the consequences of Brexit across the EU (Mitsilegas, 2016, 2017a., 2017b., 2017c., 2019. Carrera, Mitsilegas, Stefan and Giuffrida, 2018) and argued the UK's opt-in/opt-out approach has brought a series of paradoxes to Brexit. Stating that the UK would not be able to continue using EU legal instruments and mechanisms without fully complying with EU acquis. However, Baches (2017) stated that Brexit may not cause an abrupt ending to all cooperation, due to a shared common history which began in 1973 when the UK joined the European Economic community.

In one of the few pieces of literature on post-Brexit police cooperation, Arnell *et al.,* (2021) analysed the TCA in an opinion article. They stated that Part Three, Title V allows UK access to the vast majority of Europol resources, which is normally only for EU member states. However, as the UK still does not have, as of yet, an operational agreement with Europol and does not have access to the Europol management board, to make strategic and management level decisions, it will not be able to guide the priorities of Europol. Part Three, Title V of the TCA, also highlights Europol's institutional independence, where the UK and Europol will negotiate their own future in how they cooperate without the influence of other EU member states, and is only guided by strict data protection EU laws, which Arnell *et al.,* (2021) argued is beneficial for both the UK and EU.

In addition to discussions surrounding data protection, Arnell *et al.,* (2021) drew attention to Art LAW.EUROPOL.49(1) where they believe that personal data protection is the core element of police forces sharing data between the UK and EU. The UK has maintained access to ECRIS (European Criminal Records Information System) where EU member states share criminal record information. However, the UK has lost access to information on the criminal records of third-country nationals under Part Three, Title IX of the TCA. Arnell *et al.,* (2021) believe this will pose a threat to UK security in the fight against terrorism and OC. There is also little information on how UK and EU police forces will go about sharing information 'as quickly as possible' on a day to day basis.

Another area that should be highlighted under the TCA in regards to data sharing, is the UK's maintained access to the Prüm databases. Under Part Three, Title II of the TCA, the UK can

continue to access and share DNA, fingerprint and vehicle registration data with EU member states. In Arnell's *et al.,* (2021) analysis, they argued that this area of police cooperation will not see major changes in operational capability, due to the UK using a new and slightly different version of the European Vehicle and Driving Licence Information System (EUCARIS). Although there are only minimal changes, it is unclear how UK policing will be affected on an operational level as this system is yet to be tested.

Schomburg and Oehmichen (2021) also reviewed the TCA, predominantly focusing on judicial issues. They stated mutual trust and recognition no longer applies to the UK and has been replaced by a concept where parties respect each other's autonomy and sovereignty. Schomburg and Oehmichen (2021) argued that the deal pretends to treat the UK as a member state, creating a number of issues. Firstly, the EU have maintained the use of the term 'Arrest Warrant' throughout the TCA. Schomburg and Oehmichen (2021) argued that this is confusing, as in reality it is merely a request for extradition and the same term is used in the UK for domestic arrest warrants. They argued that using the same term for both domestic and international warrants in the absence of mutual recognition is problematic, as you cannot use a national arrest warrant in the UK for the purpose of extraditing EU nationals. Therefore, it is important to completely separate UK arrest warrants and UK-EU warrants, to avoid confusion.

Although the TCA has removed the UK's access to the EAW, it has been replaced with the surrender system, imposing a 'Norway/Iceland' model. This mirrors aspects of the EAW, implementing additional features such as proportionality, dual criminality, political offences and nationality exceptions (O'Meara 2021). Proportionality may prevent extradition from taking place, and the need for Dual Criminality (where the crime under consideration must exist in both countries) is the default position, although it can be waived under certain circumstances. The political offences exclusion may prevent the extradition of terrorist offenders, and the nationality principle allows member states, such as Germany and Austria, to refuse to extradite their own nationals (O'Meara 2021).

A second issue that Schomburg and Oehmichen (2021) identify, is that the UK incorrectly named this title of the TCA 'surrender' instead of extradition. They argued that this is too misleading and that in law you cannot gamble with words. However, the TCA states that the use of a 'surrender agreement' will provide *"streamlined extradition arrangements"* (Trade and Cooperation Agreement, 2020. pp. 27). Ultimately there are numerous issues with the

judicial agreements within the TCA and as Schomburg and Oehmichen (2021) have argued, the TCA has left both sides with many unanswered questions.

Schomburg and Oehmichen (2021) did however highlight positives within the TCA for judicial cooperation. One being the proportionality principle, which was set under Article 5 of the Treaty on European Union (1992), which states that, *"action shall not exceed what is necessary to achieve the objectives"*. As previously mentioned, this has been integrated into the framework of the TCA, becoming a requirement for extradition requests and will extend to multiple requests of MLA. However, Schomburg and Oehmichen (2021) stated that they cannot yet see how authorities within both the UK and EU will handle disproportionate requests. Overall, when looking at the minimal amount of literature that has reviewed the TCA, it is clear that it is currently unknown how UK police cooperation will be affected on an operational level where they seek to cooperate with EU-wide police forces. Additionally, the ambiguity of the TCA on judicial matters will only create further issues.

2.6 Conclusion

In summary, academic literature discussing pre- and post-Brexit police cooperation, highlights the need for 'Formal', 'formal' and informal networks of police officers, such as UK LOs within Europol. This will maintain communication between the UK and Europol, thus decreasing any political spillover from the EU (Anderson *et al*., 1995). Political spillover arises when, *"supranational organisations trigger a self-perpetuating process of institutional development… and develop a measure of policy making autonomy, distinct from the concerns of state*" (Anderson *et al*., 1995. pp. 94). The decrease of political spill over and the institutional independence of Europol will allow an operational agreement to be established with the UK. This will also remove the bureaucratic challenges of the EU and its member states, this will maintain UK sovereignty (being one of the prime movers for Brexit) whilst maintaining police cooperation.

It is difficult to analyse through the literature, how police officers across the meso and micro levels will be affected by Brexit on a day to basis in the UK. There are issues with Brexit such as the loss of SIS II and the EAW, which have previously harmonised police and judicial cooperation between the UK and EU. Although the UK have maintained access to Europol and other EU databases such as Prüm, the loss of SIS II will arguably make the UK less secure, due to high levels of data that is shared on the system. O'Meara (2021), stated that the UK was one

of the most frequent users of SIS II, with 600 million searches and over 40,000 alerts relating to extradition in 2019.Without the circulation of EAWs via SIS II, there will be a greater reliance on the Interpol system which is slower. Here too, it is difficult to analyse how this will affect police officers in their daily practice. However, the loss of SIS II at UK borders could be detrimental, as police and Border Force officers may fail to notice criminals travelling through UK borders.

Due to globalisation, criminals have also increased transnational activity, working through multiple criminal nodal networks. This is exemplified by Hall, Koenraadt and Antonopoulos' (2017) study of illicit pharmaceutical networks in Europe. This demonstrated that both the Netherlands and the UK are hubs for criminal nodes in production, transit and consumption, which they conceptualised as a 'glocal' networked market. On a local level, increased police networking with multiple agencies can aid the interruption of OCGs within the UK and Netherlands. However, by matching local police networking at higher levels through the NCA, LE and LOs, nodal networks of agencies and police officers, alongside police intelligence shared through a combination of informal and 'formal' networks, can provide a new method of tackling OC in a post-Brexit world.

As OCGs improve their own networks due to the effects of globalisation, the UK has decreased its interconnectivity with EU member states, as well losing criminal data, SIS II and the EAW. Consequently, a new structure of police cooperation may now need to be established, moving beyond Benyon's *et al.,* (1994) model. The success of nodal policing in the Netherlands could be implemented on an international level via bilateral agreements, which may allow police cooperation between multiple police institutions with fewer infringements on Nation State sovereignty. OC needs to be tackled on a global level with various police agencies, although the UK may see a decrease in judicial cooperation, a nodal approach of international police cooperation may be seen as an effective future method for the UK.

Currently, there is no literature that focuses on Anglo-Dutch police cooperation post Brexit; nor is there literature that discusses implementing international nodal police cooperation within the UK. Therefore, the research will fill a relative gap in academic literature. Close examination of the literature has revealed the gaps that have appeared within current research. The gaps that have been identified are highlighted in five research questions, which are as follows:

- Have UK police officers experienced a decrease in police cooperation with EU member state police forces post the TCA?

- How have UK police officers' experiences changed when cooperating with EU member state forces post the TCA?

- What have been the initial key consequences on UK-EU police cooperation?

- Has UK public safety been diminished due to the loss of EU-wide policing tools and mechanisms?

- Is the UK's current international police cooperation framework sufficient and what improvements can the UK make to develop greater police cooperation with EU Nation States?

The five research questions will now be further developed by the construction of the theoretical framework in the following chapter.

3. Theoretical framework

Having discussed the literature that surrounds international police cooperation, a theoretical framework that underpins the research needs to be identified. A theoretical framework is the blueprint for enquiry, providing structure and guidance of how to philosophically and analytically approach the research questions by following formal theory of a certain phenomenon (Osanloo and Grant, 2016). Firstly, the researcher must identify from the literature review a key concept that will help resolve issues within police cooperation practice and how a theoretical framework develops and connects to the problem. Secondly, the researcher must determine how the theoretical framework justifies the study and how it links to the purpose of the study. Lastly, an explanation of why the researcher has chosen the identified theoretical framework, how it relates to the purpose of study and why the study is important (Osanloo and Grant, 2016).

This key concept is the nature of how policing bodies and agencies cooperate across borders and the issues that surround such cooperation, such as maintaining Nation State sovereignty. However, to enable effective police cooperation between Nation States, policing organisations must match their illicit counterparts that are working through criminal nodes and networks (Gerspacher and Dupont, 2007). This indicates that Nation States, their police and other related bodies must work collectively through a series of nodal networks to share intelligence and resources. Two theories that were considered were Governance Theory and Nodal Governance Theory. These seemed most appropriate for a different reasons and will now be discussed further.

Governance Theory as defined by Chhotray and Stoker (2009. pp. 3) is *"about the rules of collective decision-making in settings where there are a plurality of actors or organisations and where no formal control system can dictate the terms of the relationship between these actors and organisations"*. Governance Theory as a blueprint for the study could show in a post-Brexit world how policing bodies and Nation States are making decisions to maintain police cooperation. However, Governance Theory would be ill applied to international police cooperation because it considers the way in which governments and non-governmental bodies interact and how they are guided by collective decision making, via a range of soft and hard governing tools (Chhotray and Stoker, 2009). As highlighted in the literature review, effective police cooperation relies on institutional independence. Thus, Governance Theory could bring

a stronger focus on the politics of policing post-Brexit and may not identify the relationship between the UK and Dutch police and how this relationship has changed post-Brexit.

Nodes of Governance Theory which was developed by Burris, Drahos and Shearing (2005. pp. 5) explains *"how a variety of actors operating within social systems interact along networks to govern the systems they inhabit"*. This goes beyond Governance Theory, as it looks to identify how individual governing agencies interact within a system by manoeuvring around a state-centred approach. Implementing Nodes of Governance Theory to police cooperation, could show the loss of access to other nodes within the police cooperation network. Additionally, it may show how this diminishes the influence of UK policing on the EU and how this could jeopardise UK security.

To further elaborate on Nodes of Governance Theory, the term itself must be dissected. Governance as defined by Burris, Drahos, and Shearing (2005. pp. 2) is *"the management of the course of events in a social system"*. Governance today is pluralised, containing various actors and organisations who have the authority of decision-making. There is limited control on how they interact, giving freedom to actors to develop individual relationships, generating networks of interconnected governance networks (Burris, Drahos, and Shearing, 2005).

Actors can vary in size and power, be it the EU, NCA or the Kent Police Liaison unit and how they interact depends on the social space in which they interact. For example, the NCA is the UK central point of tackling organised crime. They work closely with foreign LOs and post UK LOs abroad, due to the international nature of OCG's. The NCA will work with Border Force to stop modern slavery taking place at UK borders, but also the 43 regional police forces to deter and prevent criminality involving the sexual abuse of children or modern slavery. The NCA extends its cooperation beyond the UK to the EU, individual member states and their police forces. These actors are of various sizes but work together to tackle crime, but all have the collective and individual decision-making capabilities. The point where these actors intersect are called nodes.

Nodes are individual points where governance takes place, working within a network of other governing nodes (Quéro and Dupont, 2019). They are not equal and vary in the influence that they exert through the power and the status of the node. The power of a node can come from its resources, mentalities and technologies, but the capacity of a node to influence depends how interconnected the node is to other nodes. Nodes regulate other nodes via the network that they

accommodate but can also function as points of contact to a larger network. Bringing together nodes can create a central node with increased resources such as the EU. This in turn facilitates the distribution of resources to influence the actions of other connected nodes within a network such as Europol. There are different types of nodes, yet they are all part of a wider network working together to deter criminality and bring criminals to justice.

Within the context of international police cooperation, it would be beneficial to view police cooperation tools and mechanisms as nodes, such as SIS II or the EAW, because they act as points of contacts within a larger network. Policing services use these as a resources to influence other connected nodes, but how nodes interconnect with each other can change over time (Burris, Drahos, and Shearing, 2005). As the UK has left the EU, nodes within the police cooperation network will disconnect from the UK, such as SIS II. Therefore, the UK will rely on alternative nodes more strongly, such as Interpol. A nodal model of international police cooperation may allow practitioners to clearly identify post-Brexit cooperation issues which may later arise, due to the loss of specific nodes. This would enable practitioners to replace or find alternative nodes to maintain effective police cooperation and tackle transnational crime efficiently.

By applying Nodes of Governance Theory to international police cooperation, it may highlight that Nation States police forces work together through multiple different nodes to tackle transnational crime. Yet not all nodes have the authority of decision making. Therefore, an issue that nodal international police cooperation would need to manoeuvre around are the arguments on sovereignty. As Shearing and Johnston (2013) stated, there are blurred edges between state and non-state institutions. Brexit for the UK has meant that the UK has tighter control on the authority of decision making, as other EU member states are subject to EU-wide decision making. Instead of a state centred approach, a nodal approach would remove the decision-making authority of the EU over member state police, EU policing agencies and mechanisms, allowing closer cooperation with the UK. A nodal approach may therefore create an environment where police forces and agencies are free to share information to other nodes within the network.

Figure 1 below shows an example of international nodal police cooperation pre-Brexit. Blue lines represent active node connections whereas red lines represent lost connections due to Brexit. The number of connections a node has indicates its influence on other connected nodes and the size of the node is the extent of its resources.
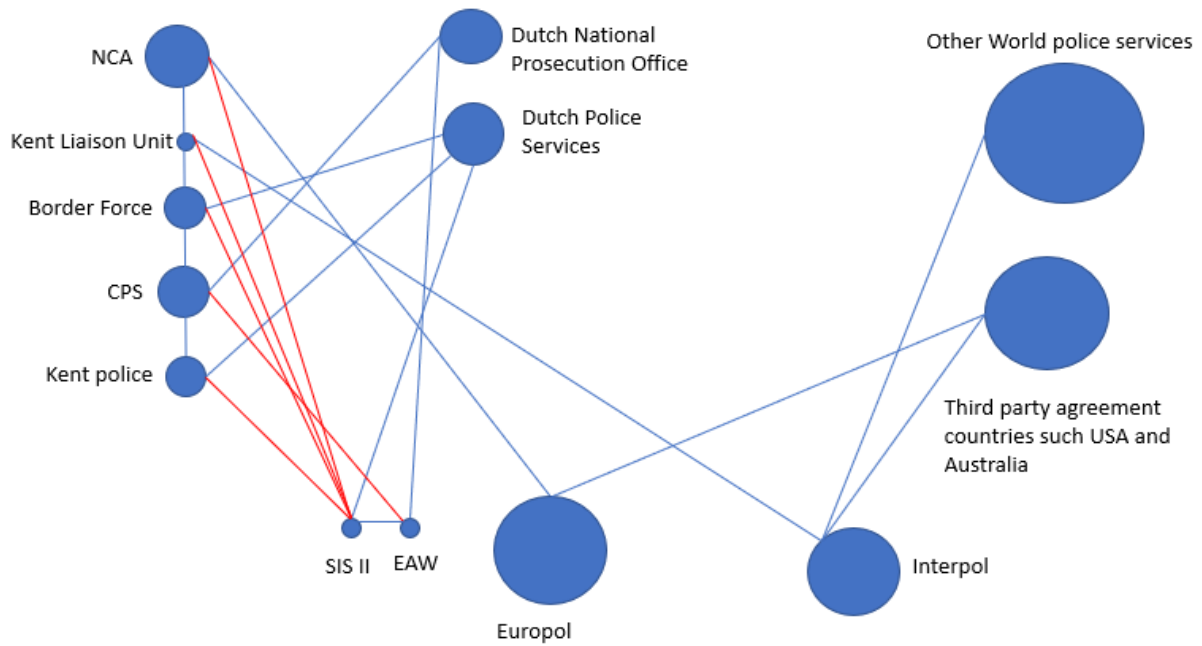
Figure 1.

Having discussed the theoretical framework that underpins the research, a methodology must now be designed. This will aid the investigation of concepts discussed within the theoretical framework and the research questions established by the literature review.

4. Methodology

4.1 Introduction

The literature review has provided an analysis of the theory around police cooperation and in the previous chapter a theoretical framework was established as the foundation of the research. Here the issues surrounding the research methodology will be deliberated, debating different research philosophies and research techniques to establish a beneficial methodological approach to the research. The following chapter rationalises the methodological approach to the research, examines the methodological options available and justifies a qualitative approach rather than a quantitative or mixed method design.

To establish a suitable approach to research, there must be a clear research philosophy that underpins the methods used, this must be based upon the researcher's beliefs (Goulding, 2002), but also the generated research questions; both will be illustrated throughout the methodology. The research aims to provide a basic understanding, and comparison, of the experience of international cooperation by police officers within the UK and the Netherlands post-Brexit.

4.2 Methodological Approach

Social science researchers are concerned with discovering laws regarding human behaviour, yet to discover such laws, there must be a set methodological and philosophical approach. Social science researchers are divided in their methodological approaches, be it either quantitative, qualitative or both, being of a mixed methods design (Gerring, 2001). These differing methodologies are further underpinned by a researcher's philosophy to the nature of reality (ontology), the theory of knowledge (epistemology) and how knowledge is gained (methodology), these are the central features to social research (Tuli, 2010). Consequently, philosophy and social research are interconnected (Hughes and Sharrock, 2016). Due to differing philosophical outlooks there are a wide range of methodologies available. Qualitative research methods include case studies, focus groups, structured and semi-structured interviews. There is not a singular research methodology used across social research, all methods have strengths and weaknesses (Tuli, 2010). The weaknesses and strengths of different philosophies and methods will now be analysed to generate a suitable approach for this study. This section will highlight why the research will be of a qualitative approach, discussing the philosophical outlook of the research and epistemological and ontological considerations.

Qualitative studies have been key in developing policing knowledge (Fekjær, 2018), without qualitative studies, the possibility of understanding meaning, interpretations and processes would be severely limited (Järvinen and Mik-Meyer, 2020). Qualitative studies are undertaken when there is a lack of knowledge on a phenomena and a researcher wants to answer a theoretical problem. They are commonly used to discover how people think and feel by using in-depth interviews (Golafshani, 2003. Bellenger, Bernhardt and Goldstucker, 2011. Antwi and Hamza, 2015). Qualitative research pursues meanings that are less distinguishable in the social world and tries to describe and understand underlying themes and concepts and the multiple dimensions of reality (Antwi and Hamza, 2015. Järvinen and Mik-Meyer, 2017). Within this thesis, understanding police officers' experiences be it positive or negative can provide a first-person analysis of the known and unknown issues of post-Brexit police cooperation.

There are two key criticisms of qualitative studies, firstly Bryman (2016) commented that qualitative research is too subjective, adding that the researcher's findings can rely on the researchers views of 'what is significant'. Subjectivity can bias the researcher and can prevent them from truly understanding the participants' reality. However, Ratner (2002) argued that by the researcher recognising their own subjectivity, it can be beneficial to the project. The researcher can replace distorted subjective views and values with more objective ones, in turn decreasing researcher bias. Bryman's (2016) second critique of qualitative research is that results are too difficult to replicate, which can demonstrate unreliability. Anastas (2004) stated that triangulation can help combat this issue by increasing the credibility and trustworthiness of the research (Bryman, 2016). Triangulation checks the validity of results by using two or more research methods or sources of data, looking at the same phenomenon from different perspectives, so that findings can be cross-examined and compared (Denzin, 1978., as cited by Jick, 1979. Bell and Waters, 2018).

Comparatively, quantitative data can provide a powerful and persuasive foundation to social research, as it is based on precise measurements (Denscombe, 2017), it aims to collect accurate and reliable numerical data for statistical analysis (Bryman, 2016. Queirós, Faria, and Almeida, 2017). Quantitative researchers believe that observations of social phenomenon should be treated equally to physical ones, and as such, the viewer is separate to the subject being observed. This allows quantitative researchers to identify the real causes of a social phenomenon, which can then be validated and reliable (Golafshani, 2003). In the context of this research, measuring the number of UK police officers that are involved in cooperation with

the Dutch police, as an example, provides limited information. This is because it is important to understand whether police cooperation has been affected by Brexit, which can only be established through qualitative methods. This will enable the researcher to analyse police officers' experiences. Although there was careful consideration of using both methods, Brexit is a new phenomenon and there is sparse data available from governmental and open sources to enable mixed methods research. Therefore, the use of qualitative methods seems appropriate in the light of the generated research questions.

Although there are no set rules, generally quantitative research is deductive and is rooted in a positivistic philosophy, while qualitative research tends to be inductive from a realist standpoint (Antwi and Hamza, 2015). Goulding (2002) argued the research philosophy must be based upon the researcher's beliefs. Therefore, before trying to understand the philosophical perspective, it is essential to be aware of how the logic of reasoning is applied to data to obtain the results (Ryan, 2018).

Qualitative research can be supported by both induction and deduction and are often used simultaneously (Perry and Jensen, 2001). In inductive research, the goal of a researcher is to infer theoretical concepts and patterns from observed data. In simpler terms, induction produces generalisations from observation, based on the expectation that prior observations will be repeated (Morgan, 2020). Critics of inductive reasoning have argued that there is no guarantee that the results are reproducible, even if a large sample size produces the same results, as missing the exception could cause an invalid conclusion. As explained by Bryant and Charmaz (2007. pp. 45): …

> *"…if one is sitting on a riverbank, one might observe several swans swimming past. They are all white in colour and, after counting 10, 20, … 100, or more, one might be tempted to conclude that 'all swans are white', unaware that the black swan went by sometime earlier, or will pass by soon after one ceases making observations."…*

The issue surrounding induction is that researchers reach conclusions only by recording and describing observations, lacking any previous premises, with the absence of a hypothesis, data collection has little value (Lawson, 2005). Subsequently, induction is the inference that produces factual knowledge, compared to deduction which produces logical truths (Minnameier, 2010).

Deductive reasoning is the opposite to induction, where the researcher begins with a specific theory (which has been discussed in the theoretical framework), and then will collect and examine observed data to confirm and deny the hypothesis and current understandings (Bryman, 2016). Schechter (2013. pp. 1) provides an example of deductive reasoning:

(i)   *If the room is dark, then either the light switch is turned off or the bulb has burned out;*
(ii)   *The room is dark;*
(iii)   *The light switch is not turned off;*
(iv)   *to the conclusion, the bulb has burned out;*

Deduction too has not escaped criticism, as according to Reichertz (2014) deduction relies on preliminary premises being correct, arguing if one premise is incorrect the argument must be invalid. Although, the use of deductive reasoning in qualitative research is to test theory, deduction is more than 'just testing a theory', it is to refine or extend existing theory (Williams and Moser, 2019). The theoretical framework has provided the theory of nodal international police cooperation, which will be 'tested, refined or extended' when the data collection is analysed. Even though the theory previously discussed will be developed through logical reasoning, it can only be proven by observation, which tends to lean towards a positivistic research philosophy.

Research philosophies display the beliefs of the researcher, which guides data collection and its analysis (Creswell, 2017). There are two key components to this, being the researcher's ontological and epistemological views. Ontology refers to the researcher's belief of what can be known as real or factual, whereas the epistemology of the researcher refers to the belief about how one comes to understand the world (Bryman, 2016). It is important to contemplate the researchers' ontological and epistemological beliefs when considering available research philosophies that can be used within social research.

A realist view believes that there is a "real" external world to be discovered (Healy and Perry, 2000), which, when revealed to human senses becomes knowledge (Llewellyn, 2011). Realists construct various views of reality, believing that there are differences between the real world and what they themselves perceive of it (Riege, 2003). Critics of realism have argued that realism is vague and inconsistent and as Molloy (2003) argued, its lack of clarity in scientific research is 'unacceptable'. Comparatively, a relativistic perspective is that "*no interpretation of that world can be made independently of human sensations, perceptions, information*

processing, feelings, and actions" (Peter, 1992. pp. 73-74). Relativists believe that what a subject perceives to be true is relative, as another's perspective can also be their truth (Smith, 2006).

From a positivist perspective the world is measurable and explainable, inferring that knowledge is only valid if it is observed (Antwi and Hamza, 2015). Positivists believe that reality is the same for each person and is discovered through hypothesis testing, conducted via deductive reasoning. Epistemologically, positivists believe that world exists irrespective of the researcher's presence (Bryman, 2016. Howell 2013). Ontologically, positivists value objectivity, where there is a single version of what is real and the only way to find this truth is to measure or observe (Scotland, 2012).

Pragmatism replaces the theoretical polarity of the objectivity of realism and the subjectivity of relativism with a different perspective (Feilzer, 2010). Pragmatism is unrelated to both realism and relativism (Starr, 2007., as cited by Morgan, 2020). Pragmatists focus on the value of acting on a set of beliefs, rather than trying to prove whether something is true or not (Morgan, 2020). Pragmatists believe that every individual has a different and unique experience and as a consequence no two people have the same set of beliefs. Therefore. as Morgan (2020. pp. 65) argued, it is the *"nature of experience that matters"*. Pragmatism manoeuvres around issues of truth and reality by using a problem-solving based approach to solve "real world" problems (Dewey, 1925. Creswell and Clark, 2017. pp. 20-28. Rorty, 1999., as cited by Feilzer, 2010. pp. 8). This allows pragmatic researchers to have more flexibility and have less of the mental and practical constraints that other philosophical approaches impose on research methodologies (Feilzer, 2010. pp. 8). Consequently, a pragmatic researcher is not a *"prisoner of a particular method or technique"* (Robson, 1993. pp. 291., as cited by Feilzer, 2010. pp. 8). With that said, pragmatism and deduction support the beliefs of the researcher and can work hand in hand with qualitative methods.

4.3 Qualitative Methods

As the use of a qualitative approach is suitable for investigating the established research questions, this allows the researcher to analyse the experiences of police officers post-Brexit. There are different qualitative methods available, primarily focus groups and interviews. Focus groups look at the experience of multiple interviewees together, where they can discuss and compare experiences. There are benefits of conducting focus groups. They provide data from

a group of people quicker than individually interviewing participants and they also allow the researcher to interact directly with respondents; its open format allows for the opportunity to obtain rich data (Stewart and Shamdasani, 2014).

Equally, there are drawbacks to focus groups. Views and opinions of participants may affect the response of others, thus reducing the freedom of thought of each interviewee. Morgan (1996) argued that there is little known about how participants within focus groups influence each other. Furthermore, Stewart and Shamdasani (2014) argued that the moderator may bias results unknowingly, for instance when providing cues when in discussion with participants due to their prior knowledge or subject biases (Stewart and Shamdasani, 2014). However, the effects that the interviewer can have on participants is not only limited to focus groups but also surveys and individual interviews (Morgan, 1996).

Interviews are a dialogue where the interviewer "*attempts to elicit information"* from the interviewee (Longhurst, 2003. pp. 105). More precisely, a structured interview is dialogue with set questions in a specific order. One disadvantage of structured interviews is acquiescence. This is the inclination to consistently agree or disagree with a set of questions. Acquiescence occurs when an interviewee casually responds to a statement, having not critically thought about the offered statement (Holbrook, Green, and Krosnick, 2003). Acquiescence can misrepresent conclusions by increasing support to specific questions (Olson and Bilgen, 2011), although it is difficult to detect (Bryman, 2016). Consequently, acquiescence causes the analysis to be redundant, as the results may be inaccurate (Graham *et al*., 2007. Bryman, 2016).

Another issue with structured interviews is the possibility of social desirability bias effect. This occurs when participants are unwilling to accurately provide information to defend their ego, or for *"impression management reasons"* (Fisher, 1993. pp. 303). Participants answer questions according to how they think the question should be answered, to present themselves in the best possible light. However, it is also difficult to detect and counter (Bryman, 2016. pp. 216). This would result in data being biased towards a participant's perception of what is correct and would not represent their actual experiences and reality (Maccoby and Maccoby 1954., as cited by Fisher, 1993). This would also cause the analysis to become redundant, due to unjustified theoretical and practical conclusions (Fisher, 1993). Therefore, a structed interview technique will not be used.

Semi-structured interviews are a conversation with a set of questions with an informal tone (Longhurst, 2003). However, the interviewer is more flexible in their approach as there is not a set order that the questions need to be delivered in. This is further instilled by the 'discussion' style of the interview, this empowers the researcher to explore new topics and points of interest that may not have been originally considered (Gray, 2004., as cited by Doody and Noonan, 2013). Additionally, the participant has more freedom to discuss and give detail in their answers, elaborating on points of interest as the researcher asks probing and open-ended questions (Bryman, 2016), therefore reducing issues such as acquiescence found in structured interviews.

Newcomer (2015) argued that semi-structured interviews are time consuming, labour intensive and require researcher sophistication, as *"novice researchers"* may find it difficult to know when and how to ask probing questions. Subsequently, some data maybe missed (Doody and Noonan, 2013. pp. 3). Due to the inexperience of the researcher, there may be some difficulty when first conducting semi-structed interviews. Semi-structured interviews suit the research as it can help the researcher to understand the "*nature of participants' experiences*" (Morgan, 2020. pp. 65). The flexibility of semi-structured interviews allows police officers to discuss their experiences and perspectives, developing their own ideas when answering wide and open-ended questions (Denscombe, 2017). This in turn will aid the analysis of the conducted interviews (Worren, Moore and Elliott, 2002).

Bryman (2016) also discussed the need to consider the type of interview questions. Charmaz (2006) stated that there are three different types of questions to be asked when conducting qualitative interviews, whilst also providing some examples:

- Initial open-ended questions: *What was your life like prior too…?*
- Intermediate questions: *What do you like most about working in this organisation…?*
- Ending questions: *How has your experienced changed since you first…?*

This approach has been adopted throughout the interview process.

A further consideration is whether the interviews will be conducted face to face, over the phone or by video call. Due to the current circumstances of Covid-19, face to face interviews were not conducted as per government and university guidelines in place at the time. The lack of face to face interviews can restrict rapport with the participants and telephone interviews have been regarded as more fatiguing than face to face interviews (Irvine, Drew and Sainsbury,

2013). Due to these reasons, interviews will be conducted via Microsoft Teams, an online video conferencing platform. However, there is no literature that analyses the effect of conducting interviews via this method.

4.4 Research Techniques

Having discussed philosophy and research methods, it is important to highlight the specific techniques that will be used to collect, dissect and analyse the data.

4.4.1 Sampling

Sampling is a procedure implemented by researchers to select participants to be subjects for data collection, via observation or experimentation (Emerson, 2015). There are two different types of sampling techniques: probability and non-probability. Probability sampling is where the probability of choosing a participant is the same as other participants (Sharma, 2017). However, probability sampling is not useful for the study, as the research relies on focusing on people that have had experience of post-Brexit police cooperation. By applying probability sampling, it is possible that all those selected via methods such as random sampling, may produce a group of individuals that have had little experience in police cooperation. Comparatively, non-probability sampling is based upon judgement of the participants' usefulness (Sharma, 2017).

There are two methods that have been considered for the research, snowball and purposive sampling. Snowball sampling is where participants suggest, or hand pick further participants among their own personal or professional network. The sample gradually grows until enough data has been collected, this is known as saturation. Purposive sampling, on the other hand, is a selective sampling technique which relies on the researcher's judgement to select the participants involved in the study (Sharma, 2017). To decide which method is most suitable for the study, it would be useful to compare the positives and negatives of each.

Purposive sampling is a technique typically used in qualitative studies (Etikan, Musa and Alkassim, 2016), where the researcher will choose individuals that will provide the best information for the study to meet its objectives. (Etikan and Bala, 2017). Sharma (2017) highlighted an issue with purposive sampling, stating that, the judgment aspect of selecting participants is subjective and not based on a clear criteria. This can create researcher bias which cannot be controlled or measured, decreasing the trustworthiness of the data collection.

In comparison, snowball sampling is useful for taking a sample of a population that is hard to access (Sharma, 2017). As an example, police officers who are currently conducting research, may find it easier to gain access to appropriate participants, whether this be co-workers or mutual contacts in partnering agencies. The researcher does not have access to these advantages and as such, is taking a position from the outside looking in. As an example, by connecting with police officers via LinkedIn, it will open doors to find other recommended participants who have had the experiences suitable to the project.

Biernacki, and Waldorf (1981) discussed that monitoring referral chains and its data quality is an issue of snowball sampling. Participants who produce further potential contributors vary in their ability to recommend suitable persons; this can decrease data quality. Therefore, control over the inclusion of selected participants is important to ensure an array of various career backgrounds is included, thus maintaining data quality. However, the issue of selection bias also needs to be considered, the initial participants need to be randomly selected which will decrease selection bias. Therefore, snowball sampling will be used, as it is the most appropriate method.

4.4.2 Coding

Codes are a shorthand device to separate and compile data of theoretical significance into categories for data analysis (Charmaz, 2008). A code can be a single word, line or phrase taken from a transcript so that the researcher can interrogate the data collected closely. The codes created define data, identify concepts and themes and further aid the production of theory (Saldaña, 2009), this will be done by using a coding process developed by Strauss and Corbin (1994).

The Strauss and Corbin approach (1994) is a three-step process, the first step is 'Open Coding' where initial codes are placed into categories. The second step, called Axial Coding is where codes are regrouped, identifying relationships between open codes to develop core codes. The final step is called Selective Coding, where core categories of codes have been developed, validating relationships between codes, which can then be further developed through continuous examination (Douglas, 2003. Walker and Myrick, 2006. Bryman, 2016).

Coding is useful to help extract meaning from conducted interviews, this in turn helps the researcher find correlating themes across the combined interviews (Blair, 2015). A problem however with coding, is losing the context of what was said within the interview process, as

interviews are broken into singular phrases and words to generate initial codes (Bryman, 2016). This also produces a secondary problem, the fragmentation of data can lead to the lack of narrative from the interview, due to the construction of focused codes (Coffey and Atkinson, 1996). One way to overcome this, is by coding the transcript line by line, rather than paragraph to paragraph. This allows the researcher to be more precise in coding looking for key concepts but may also produce a lack of narrative (Bryman, 2016). Another way to combat this is through memo writing. Memos can lead to either further sampling, but also re-examination of initial codes.

4.4.3 Memos

Memos are notes that are produced by the researcher and serve as a reminder of what specific codes mean. This could range from a simple sticky note, explaining what an interviewee meant by a word they used; or a word document that reflects fully on a section of an interview, with thoughts and ideas that were generated at the time. They help the researcher to retain ideas of certain topics discussed within the interview (Bryman, 2016). Memos are a methodological link, where data is converted into theory by analytically interpreting and coding raw data (Lempert, 2007). By writing and continuously readdressing memos, it further helps the researcher to discover and classify developing theoretical concepts throughout the research process (Lempert, 2007).

A memo can be further used as a building block for reflection. They help researchers log new ideas that come to mind allowing further exploration when reflecting on data. They provide a documented record of analytical thinking when refining codes, recording decisions of why and how certain decisions were made and make the analysis of data accountable by forming an audit trail (Denscombe, 2017). Memos are useful for this research, as they will serve as a reminder of what the researcher was thinking, whilst analysing a specific part of the data, due to the analysis taking place over a number of weeks. This will help link the researchers own ideas together to find correlating themes (Jacelon and O'Dell, 2005).

4.5 Analysis of methods used

4.5.1 Overview

The researcher took a flexible approach to the research and did not follow a strict timeframe. Although planning a timetable can maintain focus on the task at hand, the researcher was at the

mercy of the participants' time, their experience and availability. The researcher initially put a time limit for conducting all interviews as the 31st of March, although a grace period was given until the 10th of April. It was felt that this was important as it would allow sufficient time for the analysis of data. A researcher might amass a considerable amount of data, but for it to be valuable, sufficient time must be allowed to analyse it. However, interviews took place after the 10th of April as there was insufficient data collected by this time. As a consequence, data collection finished on the 22nd of May, this did not overly affect the data analysis.

The construction and establishment of the literature review led the researcher to pursue interviews primarily with senior police officers from the NCA, Kent Police and Dutch Police. Additionally, snowball sampling led to interviews being undertaken with ICCC officers, academics in the field of policing and police cooperation, as well as retired and former police officers from across the UK. To gain access to the initial participants, the researcher emailed the NCA, Kent Police and the Dutch Police simultaneously. This was through the aid of senior lecturers and staff that work or have previously worked at the university. The process of emailing potential participants simultaneously may have created issues in organising interviews, if all policing bodies had returned with proposed similar interview dates and times for participants. However, this approach naturally led to a more organised approach.

Police officers replied to emails at different rates and consequently the researcher conducted interviews initially with the NCA, followed by the Kent Police. However, the responses received from Senior Dutch police officers were not positive, stating that they felt that the consequences to post-Brexit police cooperation were *"not clear in practice"* and due to this they were reluctant to be engaged in the research. Additionally, having later been successful contacting officers from the ICCC via LinkedIn, the researcher used the same approach to reach out to multiple different Dutch police officers, LOs, as well as those based in Europol and Interpol, however this too was unsuccessful.

4.5.2 Sampling and Participants

When approaching the issue of sampling, it was found that the literature directed the researcher to seek officers from the NCA and Kent Police who have had any experience working with the Dutch Police. However, when trying to control the snowball sample, the researcher experienced constraints in attaining participants from the Netherlands. The researcher was also limited in

controlling the snowball sample due to Brexit being a new phenomenon, which meant that UK officers had limited experience with the Dutch police in a post-Brexit environment.

By using the snowball sampling method, senior officers granted the researcher access to police officers and offered the most appropriate people to interview. This resulted in four interviews with representatives from the NCA and Kent Police. Due to the snowballing effect, other police officers from the ICCC and retired police officers from different forces, such as SO15, which is the counter-terrorism branch of the Metropolitan police, were included. Two academics were recommended by the supervisor of study to provide a theoretical perspective.

No inducement was given to interviewees to take part in the research. A benefit of this, is that interviewees shared their experiences because they wanted to and/or they believed that their views can be helpful to improve police cooperation in the future.

4.5.3 Ethics

Ethical research matters as it protects the researcher and the interviewee (Skinns, Wooff and Sprawson, 2015). Canterbury Christ Church University (CCCU) provides guidance to all researchers (CCCU, 2021a.). The guidance sets out principles that all researchers must adhere to and failure to comply can constitute researcher misconduct. All researchers must seek approval from the relevant ethics panel before conducting any research. The researcher submitted an ethics approval form via the university's postgraduate Research Space. This was then reviewed and then accepted by the Faculty of Science, Engineering and Social Sciences Ethics Panel on the 30th of January (Appendix 1).

The researcher also adhered to General Data Protection Regulations (GDPR), ensuring that any personal data relating to any individual was stored lawfully, fairly and transparently (Information Commissioners Office, 2021). Each participant was issued an information sheet (Appendix 2) and a consent form (Appendix 3). These were read and signed by each participant prior to the interview. These indicated that each interviewee gave consent to the interview being recorded, stored until the examination of this thesis, that they could remove consent at any time and all personal data will be removed as soon as consent is withdrawn. It further states that their identities will be hidden throughout the project and that each participant will be able to see the project for free after its examination. This ensures that the research is fully GDPR compliant and adheres to university guidelines.

4.5.4 Measures

The interviews were conducted between February and May 2021 via Microsoft Teams due to Covid-19 restrictions. This allowed the researcher to maintain greater face to face contact with the interviewee, in turn improving rapport with the participants. The interviews were recorded onto a laptop, which is encrypted, and password protected. Each interview was later transcribed onto a Microsoft Word document and the original recording was disposed of safely according to GDPR regulations and ethics standards set by CCCU.

4.5.5 Procedure and Data Collection

After the initial interview with an NCA officer (Appendix 4), the interview was transcribed and coded. This was repeated for each NCA interview in turn. The codes were collected and influenced the line of questioning for the first Kent Police interview. The coding process was repeated, creating the next line of questioning for each Kent Police interview. This coding process was repeated for the ICCC officers and the SO15 officer. The interviews taken from the practitioners were used to formulate the three academic interviews, with the aim of triangulating theoretical vs practical perspectives (Appendix 5).

The initial interview with an NCA officer took slightly over one hour, using the initial lines of questioning. This was transcribed by using a programme called 'Otter', which is a transcription programme and is GDPR compliant. Otter transcribed the interviews and differentiated between both the interviewer and interviewee. Otter decreased transcription time which allowed more time to be dedicated to the analysis of the interview. However, Otter was not perfect as there were mistakes within the transcribed text. Therefore, the researcher went through each interview to correct any mistakes.

The corrected transcription was then placed into 'NVivo' software, which is a programme used for qualitative data analysis and is commonly used for coding data. The researcher went through the transcript, highlighting initial codes and placing them into concept groups. Simultaneously the researcher wrote memos to remember ideas that sprang to mind whilst coding. The codes generated from the initial interview aided the construction of the successive lines of questioning for the second, third and fourth interview. After the completion of the NCA interviews, the researcher then classified all the codes from the four interviews into focused codes. The focused codes from the interviews then produced the first line of questioning for the first Kent Police interview. As the questions became more precise, due to the questions

formed by codes and memos, the interviews became shorter, between 40 to 50 minutes. The process that was used for coding the NCA interviews was then used for the four Kent Police and four ICCC interviews.

The questions changed from the initial line of questioning due to the sheer breadth of experience each officer had. This allowed greater refinement of the line of questioning. For example, the initial interview questions asked were broad, inquiring about 'Formal' cooperation generally. The questions became more explicit throughout the coding process, this led to questions focusing on Red Notices, Diffusions and the relationship with Interpol. The experiences shared were vast and the researcher developed knowledge varying from acronyms to the deep-rooted history and positive relationship between British and Dutch police officers. Besides the failure to collect data from the Dutch police force, the interviews were successful.

4.5.6 Reflection on the Methodological Approach

Upon reflection, the methodological approach was appropriate. Yet, there were areas that the researcher believed he could have improved upon throughout the interview process. Firstly, there was not enough time between some interviews for reflection and to develop focused codes before the next interview. This was due to the researcher being at the mercy of the participants' availability. Consequently, the timescale for data collection increased due to a need for more data. If the researcher was allowed more time between some interviews, he would have had sufficient room to code the transcripts in greater detail. This may have led to improved focused codes and consequently different interview questions, that may have provided greater insight of a participant's experience.

On the other hand, the researcher believes there were elements of the research that went well. Firstly, the interviews overall were successful, the researcher believes that he found the right people to speak to, as all participants had various backgrounds and experiences of policing in the UK pre- and post-Brexit. The researcher believes that a good rapport was generated with each participant. Rapport can be described as *"a sense of connection, mutual comfort, and ease of conversational coordination during an interaction"* (Sun, Conrad and Kreuter, 2020). As an example, good rapport can be generated through eye contact, smiling and politeness (Prior, 2018. Sun, Conrad and Kreuter, 2020). Although the lack of face to face contact has been said to restrict rapport (Irvine, Drew and Sainsbury, 2013), utilising Microsoft Teams delivered greater face to face interaction, rather than telephone interviews that have no face to face

contact. Generating good rapport with participants is important, because participants respond more truthfully to questions and are more engaged with the interview (Sun, Conrad and Kreuter, 2020). Irvine, Drew and Sainsbury (2013) argued that the lack of rapport can lead to interviews being shorter with a decrease in detail.

In conclusion, the interviews that were conducted appear to be successful, good rapport was generated, the participants engaged fully with the researcher and sufficient data was collected from various participants and organisations. The research methodology was followed, attaining sufficient qualitative data from participants from various forces and backgrounds. This allowed for greater triangulation, thus making the research more reliable. The following chapter will now analyse the interviews conducted, to shed light on the experiences of police officers post-Brexit.

5. Interview Analysis

5.1 Introduction

Having examined key themes and concepts across the literature review and theoretical framework, the thesis will now analyse the interviews that were conducted. It will establish four different common themes and will highlight the issues surrounding these themes provided by the evidence from the experiences of the interviewees. These themes were developed from the coding and memo writing process, which helped discover interrelating ideas discussed by the interviewees. The first theme explores EU-wide police cooperation, the experiences of police officers using these tools before and after Brexit. The second theme investigates the UK's change in relationship with EU member states and if their relationship has affected police cooperation. The third theme analyses the impact that Brexit has had on informal cooperation. The final theme draws upon the issues of post-Brexit police cooperation, identified by the interviewees and from their experiences, what improvements could be made to ensure effective police cooperation.

The 17 interviewees, of which there were four NCA officers, five Kent Police officers, four ICCC officers, one SO15 officer and three academics are named 'Interviewee 1-17', assigned randomly to preserve anonymity. Many of these individuals have spoken at length about working with Interpol and Europol. Several interviewees felt that Brexit has not had a serious impact on the UK's cooperation and relationship with Interpol and Europol, but still have identified some issues and thus seems a reasonable place to begin the interview analysis.

5.2 Interpol, Europol and Cooperation Tools

Interpol and Europol have been key organisations where the UK has cooperated across the EU and beyond. As the UK has now lost access to SIS II, EAW, EIOs and the ability to setup JITs, there has been an increase in the use of Interpol. However, Europol still remains connected to the UK. When asked about their views on Europol all officers gave positive responses. Interviewee 2 drew upon their initial experiences of Europol stating that:

> *I just could not believe what a fantastic policing tool Europol was... massively underused*

Other responses included:

> *An excellent port call service, was always excellent, very cooperative-* Interviewee 6

> *Good relationships, good interaction-* Interviewee 8

> *I've worked with them very successfully-* Interviewee 7

Post-Brexit there has also been little impact on UK cooperation with Europol.

> *Very little interruptions really from the way we work normally-* Interviewee 8

> *Things aren't too bad at the moment-* Interviewee 4

However, Interviewee 7 did add:

> *We can still practically operate with maybe 80 or 90% of what we had, it doesn't feel that much different... we don't have access to the Europol management board, so we don't have the same influence across Europol*

As well as this, the departure in 2019 of the UK's Sir Robert Wainwright as the Director of Europol, will only decrease the UK's strategic influence in tackling serious and organised crime across the UK and EU. Through Sir Robert Wainwright and the Europol Management Board, the UK have previously been able to emphasise UK initiatives on tackling human trafficking. They have also been able to influence and shape procedure, such as implementing a UK model of Intelligence-led policing (Mortera-Martinez, 2017). Consequently, this loss does not impact informal cooperation but does affect how crime is tackled across Europe and where resources are placed and used.

During the TCA negotiations, it was important that the UK maintained access to Europol to tackle OC across the UK, therefore, the continued cooperation with Europol is seen as a positive of post-Brexit police cooperation and the TCA. Yet, it is vital that the UK ensures that they remain closely connected to Europol in the future through an operational agreement that is yet to be established. As the UK will have to rely increasingly on Interpol, due to the loss tools such as the EAW, when police officers discussed their interactions with Interpol, there was a decrease in positive responses:

> *They are a bit slow-* Interviewee 12

> *It's a little bit more clunky-* Interviewee 7

Interpol is very useful. And we use it a lot in the UK. [Pre-Brexit] *We didn't use it as much as we could because it's quite a clunky system to use when you compare it to SIS II* – Interviewee 1

It will never be the same as having access to SIS II- Interviewee 8

Due to the loss of SIS II and the EAW, police officers have increasingly used Interpol.

We've seen an increase in the amount of Interpol traffic by quite a lot- Interviewee 1

We increased the amount of work going through Interpol- Interviewee 2

We're using Interpol more at the moment- Interviewee 13

With this has come different views on the use of Interpol post-Brexit. Firstly, Interviewee 4 stated:

People are still preferring to go through 'police to police cooperation', just through that informal sort of emailing, telephone calls and stuff like that rather than going through Interpol

This could be because, as Interviewee 1 argues:

We've not invested anywhere near as much time or effort in Interpol

This could highlight that Interpol is still 'slow' and 'clunky', resulting in police officers preferring to go through informal routes. Although other participants said there were more prevalent issues…

Things have increased and improved dramatically [within Interpol], *they really have. But a database is only as good as the people that put data on it-* Interviewee 2

We're reliant on countries putting information onto Interpol in the first place- Interviewee 1

The main thing is that you are relying on officers and countries using Interpol channels to let the UK know stuff. For example, in EU countries, Interpol notices and diffusions will often be a secondary measure, because their primary measure is always going to be SIS II... So, we need to educate our partners in the EU, 'if you want the UK to know

about this, you also need to issue a Diffusion or issue a Red Notice for this particular person or this particular issue that you wish broadcasted'- Interviewee 3

Not only is Interpol seen as 'slower' and more 'clunky' than Europol and SIS II when providing effective police cooperation; for the UK to receive arrest warrants from Europe, EU member state police forces must place warrants on both SIS II and Interpol databases, this is known as 'double keying'.

It's an unwritten agreement, but every European country has said that they will double key all of their European arrest warrants…SIS II was automated, now it's a very labour-intensive process because you've got to double key into two different systems- Interviewee 9

With Interpol… you then need to go through a whole host of paperwork it's more than double keying. There's a whole intellectual kind of thought system and whatever to make that happen. That's a massive difference- Interviewee 7

Although there is little evidence to support the idea that EU member states are currently not doing this, there are concerns whether all police officers across the EU will do this continuously in the future.

I don't think that Europe as a whole are going to think, 'oh, England haven't got SIS, we better do a Red Notice'- Interviewee 12

We are dependent on the Dutch, and all European partners, thinking about the UK in a different way… you're asking countries to do something extra for the UK- Interviewee 7

I think at the end of the day it relies on the willingness of police officers to take the time, or just think that they have to insert the data in both Interpol and SIS II. I think this also relies on how good UK police forces are to convince their European counterparts of the necessity of doing this, because they know this is not mandatory- Interviewee 16

A key issue with the loss of SIS II and the EAW and the need for EU member states to 'double key' information, is that the UK officers will be unaware of the type and quantity of information that is missing and there are risks that come with this:

Losing SIS II is a massive issue for public protection- Interviewee 7

We don't know how much; we don't know where countries are doing that and aren't doing that yet. So, we've got tension and unknown risk- Interviewee 1

The cop on the street will stop someone and then there's no trace on the PNC (Police National Computer)... *Unless other EU member states are making an effort to get them* [criminals] *on a* [Interpol] *Red Notice and then that notice is not getting onto the PNC ... we're not going to know about those criminals*- Interviewee 12

We will end up missing criminals and it could end up being quite catastrophic- Interviewee 11

We now have individuals crossing the border, and we haven't got a clue who they are, it's ridiculous- Interviewee 13

Interviewee 4 added:

I do ten checks a week on different names and different people. But I don't know who's not there... We wouldn't even know they're here; it wouldn't flag up with a minor flag over the border. So, they could be in this country doing whatever they want, and we wouldn't even know where they are... Not knowing that we're missing something is the biggest impact

It is evident that the lack of access to SIS II and the EAW and the possible failure of EU member states to input data into Interpol, will mean that criminals will be less likely be stopped at UK borders when entering or leaving the country, nor will they be traced on the Police National Computer (PNC). This could lead to an increase in transnational crime in the UK, be it drug or human trafficking.

With that being said, Interviewee 11 stated:

If you've got something really juicy going on, a real serious offence, then you know you can get something back via Interpol channels the same day

As well as this, Interviewee 10 noted that:

There has been a definite increase in [Interpol] *diffusions* [By EU countries for the UK]

Therefore, for high level and serious offences, Red Notices and Diffusions will be sent to the UK. This would nullify or somewhat decrease the number of serious offenders entering the country. Although, Interpol may not mitigate all the issues that stem from the loss of SIS II and the EAW; Interviewee 11 was confident that the impacts will be minimised due to informal cooperation of police officers between the UK and France:

> *I'm quite comfortable that whilst the biggest impact would be that somebody who's committed a serious offence would go through the border unchecked the fact that already in January, we've had two occasions where we've been notified by our European colleagues that there is an individual going through the border, and we've been able to intercept them. So, I'm quite reassured.*

This statement from Interviewee 11 relates to Guille (2010), who stated that the informal and bilateral levels of cooperation are greater than the 'formal' and European levels. Arguing that if officers need information quickly, they will not go through the EU route. Although Interviewee 11 was reassured that informal cooperation could help with these issues, Interviewee 10 was more concerned about judicial cooperation rather than police cooperation:

> *There's been less impact on police cooperation, but more on the judicial cooperation side of things*

Judicial cooperation has been seen to be harder to harmonise than police cooperation due to the differences in legal systems across the EU, be it the adversarial or inquisitorial system, or the Napoleonic code or Germanic code. Interviewee 15 argued that they had 'serious' concerns surrounding judicial cooperation when the Brexit referendum was first being discussed:

> *My concerns were based around the ignorance of our government, government departments at all levels, and the general public, of the positive effects that the EU had produced in terms of judicial cooperation across the board over the years, and the energy and the vision and the application that have taken place over the years to get that right*

One judicial issue that has affected police cooperation is the loss of the EIO which has now reverted back to the ILoR.

That [the EIO] *was very quick and reactive… we've gone back to the International Letter of Request… we've made improvements, which we probably would never have made had we never had the EIO. We've benefited from having the EIO, but we've improved the International Letter of Request*- Interviewee 11

There has been a decrease in judicial harmonisation due to the UK reverting back to the use of ILoRs. Interviewee 8 shared their experiences relating to this when working with the Dutch.

They [the Dutch] *require CPS involvement in cases where we wouldn't normally and they want a CPS prosecutor to sign things or authorise things, because they want the equivalent…it's not an exact match, the two systems don't marry together.*

Interviewee 5 provided an in-depth response to their experience of cross border surveillance requests post-Brexit and the issues between the Dutch, CPS and UK law enforcement. Owing to its value, it is repeated here in full.

Under Article 40 [Convention Implementing the Schengen Acquis]*, all requests had to be backed up by the EIO, which we can't use anymore… So, now we've reverted to Article 17* [of the European Convention on Mutual Assistance in Criminal Matters 1959] *which is an emergency document… and they now want to receive an ILoR* [which is a judicial document] *within seven days, which we don't think is reasonable… So that is then down to the UK investigation team to liaise with CPS to ensure that the ILoR has been drafted and is delivered within seven days. This is only for a trial period of three months. If during this three months, we are not complying, Article 17 will be taken off the table...*

One of the main things with Article 17 and the writing of the ILoR, is that the CPS are basically saying we don't have to do them. So, we're now liaising with the Home Office and CPS to get it written into CPS policy, that they've got to write and submit the ILoR. Whereas they are saying- 'No, we don't need to do it'… One of the issues at the moment is that they are not complying with what the Dutch requested and if they don't comply, that causes issues for the whole of the UK, in relation to cross border surveillance requests. And if that happens, the Dutch will turn around say you can't do any under Article 17… the relationship between the UK and Holland will become more difficult

If Article 17 is withdrawn from the UK, it would make cross border surveillance harder but also slower. Interviewee 12 added that:

> *The ILoR would have to be written by a CPS lawyer and signed off by senior prosecutor in the UK and then sent via judicial channels and by the time the correct person over in Holland receives it, that could be 7-8-9 hours later, or just sat in someone's inbox waiting to be answered*

Interviewee 8 argued that the ease of submission and application of the EIO was helpful for police cooperation and that the ILoR would decrease the speed of intelligence sharing:

> *Where before it* [cross border surveillance requests] *could be done effectively on a 'police to police level', then we would only have to put in a request* [EIO] *afterwards if we wanted the evidence from that*

Three interviewees stated that, for cross border surveillance, EIOs were able to be written and then signed by senior officers, sent to the Dutch within an hour, whilst a subject was travelling. This allowed a surveillance team to be outside Schiphol airport almost immediately, due to the close relationship that the UK law enforcement has with the Dutch. Yet, considering Interviewee 5's statement, if Article 17 is withdrawn from the UK, cross border surveillance and intelligence sharing will take more time and would only hinder police cooperation. Therefore, it is critical that the CPS, the Home Office and UK law enforcement remediate this issue, so as not to damage their relationships with the Dutch. The decrease in judicial harmonisation has also hindered police cooperation between the UK and the Netherlands, which can be seen with issues the surrounding Prüm Agreement.

Although the UK has maintained access to Prüm…

> *The Netherlands and Belgium have introduced a rule whereby if you get a hit on Prüm, then you need an ILoR to actually find out the details for it… In my mind that is not in the spirit of cooperation and of course it slows things down dramatically*- Interviewee 2

This extra layer of bureaucracy will only further slowdown information sharing between the UK, Netherlands and Belgium policing bodies. Bureaucratic processes have worsened the relationship between the UK policing agencies and EU policing organisations. The issues

highlighted are further perpetuated by the CPS who are not tackling these judicial issues. Interviewees have discussed that trust between known contacts that have been developed over time is essential to effective police cooperation between the UK and EU member states:

> *The most key component to effective police cooperation is built up trust-* Interviewee 17

Consequently, cooperation relies on trust and good working relationships and less bureaucracy. The following section will analyse the tension that Brexit has placed on UK police relationships with EU member states.

5. 3 Relationships and cooperation

Post the Brexit referendum and during the transition period, some officers felt tension from their Dutch counterparts:

> *We did experience some kind of feedback from their Dutch colleagues who were quite offended by the whole thing* [Brexit]- Interviewee 8

> *They* [the Dutch] *were really concerned, so there was nervousness for us all-* Interviewee 7

> *I think there was a bit of nervousness from the Dutch in relation to whether we will continue with our existing relationship. And that did come through occasionally on a couple of emails, reading between the lines, a little bit of nervousness, I think, in the interim period between the vote and actual Brexit-* Interviewee 6

Whereas some officers did not experience a change in their relationships at all:

> *no lack of trust… no nervousness-* Interviewee 10

> *I don't think the quality of the relationship has been affected at all-* Interviewee 3

> *I think we were worried that it was going to have a massive impact. But actually, it didn't-* Interviewee 1

Having noted that their relationships during the transition period had not suffered much damage, the interviewees discussed their relationship after the implementation of the TCA:

Everybody still wants to work with us- Interviewee 1

I don't think the quality of the relationship has been affected at all. I think it's still super close- Interviewee 3

I can literally pick up the phone to the cross-border surveillance team in Holland and give them a call… So, the relationship between us and the Dutch is still strong, and I don't think it will never not be strong- Interviewee 5

The Dutch have been good, practical friends to the UK during the negotiations, and very open, quite supportive… I think we'd call them a very likeminded partner… The relationship with the Dutch is so strong, there's a willingness on both sides to do the right thing and to cooperate and a willingness as well to undertake that cooperation with a really high regard for Human Rights and Privacy and data protection- Interviewee 7

Where there have been issues between the UK and other EU member states is where bureaucracy has been felt:

You're trying to have these engagement conversations and certainly, there were times where you kind of hit a brick wall, or you get polite one liners back. There were definitely times when instructions had been given not to engage [with the UK]- Interviewee 8

We really noticed that it [the TCA negotiations] *put law enforcement cooperation into a political spotlight and to a degree, tied the hands of the practitioners… We should take the politics out of it completely; police officers should work directly with foreign colleagues to build that relationship and keep politicians out of that space-* Interviewee 1

Interviewee 2 provided an in-depth response as to how bureaucracy has affected police cooperation:

Negotiations clearly were down to the European Parliament, European Commission, not so much the actual agencies themselves…

The more bureaucracy you introduce, the more expensive the investigation becomes and more time consuming it becomes and both of those are in very short supply... It slows things down... Will it be slightly more clunky? Yes. will we have some bureaucratic hurdles to get through? Yes, we will...

But if it's a serious enough investigation [such as serious and organised crime], *it won't get in the way, we will find a way around it... Where it's going to impact is that middle of the road crime, which is complex but it's not as serious as your top-level crime. So, in other words, it's got a real balance between time, bureaucracy, willingness to get the job done, with the additional hurdles that have been put in place and I think that's really where there is going to be the challenge*

Interviewee 6 stated that:

On a day to day basis, if you're working for the NCA or police or whoever, you don't feel much of a political input

With Interviewee 16 agreeing:

Police forces operate according to operational priorities. This has nothing to do with politics. So, I think that's why to a certain extent Brexit won't have a particular impact on day to day policing...

Interviewee 14 also agreed stating that:

It's the political side... that's where the issue lies. But further down the chain is not an issue.

Interviewee 12 stated:

If we hadn't had that Trade and Cooperation Agreement, it [the effects of bureaucracy] *would have been even worse*

Officers felt that politics and policing should remain separate but have felt that Brexit has created an increasingly tight political grip on UK policing; although many participants were happy with the TCA overall from a security standpoint. With that said, interviewees did feel that if the TCA had not been agreed, or if the EU withdraw the TCA from the UK, it would have significant consequences on policing. As well as losing SIS II and the EAW, the UK may

lose all connection to EU policing and judicial tools, along with a decrease in informal cooperation. This would ultimately require tighter control at UK borders to mitigate the loss of European cooperation, most importantly with France.

> *If we were in a non-negotiated outcome, that would have been horrendous for security cooperation-* Interviewee 7

> [Without the TCA] *We would not be able to share any information, at all! -* Interviewee 8

> *I think if we hadn't had that Trade and Cooperation Agreement, it* [the consequences of Brexit on police cooperation] *would have been even worse-* Interviewee 12

> *Hypothetically, if something dramatically changes, we lose. If we aren't keeping up with something within the TCA closely, they're going to have to review things. And they'll go, 'We're not dealing with you anymore!', that's obviously going to be a massive decrease in harmonisation-* Interviewee 14

Overall, the relationship between the UK and EU member states with regards to police cooperation is still 'good', this means that the UK will continue to cooperate with member state police forces. With that said, bureaucracy as discussed in the literature review, continues to be an obstacle that UK officers must manoeuvre around. This too, relies on the UK government and EU maintaining and adhering to the TCA. The total loss of the TCA could cease cooperation between the UK and EU member states. Prior to the TCA, direct contact between police officers has formed the backbone for operational police cooperation within the EU (Benyon *et al.,* 1994; den Boer and Spapens, 2002; Harfield, 2005., as cited by Block, 2008). Therefore, it is important to look at the informal cooperation of UK officers with their EU counterparts post-Brexit.

5.4 Informal Cooperation

> *The 'Formal' side is slow and bureaucratic, that's why we develop those informal links-* Interviewee 13

Informal cooperation is about having the ability to quickly share information with foreign officers. Informal cooperation is not built on legislation or treaties…

It is built upon friendship, trust, linguistic ability, the understanding of and the ability to work within different criminal justice frameworks and understanding the politics of it all and having the ability to deal with blockages in those system- Interviewee 13

These are long term existing relations, that are based on the history of intelligence sharing and interpersonal relations among police leaders and among police officers. So, as far as I'm concerned, I don't see any impact on that- Interviewee 16

Interviewees 15 and 17 spoke about 'informal', 'formal' and 'Formal' cooperation. To these interviewees, informal cooperation is sharing information through face to face communication, emails and telephone calls. Whereas 'formal' cooperation, is informal cooperation backed up by 'Formal' tools such as the ILoR, forming an audit trail to maintain accountability. Whilst 'Formal' cooperation is using 'Formal' tools with third party countries, such as the Red Notices and diffusions.

Interviewee 17 said Brexit would only lead to a decrease in 'formal' cooperation but goes on to state that:

At the end of the day, cops have always operated in that way [informally]*, they will always know somebody to pick the phone up to*

Therefore, a question that arises, is can the combination of informal and 'Formal' cooperation fill the gaps left by the loss of 'formal' mechanisms, or, will judicial issues and the slowness of 'Formal' mechanisms be unable to fill those gaps?

As Interviewee 17 argued that:

The UK must act very quickly to find a way of closing these gaps

Officers mentioned that so far, Brexit has not had an impact on their informal networks and SPOCs, and these remain to be an effective tool for police cooperation.

Informally, there's not been a huge amount of change [post-Brexit]*. I think our EU police partners, both before and after Brexit, have been super engaged with us... We have excellent interpersonal relationships, which ultimately always make things smoother - Interviewee 3*

Interviewee 16 argued that:

I think it depends on how close relations are between the UK and EU counterparts... I think we will see an increase in willingness to become much closer to European counterparts than before, because they [the UK] *know what they've lost, and they know what information they need access to*

Officers argued that the relationships that they had built up over time, via informal cooperation, helped significantly during the TCA negotiations.

We've been able to share information with the same colleagues... we've carried on as if Brexit hasn't even occurred- Interviewee 9

If we've got something like a vehicle check, something quite low level, we'll go to them [The Dutch Coordination Centre] *... they are a really good contact and within a few hours they'll give us the result-* Interviewee 11

I can't think of any informal police contact that has said 'No, we can't'- Interviewee 11

However, cooperation is better for all parties when sharing information is reciprocated as Interviewee 17 said:

We are always more cooperative with people where there is the potential for reciprocity

With that said, no officers had any concerns or issues on an informal basis with the reciprocity of sharing criminal data and information. It was evident that informal police cooperation is a key tool for police to police (informal) cooperation.

One area of informal cooperation that has been hindered is the Cross-Channel Intelligence Conference (CCIC). The CCIC has been running since 1968 and due to Brexit referendum in 2016, the central powers within Paris withdrew their police forces from the conference, which has now ultimately caused the CCIC to come to an end. Ultimately, a successful informal cooperation mechanism has been lost to the bureaucratic process.

The CCIC was very much an informal network to help us [French judicial police, Police Aux Frontières, Flemish Judiciary Police, Rotterdam Police and Kent Police] *work together. So, if you had a big incident, you knew where to go and who to speak to... and unfortunately died November 2017-* Interviewee 13

A second area that has also been hindered by Brexit (but also Covid-19) is the joint initiative between the Chief Constable of Kent and their equivalent within France, the Préfet of the department of Pas-de-Calais, which has been in place since 2004. The joint initiative was established to improve the practice of daily trans-frontier cooperation. It included regular meetings between the two parties with the aim of developing cooperation, improved daily cooperation tools such as bilingual crime report forms and a secure communication system that translated reports called LinguaNet. Beyond this, the initiative improved intelligence exchanges by developing local contacts regularly. Finally, it also looked to improve levels of arrest and prosecution of British and French offenders in Kent and the Pas-de-Calais region (Snuggs, 2007).

> *It's been scaled back to two meetings a year… that's not to say that our officers will not still speak to the French officers at a very local level. But in terms of the strategic level, there's a possibility and a risk that relationships could be harmed*- Interviewee 13

> *We used to have this little system called LinguaNet but unfortunately it became obsolete just because it was difficult to use, and everybody wants to use email now*- Interviewee 12

Interviewee 17 argued that due to the previous success of the two initiatives between Kent Police and the French, this could be a model that the UK should look at internationally.

> *I think people will always look around for successes and I think that the cross-channel initiatives can be seen as a success… So, I think that people will look to that model to create something…*

One issue with informal cooperation was highlighted by Interviewee 17, arguing that as senior officers move on…

> *They take their contacts with them… and it is hard to rebuild relationships that are suddenly lost*

Interviewee 13 added:

> *We* [previously] *would invite the French to come to a complete open day and have a stall* [themselves]*, now I can't imagine that's going to happen again. All of those niceties, that I suppose aren't essential to fight criminality, but it's interesting because*

if you don't do these niceties, quite often it has a huge impact on when you do actually need something from somebody.

Along with this, a lack of investment and replacing officers that have retired, has caused further issues as discussed by Interviewee 13 and 15. Due to anonymity reasons the full quotations cannot be used for Interviewee 13 and 15.

The loss of informal engagement with French police officers, decreases the opportunity for new police officers to establish their own informal contacts in the future. Informal cooperation could become harder, as new officers will not have the same standard or number of contacts, nor will these contacts and relationships be as good as their predecessors'. Consequently, if the UK does not increase investment in informal police cooperation at the local level, it will become unsustainable.

> *With personal contacts you trust, you have the confidence* [to share information], *because you've dealt with them before and you know how they're going to deal with any intelligence you exchange, as they've got the same standards of data protection -* Interviewee 12

Although informal routes are quicker for police to police cooperation, bilateral and 'Formal' arrangements are produced to harmonise different judicial systems. Therefore, the current issues surrounding the EAW and ILoR will still be felt. Nevertheless, it is evident that low level criminality can be dealt with by informal cooperation and tackling serious and organised crime can be managed via 'Formal' channels with Interviewee 17 arguing that:

> *Tackling organised crime and counter terrorism is not going to be affected*

Interviewee 5 disagreed with this, arguing that:

> *Because of the loss of Schengen in relation to Article 36* [on the establishment, operation and use of the second-generation Schengen Information System] *in relation to terrorism and Intel sharing with European partners, that is a massive loss. They will circulate terrorists on the Article 36 and obviously, we'd* [previously] *be able to see that information straightaway. Whereas we're not getting that at the moment.*

Several officers did believe that the UK will receive notification of serious offenders and radicalised persons, as it is in the interest of all parties to share information regarding these offenders. However, mid-level crime such as burglary may not be managed so easily…

> *We're seeing the same 'crime scene marks' coming up in burglary crime scenes all across Europe… Nowadays, your everyday policing problems are often connected to transnational organised crime or linked foreign offenders-* Interviewee 1

> *Where you've got serious organised crime, I don't believe there's going to be an impact… but for the middle of the road job and you're asking for an ILoR from the CPS, you're just not going to get it… certainly not going to get it in a timely manner-* Interviewee 2

Here it is also highlighted that the CPS are having difficulties facilitating successful police cooperation, as Interviewee 5 argued:

> *The point is, if we're starting a judicial process, we need to submit the ILoR!*

Interviewee 2 continued:

> *Our European partners don't appreciate just how difficult it is for UK colleagues to get an ILoR. It's not like just going next door and asking your boss to write a letter… ILoRs are getting in the way and are slowing things down constantly*

The UK government must take action to ensure that the CPS are writing ILoRs within a timely manner, at the request of the Dutch prosecutor's office. The trust the Dutch have in the UK must be maintained, however, this additional bureaucratic hurdle placed on UK police officers is impeding upon cooperation between UK and Dutch policing agencies and their prosecutors. Due to this, Interviewee 13 argued that:

> *Trust hasn't been impacted at a local level with individuals we know. But if you look at a national level, I think it's fair to say that trust is a big issue*

In summary, Brexit did place pressure on police relationships, but the strength of the relationships that had been built up over time, developing high levels of trust, has protected informal police cooperation. Throughout this analysis it can be seen that tackling serious crime and low-level crime will not be affected. With that said, informal cooperation may be affected

if UK officers cannot maintain their personal relationships or if new officers cannot create strong working partnerships.

Informal cooperation has not been completely free of Brexit's consequences, such as the demise of the CCIC and decrease in strategic cooperation via 'the joint initiative between the Chief Constable of Kent and the local Préfet', which for Kent Police was an important informal tool for maintaining police cooperation. The lack of ability to engage with lower and senior foreign officers, may see a decrease in informal network cooperation, where previously UK officers could have quickly called their French counterparts to share or receive information.

It is also evident that tackling mid-level crime will see a decrease in cooperation, due to the issues within the CPS and bureaucratic processes within the EU. Judicial harmonisation must be improved if the UK wish to maintain successful cooperation and good working relationships. If the UK government cannot maintain their relationship with the EU via the TCA, UK-EU policing relationships would experience strain and informal cooperation may decrease further. This would result in the UK having to rely more heavily on Interpol and the application of ILoRs. This would increase the demand on the CPS for police cooperation with EU member states, which will decrease the speed of police cooperation and its effectiveness in tackling transnational crime.

5.5 Issues and Improvements

One issue that is important to note is the concern surrounding the lack of training of UK police officers on transnational crime and police cooperation.

> *Less than 2% of the cops in the UK have had any formal training on international cooperation… because of this we're not naturally using Interpol as well as we could, nor were we reaching out anywhere near as much as we need to reach out to foreign partners to help us with our investigations-* Interviewee 1

> *When I became a police officer, there was no international input at all and when I became a detective, there was no international input at all either-* Interviewee 2

> *Certainly, in the UK there is often a lack of knowledge around international tools and what are available to police officers-* Interviewee 4

I could not believe how underused it [Interpol] *was by British policing as a whole… most cops just haven't got a clue as to how to utilise it* – Interviewee 2

The EU states tend to educate their cops a lot more around international judicial and police cooperation than we do… so we have developed a training package for all 120,000 frontline police officers, which is 15 minutes. Which isn't a lot, but it's a start, to get people just to think around the international aspects of crime. All investigators, which is 47,000, have a half an hour [training] *package. For senior investigating officers, there's about 2000 across the country, we're doing a six-hour* [training] *input and that's face to face-* Interviewee 1

Interviewee 2 wanted police offices to have training on how to use Prüm:

We need to increase the use of Prüm… training UK cops and explaining exactly what the Prüm system is, how useful it is and exactly what it means.

I think one of the main things is education for the rest of UK law enforcement- Interviewee 5

So many investigations have an international dimension somewhere. We need to get officers used to identifying them and knowing what the channels are and what they can exploit in order to further the objectives of their investigation- Interviewee 3

It is surprising, that due the nature of crime becoming ever more borderless, that the UK police training has had such little input on using international tools. As such Interviewee 13 argued that:

Police training just hasn't caught up with the current threat that we face today

As SIS II was connected to the PNC, it was very easy for police officers not to think about the international aspect of policing. Due to the loss of SIS II, police officers must now understand how to receive and find information on foreign offenders. The current increase in international police training is a preliminary step to improve UK police cooperation with EU states, however, it cannot be known yet if this level of training will be sufficient.

A second issue identified, is the slowing down of data and intelligence sharing. Interviewee 9 argued that:

The slowing down of data is a key consequence…

Interviewee 13 provided some evidence along with their experience:

For seven years until pre-Brexit, on average we [their team] *did each month 377 inquiries* [roughly] *with the EU… that's any inquiry, either incoming or outgoing. If we look at post Brexit, obviously, we've only got a few months on here, but it is at 301. So, it's down by 14.5%, which is quite big.*

Issues with data sharing have been explored previously and the reasons for this, with Interviewee 5 stating:

Data sharing has decreased because we're not getting it via Schengen and it's possibly coming through different channels and we're not seeing it... If it's coming in through Interpol channels, it's coming in a different format and it just takes longer to process

Evidence and intelligence sharing have seen an impact, Interviewee 1 stated that:

When we normally ask for evidence, it is asked for by way of ILoR *which allows us to render it in evidence. If we have intel we want to use as evidence, in most cases we should ask formally via the CPS.*

As previously noted, the ILoR is slower than the EIO and therefore to receive evidence it will take more time, as Interviewee 13 argued:

If you actually want to use that [evidence from an EU member] *in court, it takes you months-* Interviewee 13

Intelligence sharing and evidence sharing, would be good to get back to [where it was pre-Brexit] *because getting evidence from abroad is a complete nightmare-* Interviewee 12

Interviewee 5 added that:

We can still get the same intelligence… You just got to go about it in a different way... and at the moment that takes double the time

Although Interviewee 12 did note that:

> *It depends if the EU recognises our data protection as adequate or not for the purpose of exchanging information*

Therefore, if data protection is currently not an issue and EU member states are happy to share information via police to police cooperation, then there should not be a decrease in data sharing, yet the amount of information has decreased. This could be a short-term consequence due to tension placed on working relationships due to Brexit. It could be argued that the decrease in judicial harmonisation is due to the CPS not processing ILoRs in a timely manner. At the same time, the demand and the increase in ILoRs has stemmed from the bureaucracy in the EU.

Each interviewee shared their experiences of issues of police cooperation post-Brexit and what improvements would they like to see in the future. Interviewees universally called for the UK to obtain some level of access to SIS II:

> *If you gave me a magic wand, I would want access to SIS II... that's the single tool that that we lack most-* Interviewee 3

> *We need to get the Schengen Information System back somehow-* Interviewee 11

Another highlighted improvement were the issues surrounding the ILoR:

> *We need to move beyond this 'asking for International Letters of Request' when we get a match on Prüm-* Interviewee 2

> *I'm hoping that they'll streamline the ILoR-* Interviewee 11

> *If they can get back to EIO levels* [speed of response]*, whereby we can get evidence in a timely fashion, that would be good-* Interviewee 12

A final improvement mentioned was the development of improved police networking across the EU, utilising all EU police cooperation partners and tools to develop UK intelligence.

> *I think what we need to do is work a lot closely, more closely with partners overseas-* Interviewee 1

> *You need to establish relations, you need to do capacity building, you need to deliver training, you need to establish new ways of sharing information... there's a whole*

spectrum of things about networking, then creating networks within the UK and networks of police officers and special officers abroad as well- Interviewee 14

Whilst the UK has lost EU-wide tools, officers wanted to see an increase in UK-EU police cooperation. If the UK has felt some form of impact at all levels, be it informal, 'formal' and 'Formal', there must now be a new framework of international police cooperation. Nodal police cooperation could provide this.

5.6 Conclusion

Overall, there were a wide range of experiences from all interviewees, yet there were clear common threads that were displayed throughout the analysis. Firstly, there has been a decrease in judicial harmonisation, seen with the loss of the EAW. This has resulted in a greater use of Interpol and a reliance of EU member states 'double keying' arrest warrants onto both SIS II and Interpol databases, decreasing the efficiency of information sharing. Secondly, the loss of the EIO has delivered the returned use of the ILoR, this has diminished judicial cooperation due to the increase in bureaucratic processes.

All interviewees discussed the impact of losing SIS II. From the statements gathered, it could be suggested that losing SIS II will not affect the detection of serious offenders at UK borders, as they will likely be placed on Interpol Red Notices which is linked to the PNC. It will, however, affect the detection of mid and low-level offenders from the EU, where EU-wide police forces are not 'double keying' these offenders onto Red Notices. With this said, although some regional agreements and informal networks have diminished, informal cooperation appears to be unaffected by Brexit, whilst there are only minimal issues on the 'formal' level.

An unexpected discovery from the interviews were the issues surrounding police cooperation training. It was noted that UK officers will now receive an increase in training concerning international policing matters, although it not known if this level of training will be sufficient. Moreover, interviewees additionally stated that officers across the EU have historically had greater training in police cooperation. Therefore, the UK must swiftly improve training, as without this the UK will see a decrease in both quality and expertise in police cooperation matters.

On the other hand, the ICCC which was established for post-Brexit policing, has helped UK officers cope with specific issues such as the loss of SIS II and the subsequent increase in use

of Interpol. Low level officers can call the ICCC, 24 hours a day for assistance. This is helpful in bringing criminals to justice yet does not minimise the loss of SIS II at UK borders and the potential increase of foreign offenders coming to the UK. Ultimately, there is a need for UK officers to work closer with EU police forces despite the distancing that has taken place due to Brexit and the TCA. Informal cooperation can still be a useful tool for UK officers, however the UK has seen issues with this, such as the collapse of the CCIC and decrease in meetings between the Chief Constable of Kent Police and the Préfet of Pas de Calais.

The UK must stay connected to as many tools and EU police forces as possible to ensure the safe and reliable reciprocal exchange of information, data, intelligence and evidence in a timely manner. To do so, a nodal model of international police cooperation could be established in the UK ensuring connectivity across the EU. This will now be discussed.

6. Discussion

6.1 Introduction

This study has aimed to develop an understanding of the consequences of Brexit on police cooperation for UK police officers. Having now analysed the conducted interviews there are a few emerging issues for discussion. The following chapter is broken into two sections. The first section will consider the key issues of 'Formal', 'formal' and 'informal' cooperation with EU member states post-Brexit and how these problems can be mitigated to ensure greater cooperation. The second section will build on the theoretical framework and will aim to highlight a contemporary model of international police cooperation in a nodal form.

6.2 'Issues Within Post-Brexit Police Cooperation'

As previously discussed in chapter in two, Sheptycki (2002a., as cited by Marks, 2020) stated that 'Formal' cooperation is where legal cooperation takes place between Nation States. Police officers interviewed for this study have seen an increase in judicial issues, most specifically with the loss of the EAW and SIS II. As highlighted in the interview analysis, for the UK to identify EU foreign offenders with outstanding arrest warrants, UK police officers are now dependent on EU member states to double key arrest warrants onto both SIS II and Interpol databases. This substitutes the EAW for Red Notices and Diffusions. From the interviews conducted, it is believed that EU member states are endeavouring to do so. This is further supported by interviewees who stated that the number of Red Notices and Diffusions has increased. Yet, none of the interviewees know, nor are there statistics available to show, how many international arrest warrants are not being received by the UK. It also cannot be known if member state police forces will continue to do this in the future. Therefore, the UK must work closer with police forces and judicial agencies within the EU to ensure that they continue to place arrest warrants on both systems.

The decrease in judicial harmonisation caused by Brexit, has also led to a decrease in speed in 'Formal' cooperation, notably where this involves the collection and sharing of intelligence that may be used in evidence. It can now take weeks or months for UK police officers to obtain evidence and intelligence from abroad. Prior to Brexit, cross border surveillance requests were submitted via an EIO. These were reactive and could be submitted to a Dutch Prosecutor even

after surveillance had been conducted. However, as mutual recognition no longer applies, the UK has had to revert to ILoRs, emphasising the decrease in harmonisation.

Cross border surveillance requests submitted by the UK, now require a CPS prosecutor to sign an ILoR within a given timescale set by Dutch Prosecutors. This so far, has been difficult to implement. Previously, EIOs were signed by senior police officers, however, the additional signatory of the CPS has created an extra layer of bureaucracy, thus further decreasing the speed of effective cooperation. The UK needs to streamline this process quickly between the police and CPS, otherwise the relationship between the UK and the Dutch may be impaired. In turn, the UK could see a decrease in reciprocity, trust and consequently police cooperation. Despite this, the UK's relationship with the Dutch was described by interviewees as close and successful.

It could be considered that the UK's closest policing partner within the EU is the Dutch police, yet, the UK has seen an increase in bureaucratic processes with the Dutch. Consequently, if the UK wish to cooperate with countries that are increasingly centralised and have greater levels of bureaucracy, then the UK could see a further decrease in police cooperation across the meso and micro levels. If improvements are not made, there may be a further loss of intelligence and information from EU police forces, resulting in a lack of evidence obtained from abroad to tackle OCGs. Ultimately, police cooperation could become less efficient and effective for the UK.

When compared to 'Formal' cooperation, informal and 'formal' cooperation have seen fewer impacts. One issue is the UK's increased use of Interpol. Interpol is not a suitable replacement for the loss of access to EU 'Formal' mechanisms. This is due to the lack of time, effort and money invested in Interpol's development as a police cooperation tool by the UK. As well as Interpol having some accountability issues, sending and receiving information between Nation States via Interpol can take several weeks; when compared to SIS II which was instantaneous and was directly linked to the PNC. Speed and efficiency are key to successful police cooperation, and any increase in bureaucratic processes across 'formal' levels may consequently see a decrease in police cooperation. This can also be seen in the UK's continued use of Prüm. If the UK find a record of an offender from the EU on Prüm, then the UK must submit an ILoR to obtain further details of that offender. Prior to Brexit, this was not necessary. This additional bureaucratic process in sharing information will further impact the efficiency of police cooperation.

Interviewees noted that gaps have appeared across the 'Formal' routes, which has decreased the speed of cooperation. Comparatively, informal cooperation appears minimally affected by Brexit, this is due to the high levels of trust across long-standing working relationships. However, where informal cooperation begins to incorporate additional bureaucratic processes and move towards 'formal' cooperation, the speed of cooperation slows down, which was not the case prior to Brexit. It would be beneficial for the UK to further develop their current informal networks to ensure that trust and reciprocity will stand the test of time.

Brexit has not had a large impact on informal and 'formal' cooperation. However, with loss of the CCIC, informal network cooperation has decreased. On the other hand, police officers who have developed trust and good working relationships with SPOCs can still share information. In short, the speed of cooperation decreases where police officers move between the informal routes of cooperation, to the 'formal' and 'Formal' routes. Inasmuch, 'Formal' cooperation has seen the greatest impact from Brexit especially where judicial cooperation is concerned. The decrease in judicial harmonisation has decreased efficient police cooperation, a key example of which is the need to now reuse ILoRs. Although the decrease in speed could be mitigated by founding a new international police cooperation model as described below.

6.3 Towards an 'International Nodal Police Cooperation' Model
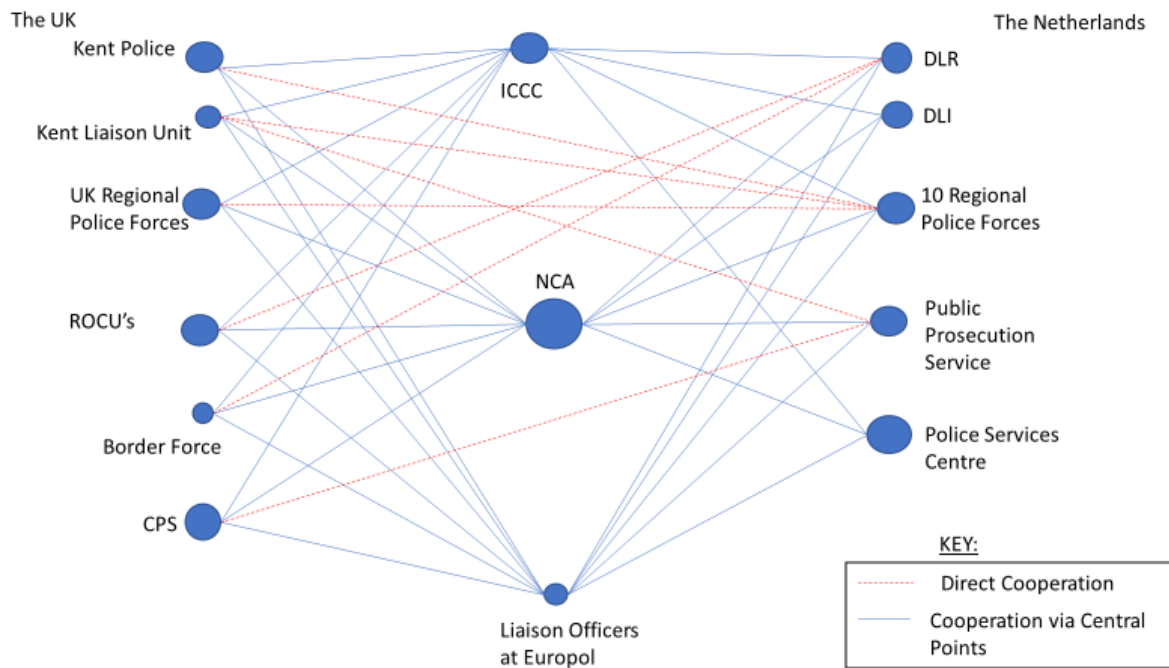
International nodal police cooperation could be a new model of police cooperation to maintain effective police cooperation post-Brexit, by moving away from Sheptycki's 'traditional' ideas of 'Formal', 'formal' and informal cooperation (Sheptycki, 2002a.). It may create a greater structural balance between the UK and EU-wide police forces, where multiple agencies can share information quicker and work closer on operational levels. However, informal relationships that are influenced by historically strong relationships, could mean nodal structures will work between some states better than others. International nodal police cooperation, therefore, may rely on the establishment of greater bilateral agreements built upon from the TCA. An enhanced use of bilateral agreements could help decrease bureaucratic processes, by granting the UK and individual EU member states greater legal manoeuvrability. This in turn will licence police officers to freely share intelligence and information.

A nodal network between the UK and France could be established. Whilst France is a centralised country, with high levels of bureaucracy (Cerny, 2015), a bilateral agreement between the UK and France could enable French police officers to have greater ability to share

information quickly to UK SPOCs. This would allow a nodal network to form, creating a web of free and reciprocal information sharing between individual nodes, such as the NCA, ICCC, ROCUs, the Unité de coordination de la lutte anti-terroriste (UCLAT) (the Co-ordination unit of the fight against terrorism) and French LOs based within Europol.

This model could also be implemented between the UK and the Netherlands. Interviewees stated that UK police officers have a close relationship with the Dutch. As well as this, nodal policing has developed within Amsterdam and Rotterdam, which could help establish a nodal police cooperation network between the UK and the Dutch. Again, this is still dependent on a bilateral agreement being established, which could generate greater legal harmonisation and decrease issues that have been seen with cross border surveillance requests and the use of the ILoR. The Dutch, like the UK, have several agencies which will help establish nodal links where information sharing, and police cooperation will take place. This web of information sharing and police cooperation between the UK and Dutch would be undertaken by numerous bodies, such as the DLR and DLI within the LE and the ten regional police forces, working directly with UK agencies and forces.

Currently, the UK and Dutch police forces cooperate effectively, but it has also become inefficient via the traditional 'Formal' routes. The UK and Dutch require the ability to freely share information regarding any criminals that are travelling between the two countries. If this does not happen, this may lead to an increase in transnational crime as both the UK and the Netherlands are hubs for drug trafficking (Hall, Koenraadt and Antonopoulos, 2017). A bilateral agreement to help generate a nodal model could enable Dutch and UK police officers to share information freely and help stop transnational criminality. Below is a theoretical diagram of how nodal police cooperation between the UK and the Netherlands could look.

Nodal police cooperation allows information sharing via bilateral agreements to take place in two ways, via direct cooperation and cooperation via central points. Direct cooperation takes place where legal matters are of less concern, which is currently referred to as informal and 'formal' cooperation. This is where information and intelligence sharing can be freely undertaken due to fewer bureaucratic processes, ensuring greater efficiency. Arrest warrants and evidence sharing would take place via central points to ensure data protection, human rights and greater accountability. Central points would remove the bureaucratic processes between nodes working via direct cooperation, in turn this will increase information sharing between these nodes. By removing these more difficult bureaucratic processes through bilateral agreements, direct cooperation could further develop trust. By improving trust, the legal and more bureaucratic work via the central points would also improve and in turn, cooperation will become more effective and efficient via both methods.

Although this model moves towards an increase in bilateral agreements, the TCA is still vital for EU-wide police cooperation. It allows the use of databases such as Prüm, the UK's use of JITs and an operational agreement to be developed with Europol. As Lemieux argued (2010. pp. 1), international police cooperation relies on Nations States to establish "*bilateral agreements, regional accords and intergovernmental organisations*". Having established a foundation to build upon via the TCA, whilst also having previous success in regional accords,

the UK can now build upon its existing individual relationships with EU member states. The combination of these different agreements could allow the UK and individual EU member states to have tailored agreements specifically allowing for greater cooperation, whilst also maintaining EU-wide cooperation. By creating agreements with countries such as the Netherlands and France, the UK may be able to cooperate more efficiently and effectively, this may decrease the impacts caused by the loss of the EAW and SIS II.

In summary, the decrease in speed in police cooperation across the 'Formal', 'formal' and informal levels is problematic for UK police officers. A nodal model of police cooperation can help decrease this. The establishment of bilateral agreements could improve speed in judicial issues by removing bureaucratic processes, in turn, this may also improve intelligence sharing across informal and 'formal' levels. By decreasing bureaucracy and increasing the ability to share intelligence, trust and reciprocity could improve, generating a closer working partnership between individual nodes. As nodes in both the UK and EU begin to work closer, more information and intelligence may be shared, further improving trust across 'Formal' routes. Therefore, international nodal police cooperation could generate a cycle of trust and reciprocity across all levels of policing, where information is freely shared and consequently will improve how transnational crime is tackled across the UK and EU. If, however, a new model cannot be established to minimise the impacts of Brexit, then the UK may be forced to re-join some policing aspects of the EU. This could mean the UK may have to accept the jurisdiction of the European Court of Justice (ECJ). Yet this seems unlikely, due to the concerns around the protection of UK sovereignty. Nonetheless, the UK's future may have to include additional aspects of the EU.

7. Conclusion

When initially conducting the literature review of the thesis, it was difficult to highlight specific issues caused by Brexit on police cooperation. This was primarily due to the minimal amount of literature that focuses on post-Brexit police cooperation, which is understandable given how recently it has happened. As such, the literature review first provided an insight into the principles that underpin police cooperation. This showed that sovereignty is a key obstacle to successful police cooperation. As den Boer (2014b) argued, EU member states are caught between the need for deeper integration and the desire to maintain national sovereignty. However, as Klosek (1998) argued, police cooperation demands greater harmonisation, and therefore the effectiveness of international police cooperation is dependent on Nation States developing a compromising mindset. This led to the discussion on international policing agencies such as Interpol and Europol. Although there are differences in their effectiveness, both agencies have helped develop greater cooperation across Europe. Recent literature has widely discussed Europol as a policing organisation, highlighting that Europol maintains high levels of trust with EU member states by ensuring accountability, which has generated reciprocal trust in criminal data sharing. However, it was highlighted that the success of Europol and 'Formal' cooperation tools are equally as important as the success of informal cooperation.

The following chapter of the literature review briefly analysed Dutch and UK police cooperation. It was highlighted that both the UK and the Netherlands work with multiple agencies and partnerships to tackle transnational crime internationally, nationally and on a local level. This has been conducted via different methods. The UK have used a multi-agency community-based approach to identify OC problems at the local level. Whereas, within the Netherlands, police officers have shifted attention to the management of criminal nodes. This has also been conducted through a community engagement programme to interrupt OCG's on the local level. This later helped develop the theoretical framework.

The final chapter of the literature review was limited to a few academic sources. Prior to Brexit, there had been many authors that provided opinions on the possible effects of Brexit upon policing. Since the end of 2020, there were additional opinion-based articles written, although no research on the effects of Brexit on police cooperation had been conducted. Schomburg and Oehmichen (2021) drew attention to judicial issues, such as the surrender agreement of the TCA. Whilst Arnell *et al.,* (2021) considered the issues of criminal data sharing and data

protection. Although post-Brexit literature was limited, it did bring to light some issues which required further investigation within the research. Overall, the literature demonstrated to the researcher that the UK must maintain informal and 'formal' routes of police cooperation as described by Sheptycki (2002a.), to preserve reciprocity and trust, which could ensure effective police cooperation post-Brexit. This generated five research questions, which aided the development of the theoretical framework.

Nodes of Governance Theory explains *"how a variety of actors operating within social systems interact along networks to govern the systems they inhabit"* (Burris, Drahos and Shearing, 2005. pp. 5). The concept was first highlighted in chapter two, which showed that policing in the Netherlands has been implemented in a nodal style. This drew attention to global nodal criminal networks (Van Steden, Wood, Shearing and Boutellier, 2016), whilst also incorporating a variety of bodies at the local level to actively engage with communities to interrupt OC networks (Van Sluis, Marks and Bekkers, 2010, 2011). The theoretical framework argued, that by applying Nodes of Governance Theory to international police cooperation, it may help tackle transnational crime, as nodes can share information and resources more easily. Moreover, by treating policing bodies and agencies as nodes within a given network, it may help manoeuvre around issues of sovereignty that where highlighted in chapter two.

The theoretical framework in chapter three laid the blueprint for enquiry and aided the researcher to understand his own ontological and epistemological views. This was deliberated in chapter four. The methodology considered different philosophical approaches within social research; however the researchers beliefs lay within pragmatism. The application of pragmatism via qualitative methods meant that, instead of focusing on whether something is true or not, it was the *"nature of experience that matters"* (Morgan, 2020. pp. 65). This led to the researcher conducting individual interviews with police officers from Kent Police, the NCA, ICCC and academics. The researcher wanted to conduct interviews with Dutch police officers to further triangulate the findings, however this was not possible. Although the researcher contacted senior Dutch officers requesting to interview lower level police officers, the researcher was declined several times.

The interviews conducted were successful, they were coded, then analysed and displayed in chapter five. The interview analysis was broken into four sections. The first section looked at the interviewees experiences and use of Interpol, Europol and cooperation tools. This demonstrated that the loss of SIS II, the EAW and EIO are problematic and have decreased

police cooperation across the 'Formal' routes, due to an increase in bureaucratic processes. This naturally led to the second section, which highlighted the impact the issues in section one had caused on the relationship with EU member states. This in turn showed that trust and reciprocity have been affected, specifically in judicial matters. However, it did show that where the UK holds close working partnerships, informal cooperation has not been significantly impacted by Brexit.

This was discussed further in the following section which looked at the participants experiences of informal cooperation pre- and post-Brexit. The analysis of which showed that although informal cooperation has seen little impact, where police officers begin to move towards the 'formal' routes of cooperation bureaucracy increases. This may impact the working relationships that have developed over time, which may then impact informal cooperation. The final section showed that interviewees believed that there were several improvements that need to be made to ensure greater post-Brexit police cooperation. Firstly, that the UK must streamline the process with the ILoR and decrease the involvement of the CPS, otherwise cooperation may decrease. Secondly, UK police officers need to have an increase in training to deal with the transnational nature of crime and should be mirrored with training in police cooperation; or least understand which UK agencies will assist in these matters. Additionally, the UK must improve information and data sharing, most notably with Prüm databases. Finally, and most significantly, several interviewees wanted to regain access to SIS II. Without which, the UK may see an increase in undetected criminals entering the UK.

It is, therefore, possible to conclude that Brexit has brought changes to international policing and police cooperation, most significantly where this involves judicial matters. Although Ministers of Her Majesty's Government, such as Michael Gove have previously stated that the UK will be able to cooperate more effectively outside of the EU and that the UK will benefit from taking back control of its borders, despite the loss of SIS and the EAW (Morris, 2020). According to data collected for this thesis, this is not the case. Having discussed these issues at length with senior police officers and academics, it is evident that the loss of the EAW and SIS II is significant, as police officers at UK borders will not be able to know if they are missing offenders. Although, the UK stored and accumulated outstanding EAWs onto the PNC prior the UK leaving the EU. The UK are now reliant on EU member states 'double keying' offenders onto EU and Interpol databases. Arguably, this means that the UK needs to work more closely with EU member states post-Brexit to maintain high levels of information sharing.

Currently, there is no evidence to show that police officers within the EU are not 'double keying' arrest warrants, as the UK has seen an increase in Diffusions and Red Notices, most importantly for serious offences. However, the UK again do not know if they are missing any warrants from the EU. It is a concern from police officers that the offenders of 'middle of the road' crimes, such as theft or burglary, will not be placed onto Interpol databases for the UK to see, due to the additional bureaucratic hurdles. This in turn would mean that the UK could see an increase in offenders coming to the UK to commit crime undetected and then return to their country of origin, and due to the extradition bar that has been placed on the UK by several EU member states, these offenders will not be returned to the UK to be convicted of the crimes they have committed.

An additional consequence of Brexit on police cooperation is the loss of the EIO. As described above, this has become significant and has caused judicial problems within the UK. The EIO harmonised the UK judicial system with EU member states and allowed 'Formal' police cooperation to take place effectively and efficiently. Today, the CPS has become increasingly involved in international policing matters to cater to different legal systems within the EU. The increase in bureaucracy has decreased the speed of police cooperation, whilst the loss of mutual recognition has decreased trust in judicial matters. Throughout this research it has become clear that trust is a key component to police cooperation. Trust has allowed greater reciprocity; it has allowed the UK to establish localised agreements, such as the CCIC and the joint initiative between the Chief Constable of Kent and their equivalent within France the Préfet of the department of Pas-de-Calais. It has allowed the UK to submit EIOs after cross border surveillance has been conducted. However, as the Dutch have now enforced the UK to submit ILoRs prior to cross border surveillance, as well as the additional involvement of a UK prosecutor to sign ILoRs, this demonstrates a loss of trust and ultimately a decrease in efficient cooperation.

Although the UK has maintained access to Europol (granting that an operational agreement is yet to be agreed) and Prüm databases, the UK has decreased its own interconnectivity to EU-wide police forces across the micro, meso and macro levels. This, according to the interviewees, has decreased information sharing between the UK and EU member states' police forces, which is determinantal to the safety of the UK. With that said, by establishing bilateral agreements with key Nation States across the EU to generate a nodal model of police cooperation, it may allow the UK to re-establish lost connections. Nodal police cooperation

could allow the UK to share information easier with connected Nation States and ensure the efficiency of police cooperation, by manoeuvring around bureaucratic issues. Moreover, a police cooperation model that ensures interconnectivity in a globalised age, may allow the UK to match the capabilities of OCGs across Europe.

In short, Brexit has affected the speed and effectiveness of police cooperation and has created judicial issues for UK police officers. Where once the UK had greater harmonisation with differing legal systems, Brexit has caused an increase in bureaucracy and a decrease in trust. These two aspects are detrimental to effective police cooperation. The loss of police cooperation tools such as SIS II, EAW and EIO, is damaging to the safety of the UK. These issues can be decreased by generating a nodal police cooperation model, to ensure police officers in the UK and select Nation States can share information more freely.

7.1 Further Research

This research has opened the door for further research to be conducted into police cooperation post-Brexit. Further research should include interviewees from the EU to compare views to UK police officers. It could also be beneficial to conduct interviews, with Border Force officers and other police forces across the UK to generate further findings. Research could also include quantitative data to be able to compare statistics of police cooperation pre- and post-Brexit between the UK, Europol, Interpol and EU member states.

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Appendix

Appendix 1

Mr Matthew Shellaker

Graduate College

Faculty of Social and Applied Sciences

30th January 2021

Dear Matthew

Confirmation of ethics approval: The immediate consequences of Brexit on police cooperation between the UK and the Netherlands in relation to Organised Crime.

Your ethics application complies fully with the requirements for ethical and governance review, as set out in this University's Research Ethics and Governance Procedures, and has been approved.

You are reminded that it is your responsibility to follow, as appropriate, the policies and procedures set out in the Research Governance Framework and any relevant academic or professional guidelines.

Any significant change in the question, design or conduct of the study over its course will require an amendment application, and may require a new application for ethics approval.

It is a condition of approval that you **must** inform ethics@canterbury.ac.uk once your research has completed.

Wishing you every success with your research.

On behalf of

Faculty of Science, Engineering and Social Sciences Ethics Panel

ping.zheng@canterbury.ac.uk

Appendix 2

'Assessing the immediate consequences of Brexit on International Police Cooperation between the UK and the Netherlands'.

PARTICIPANT INFORMATION

A research study is being conducted at Canterbury Christ Church University (CCCU) by Matthew Shellaker.

Please refer to our Research Privacy Notice for more information on how we will use and store your personal data.

Background

The aim of the researcher is to provide an early understanding to the experience of 'Brexit' on police officers in the UK and the Netherlands during international cooperation.

The research is looking at the experiences of police officers from both the UK and the Netherlands and will compare both views.

The results of the research will help develop further research to improve police cooperation after Brexit with EU countries.

This research is funded by the researcher (Matthew Shellaker).

What will you be required to do?

Participants in this study will be required to discuss their experience of police cooperation between the UK and the Netherlands before and after Brexit. This will involve an interview up to 60 mins in length that will be recorded for transcription purposes.

To participate in this research, you must:

- Be over the age of 21
- Work for a police organisation within the UK or the Netherlands
- Have experience of international police cooperation, ideally with the UK (When from the Netherlands)
- Have experience of international police cooperation, ideally with The Netherlands (when from the UK)
- Be aware that participation in the research project is entirely voluntary and that there is a right to withdraw at any point without giving a reason.

Procedures

You will be asked to discuss your experiences when working in police cooperation between the UK and the Netherlands. The interview will take place via online video or phone calls according to interviewee availability. The interview will be transcribed by the researcher,

analysed and then written up as part of a MSc by Research 30,000 words in length. The thesis will be subject to examination.

Feedback

Once the analysis is complete a summary report will be completed and made available to all participants. Additionally, conference papers may be developed, and academic publications may be produced, and also made available to participants. Contact details will be deleted at the end of the process.

Confidentiality and Data Protection

The following categories of personal data (as defined by the General Data Protection Regulation (GDPR)) will be processed:

- Name- This will not be shown within the research
- Country of occupation- This will be shown within the research
- Occupation role- This will not be shown within the research

We have identified that the public interest in processing the personal data is:

- The processing of personal data is necessary to protect the rights of the interviewee. The processing of the personal data is only lawful under Article 6 section (1)(a) where the data subject has given consent to the processing of his or her personal data for one or more specific purposes.
- Article 5(1)(f) of the GDPR concerns the 'integrity and confidentiality' of personal data. It states that personal data shall be: Processed in a way that guarantees appropriate security of data, including the protection against authorised and unlawful processing, loss, damage or destruction.
- Personal data will be used minimally, your name and specific role in your organisation will be **NOT** published in the research. Personal data is only used for the purpose of 1) Analysis of data collection of interviewees to aid the formation of theory and conclusion. 2) Data will also only be used to contact the individual on the results of the research project.

Data can only be accessed by, or shared with:

- Matthew Shellaker
- Dr Paul Swallow (supervisor)
- Steve Tong (Course director)

The identified period for the retention of personal data for this project:

- 30/09/2021

If for any reason there may be a need to extend this date, each individual participating will receive an email with a new date with attached consent documentation.

If you would like to obtain further information related to how your personal data is processed for this project please contact Matthew Shellaker at MS872@canterbury.ac.uk.

You can read further information regarding how the University processes your personal data for research purposes at the following link: Research Privacy Notice -

https://www.canterbury.ac.uk/university-solicitors-office/data-protection/privacy-notices/privacy-notices.aspx

Dissemination of results

The results of the research will be published within a MA thesis, which will be published in the CCCU library which can be found at: https://repository.canterbury.ac.uk/

Process for withdrawing consent to participate

You are free to withdraw your consent to participate in this research project at any time without having to give a reason. To do this please email Matthew Shellaker at MS872@canterbury.ac.uk with your name, country of occupation and occupation role. Your primary audio recording will be destroyed, and the backup of your audio recording will also be destroyed. You will receive an email within 48 hours confirming this process is complete.

You may read further information on your rights relating to your personal data at the following link: Research Privacy Notice - https://www.canterbury.ac.uk/university-solicitors-office/data-protection/privacy-notices/privacy-notices.aspx

Any questions?

Please contact **Matthew Shellaker** by email at MS872@canterbury.ac.uk, or the research supervisor **Dr. Paul Swallow** at paul.swallow@canterbury.ac.uk or 01227928000

Appendix 3

Canterbury
Christ Church
University

CONSENT FORM

Title of Project:

'Assessing the immediate consequences of Brexit on International Police Cooperation between the UK and the Netherlands'.

Name of Researcher: Matthew Shellaker

Contact details:

Address:	Canterbury Christ Church University, School of Law, Policing and Social Sciences, Canterbury, CT1 1QU, UK

Tel:	Paul Swallow: 01227928000

Email:	MS872@canterbury.ac.uk. Research supervisor- Dr. Paul Swallow at paul.swallow@canterbury.ac.uk,

Please initial box

1. I confirm that I have read and understand the participant information for the above project and have had the opportunity to ask questions.

2. (If applicable) I confirm that I agree to any audio and/or visual recordings.

3. I understand that any personal information that I provide to the researchers will be kept strictly confidential and in line with the University Research Privacy Notice

4. I understand that my participation is voluntary and that I am free to withdraw my participation at any time, without giving a reason.

5. I agree to take part in the above project.

Name of Participant:	Date:	Signature:
Name of person taking consent *(if different from researcher)*	Date:	Signature:

Researcher: Matthew Shellaker	Date:	Signature:

Copies: 1 for participant
               1 for researcher

Appendix 4

Below are the initial interview questions.

<u>Semi-structured interview plan and questions</u>

<u>Introduction</u>

- Thank you for your time and opportunity to interview you regarding your experience on police cooperation.

- What is their role and relationship with UK/Dutch cooperation?

<u>Questions</u>

- Do you make a distinction between informal and formal international police cooperation?

    o Informal, exchange of non-judicial information or intelligence

    o Formal – exchange of evidence, likely to be used judicially

<u>Pre-Brexit</u>

- Could you describe your experience of informal network cooperation before Brexit?

- How did informal cooperation work within the UK? (CCIC, Liaison Officers, direct contact with known colleagues Interpol etc).

- How did Formal cooperation work with the UK? (Europol, Eurojust, State Prosecutor/CPS etc?)

- Pre Brexit, what was your experience of UK-EU police cooperation? Or specifically UK-Dutch Cooperation

- Pre Brexit, what was your experience of UK-EU police cooperation when tackling organised crime?

    <u>Supplementary</u>

    o Before Brexit, was most of the cooperation with the UK formal or informal? Has that changed since Brexit?

    o In what way has that experience changed since the Brexit vote and during the transition period?

    o Has Trust been impacted by Brexit?

<u>Post-Brexit</u>

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- Since the end of the transitional period how has Brexit effected Police cooperation between the UK and EU? or more specially the Dutch police?

- How has Brexit affected <u>informal</u> police cooperation?

- How has Brexit affected <u>formal</u> police cooperation?

- What have been the key consequences of the loss of access to EU police cooperation mechanisms?

- How has cooperation changed with the EU in tackling organised crime since Brexit? Or more specifically between the UK and Dutch?

<u>Supplementary</u>
  - From your experience what have been the core consequences on police cooperation between the UK and the Netherlands been when tackling organised crime?

<u>How it will look in the future</u>

- From your experience in what ways would you like to see improvements to UK-Dutch cooperation post Brexit?

- What are the barriers to this becoming a reality?

- How would you like Organised crime to be tackled in the future in a post Brexit landscape?

- What are the barriers to this becoming a reality?

<u>Conclusion</u>

Are there any other experiences of UK-Dutch Police cooperation you can share?

Thank you for your time

<u>Debrief</u>

End of Interview, would you like to have a copy of the dissertation afterwards to see the findings and conclusions?

A copy of the thesis will be sent to you via email after it has been examined.

Appendix 5

Below are the questions asked to the final interviewee which changed and developed from the initial interviewee.

<u>Semi-structured interview plan and questions</u>

<u>Introduction</u>

- Thank you for your time and opportunity to interview you regarding your experience on police cooperation.
- What is their role and relationship with UK/Dutch cooperation?

<u>Pre-Brexit</u>

- Do you establish a difference between formal and informal cooperation and how do you think that looks between the UK and the EU?
- Pre Brexit, what was your view of UK-EU police cooperation? And do you think that there was a good relationship there?
- Did you feel that pre-Brexit there was a good level of trust and how do you think Brexit will affect that trust in the future?
- Do you think that due to the decrease in harmonisation that will bring issues?
- Pre Brexit did you ever think that intentional police cooperation ever impeded on UK national sovereignty or ever restrict its monopoly of legitimate use of force?
- Has there been a decrease in harmonisation?
- Talk about intentional policing organisations What is your view of Interpol? How does that view compare to Europol?
- With UK's shared history with Eu police forces do you think that this close relationship will have strain or find a new path to work ever closer together?
- Did you have any concerns before the deal was agreed, what were they and how is the situation different from how you first thought it would be?
- What do you think is the most key component to effective police cooperation?

<u>Post-Brexit</u>

- From your perspective, since the end of the transitional period how has Brexit effected Police cooperation between the UK and EU?

- What have been the key consequences of the loss of access to EU police cooperation mechanisms such as SIS II and the EAW?

- Lemieux argued that the effectiveness of international police cooperation is dependent upon structural factors that Nation States must develop through compromise and a cooperation embracing mindset. Do you think both the UK and EU have both compromised?

- How do you think the decrease in access of multilateral channels such as Europol will affect the experience of UK police officer when trying to cooperate with the EU?

- Did you have any concerns before the deal was agreed, what were they and how is the situation different from how you first thought it would be?

- How do you feel about the Brexit deal in your experience so far has been effective and successful?

- What have been the key consequences of the loss of access to EU police cooperation mechanisms?

- From your perspective do you think there will be issues with intelligence sharing and why?

- Post Brexit how can the UK improve criminal data sharing with the EU?

- Do you think that the lack of quick time access to criminal data on the PNC via SIS II will bring problems?

- Do you think that as more bilateral agreements are made and are established between other EU member states and the UK that this will help fill the gap that loosing SIS II has created?

- As we will rely more on Interpol in the future, do you think that due to the lack of accountability that Interpol has as an organisation could be more problematic rather than beneficial post TCA?

- Would you prefer to go through EU and formal channels to get information quickly or would you rather use good working partnerships with officers within the EU? How do you think the TCA and Brexit have affected this?

- Has Trust been impacted by Brexit? Do you think that informal cooperation will be diminished by Brexit?

- Have you experienced any nervousness between EU counterpart's post Brexit?

- Do you feel that there has been too much political involvement in international police cooperation?

- As the UK has separated from the EU there has been a decrease in harmonisation between the UK and EU such as SIS II, it ways do you think the lack of harmonisation will effect both the UK and the EU?

- Do you feel that this new post Brexit environment can allow police networks to challenge criminal networks? It what ways do you feel that the UK and EU cooperation can match their illicit counterparts?

- Do you feel that due to Europol institutional independence that the UK can have good working partnerships with them?

- Do you think that Nation States have become trapped between a defence of national sovereignty and the need for more cooperation?

- Do you think that increasing EU institutional power, denies states of the monopoly of power and decision making?

- So do you think that due to Brexit there need to be a creation of new structures that facilitate the sharing and pooling of resources without infringing upon national sovereignty? How do you think this could be done?

- There is an increase of OCG's working through criminal nodes, policing needs to match its illicit counter parts, do you think there could be room for international nodal policing in a post Brexit world? Or do you think that the issue of sovereignty will always remain an issue with the UK?

How it will look in the future
- From your experience in what ways would you like to see improvements to UK- EU cooperation post Brexit?

- What are the barriers to this becoming a reality?

- How could cooperation with Interpol improve in the future?

- What are the barriers to this becoming a reality?

Conclusion

Are there any other experiences of UK-Dutch Police cooperation you can share?

Thank you for your time

Debrief

End of Interview, would you like to have a copy of the dissertation afterwards to see the findings and conclusions?

A copy of the thesis will be sent to you via email after it has been examined.