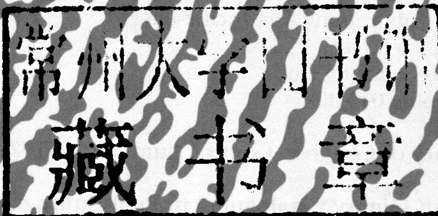
global policing

Ben Bowling & James Sheptycki



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Ben Bowling & James Sheptycki

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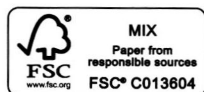

global policing

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For Samson, Liam, Johannes, Frederik and Nadia

ABBREVIATIONS

4-Cs	Communication, co-operation, coordination and collaboration
ACCP	Association of Caribbean Commissioners of Police
AFP	Australian Federal Police
ASEAN	Association of South East Asian Nations
ASEANAPOL	ASEAN Chiefs of Police
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives, US
BKA	Bundeskriminalamt, Germany
BKP	Bundeskriminalpolizei, Germany
CIA	Central Intelligence Agency, US
CDO	Collateralized Debt Obligation
CID	Criminal Investigation Department
CITES	Convention on International Trade in Endangered Species
CIVPOL	Civilian Police Programme, UN
DEA	Drug Enforcement Administration, US
DHS	Department of Homeland Security, US
EAW	European Arrest Warrant
EC	European Community
EDE	European Convention on Extradition
EIS	European Information System
EU	European Union
EUROPOL	European Police Office
FATF	Financial Action Task Force
FBI	Federal Bureau of Investigation, US
FBN	Federal Bureau of Narcotics, US
FCO	Foreign and Commonwealth Office, UK
FDA	Food and Drug Administration, US
FinCEN	Financial Crimes Enforcement Network, US
FIU	Financial Intelligence Unit
G7/8/20	Group of 7/8/20 countries
GATT	General Agreement on Tariffs and Trade
GDR	German Democratic Republic
HIV	Human immunodeficiency virus
HQ	Headquarters
ICC	International Criminal Court

ICHCDC	International Convention on Harmonized Commodity Description and Coding
ICSHCP	International Convention on the Simplification and Harmonization of Customs Procedures
ICT	Information and communications technologies
IGO	Intergovernmental Organisation
ILO	International Liaison Officer
ILOAT	International Labour Organisation Administrative Tribunal
IMF	International Monetary Fund
INS	Immigration and Naturalization Service, US
JCF	Jamaica Constabulary Force
JHA	EU Justice and Home Affairs Council
JSB	Joint Supervisory Body
LED	Law Enforcement Detachment
MINUSTAH	Mission des Nations Unies pour la Stabilisation en Haïti
MLAT	Mutual Legal Assistance Treaty
MOU	Memorandum of Understanding
MSF	Médecins Sans Frontières
NATO	North Atlantic Treaty Organization
NCB	National Central Bureau, Interpol
NCIS	National Criminal Intelligence Service, UK
NCS	National Crime Squad, UK
NGO	Non-governmental organisation
NPOIU	National Public Order Intelligence Unit, UK
NSA	National Security Agency, US
NYC	New York City
NYPD	New York City Police Department
OECD	Organisation for Economic Co-operation and Development
PR	Public Relations
R2P	Responsibility to Protect
RIC	Royal Irish Constabulary
RCMP	Royal Canadian Mounted Police
SAFE	Standards to Secure and Facilitate Global Trade
SARPOL	Southern African Regional Police
SOCA	Serious Organised Crime Agency, UK
STR	Suspicious Transaction Reports
SWAT	Special Weapons and Tactics
TNCs	Transnational corporations
TSA	Transportation Security Administration, US
UN	United Nations
UNCLOS	United Nations Convention of the Law of the Sea
UNODC	United Nations Office on Drug Control and Crime
UNDP	United Nations Development Programme

UNPOL	United Nations Police
UK	United Kingdom of Great Britain and Northern Ireland
US	United States
USCG	United States Coast Guard
WCO	World Customs Organisation
WTO	World Trade Organisation
ZfV	Zentralstelle für Verdachtsanzeigen, Germany

PREFACE AND ACKNOWLEDGEMENTS

Many of the ideas in this book were stimulated by Stan Cohen, David Downes, Michael Mann, Paul Rock, Robert Reiner and Leslie Sklair, whose work we encountered as postgraduate research students at the London School of Economics in the mid-1980s. This scholarship provided us with an understanding of the sources of social power and how these related to the problems of order and governance. Individually we have been able to work through these ideas through empirical research on policing from the very local (including domestic violence and racist violence in London) to the transnational (such as the English Channel region and the Caribbean islands).[1]

Encountering policing in various forms in different parts of the world led to lengthy discussions about what we saw and the issues that were raised from what we learned from our fieldwork. At the heart of the matter is the observation that the use of coercion and the power of surveillance which lie at the heart of policework are globalising. This raises obvious questions about accountability and control. After many years of verbal fencing about these issues, it is gratifying finally to have written a general theory of global policing.

We would like to thank a number of people who have read parts of the book and discussed it with us – Katja Franko Aas, Malcolm Anderson, Margaret Beare, Kevin Haggerty, Valsamis Mitselegas, Maurice Punch, Bill Saulsbury, Leanne Weber and the anonymous peer-reviewers. Philip Stenning in particular offered very forthright comments, which put the spurs to our thought. Conversations with Mike Larsen were very helpful in shaping the analysis of policing mega events. Derek Bond deserves a special mention for taking the time to discuss with us his first-hand experience of global policing and we are also grateful to Richard Bond for sharing his thoughts with us. Jasmine Chadha and Cian Murphy provided excellent research assistance and Lea Schönfeld was an oustanding editor. At Sage, thanks are due to Caroline Porter and Sarah-Jayne Boyd for commissioning this book and guiding us gently but firmly to the finish line. We are reponsible for all the remaining theoretical and factual errors.

We wish also to say some words of appreciation for Richard Ericson and Jean-Paul Brodeur for their kindness and generosity. Their contributions to theory and research defy categorisation and have been an inspiration. Both will be enormously missed.

This book is dedicated to our grown up children.

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INTRODUCTION

Around the world, police officers are travelling abroad to work. This might be a plane, train or automobile journey to collect evidence on an unsolved murder. It might be a year's commitment to a United Nations Police (UNPOL) operation in a war-torn state, such as Afghanistan, or a three-year posting to serve as an international liaison officer in a 'drugs transit country', such as Jamaica. It might involve extensive overseas travel while seconded to Interpol or investigating war crimes for the International Criminal Court. Many more officers in domestic police forces, especially those working in fields such as organised crime, terrorism and cybercrime, spend their working lives communicating with their counterparts in other countries by email, fax and phone, or consulting international databases of criminal records, names, faces, fingerprints and DNA.

The usual justification for policing beyond borders is the globalisation of crime and insecurity: complex crimes and conspiracies spanning numerous countries are said to require extensive international police collaboration. We question this straightforward functional logic, but note nonetheless that, as crime and insecurity have become defined as global issues, police are frequently deployed to travel to other countries to interview witnesses, apprehend suspects and render them abroad for interrogation, trial or detention. International police organisations are growing in power and ambition, and at the same time, national police agencies are broadening their global reach.

Discussions of this profoundly important shift towards the global governance of crime have happened behind the closed doors of international bureaucracies. Most of the policy and planning and a great deal of the operational practice of global policing takes place backstage, secretly and as far as possible without attracting media attention. There has been almost no public discussion of the globalisation of policing – its priorities, policies, practices or accountability. With this lacuna in mind, the main aim of this book is to examine contemporary global policing and to explain its rapid development in the context of an emerging transnational-state-system. We set out to explore some of the challenging legal, political and social issues that arise in this field. Our goal is an empirically grounded theory of global policing.

The lack of public understanding of global policing is partly because it only recently became the subject of systematic research. The first books in this area – Malcolm Anderson's *Policing the World* and *Policing the European Union* and Ethan Nadelmann's *Cops Across Borders* – were published only within the last couple of decades.[2] These ground-breaking studies described the political background, organisational structures, harmonisation of criminal law and criminal procedure and emerging law enforcement strategies. Anderson et al.'s astonishing finding based on research in Europe during the 1990s was that the control of internal and external security was being transferred gradually from the nation-state to international institutions. Transnational policing, they wrote, opened a Pandora's Box of issues and problems.[3]

Examining the field from an American perspective, Nadelmann reached quite a different conclusion about the increasing international capacity of police forces. Rather than observing the emergence of international institutions, he concluded that the US was aggressively promoting its own criminal justice norms in the transnational realm. The process of transnationalisation, in Nadelmann's analysis, has been mostly about *Americanisation*.[4] According to him, through a three-fold process of *regularisation, accommodation* and *homogenisation,* foreign governments accommodated themselves to a US federal model of international law enforcement. This involved expanding the scope of criminal law and the use of enforcement methods such as electronic surveillance, informers, undercover policing and 'controlled deliveries'. It also meant using legal innovations developed in the US such as asset forfeiture and counter-money laundering.

By the early 1990s, the US was leading the development of transnational policing. Formulations of international agreements such as the 1988 United Nations Convention on Narcotic and Psychotropic Drugs illustrated the predominance of distinctly American preoccupations and techniques. For Nadelmann, the field comprised a complex array of international police organisations, co-operative mechanisms, regional police conferences and dozens of multi-lateral law enforcement arrangements all of which were 'intended to help law enforcement agencies reduce, transcend or circumvent frictions generated by conflicting sovereignties, political tensions and differences among law enforcement systems'.[5]

Following these early pioneers, researchers have gradually documented the co-operation required in policing border zones and island regions, the work of international liaison officers and the roles of supranational bodies such as the United Nations and European Union in transnational policing. This descriptive and explanatory empirical work has been complemented by valuable historical and theoretical accounts.[6] As the field has matured, several collections of articles exploring various aspects of transnational policing have opened up new directions of study.[7] Now that there is a solid body of empirical evidence published in various disciplines and from a wide variety of perspectives there is a

need for an integrative inter-disciplinary theory of global policing. The pace of change has been so rapid that global policing practice is running ahead of policy and the thinking that might guide it. This book examines the theoretical dimensions of transnational policing and outlines an agenda of empirical research in this rapidly developing field.

Our broad working definition of transnational policing includes any form of order maintenance, law enforcement, peacekeeping, crime investigation, intelligence sharing, or other form of policework that transcends or traverses national boundaries. In Chapter 1, we explain the broad range of different *types of policing* that this involves and in Chapter 2 we set out the context of the emerging transnational-state-system. In Chapter 3 we describe the *architecture* of the worldwide policing system and in Chapter 4 the *subculture* of the global cops. In Chapter 5 we describe some examples of *transnational policing in practice* on the ground. In some instances, co-operation is based on bilateral relationships between two police forces, or multi-agency policing in three or four neighbouring countries, such as in the Benelux region or across the Caribbean islands. A distinction can be made between *transnational policing* and the related ideas of *international* and *global* policing. Political sociologists use the (intentionally hyphenated) term 'inter-national' to describe interactions among nation-states, while 'transnational' denotes phenomena that transgress national boundaries. In recent times, co-operation and collaboration have become increasingly ambitious to the extent that some forms of policing now claim a global reach. As will become clear, the idea of a *global police force* is a chimera, but *global policing* is a reality.

Collaboration among police officers from different countries is almost as old as modern policing itself. Policing archipelagos such as those in the Caribbean or Indonesia required police officers to travel by boat between neighbouring islands from time-to-time. Policing oceans, seas and other waterways is geographically transgressive. Since their inception, European police have had to cross national frontiers regularly as they went about their work – especially those policing border towns. Nadelmann notes that one of the early tasks of the US Marshals Service was to pursue runaway slaves escaping to Canada or Mexico. Not long after the Metropolitan Police formed an investigative branch in 1842, Scotland Yard detectives were asked by European police agencies to conduct surveillance on émigrés resident in Britain and when the first CID was formed in 1878, its duties included carrying out investigations for foreign governments.[8]

At the close of the 19th century, collaboration among police officers concerned with 'international anarchist terrorism' increased significantly. As well as formalising extradition processes, the 1898 Rome Conference agreed protocols for sharing information about suspected 'anarchists' and standardised the use of the Bertillon criminal identification system.[9] At the beginning of the 20th century public anxiety about the 'white slave' trade, what would now be called human

trafficking, also stimulated the development of an organisation for international police co-operation that eventually became Interpol.[10] From then on, as global mobility became easier, faster and cheaper, police agents often travelled overseas to pursue fleeing suspects, collect evidence or interview witnesses. Increasingly, global police power has been used to arrest suspects on foreign soil and then to extradite, deport or render them abroad to face trial or prison. Over time, as transport and information communication technologies have developed, the shape and nature of criminal investigation shifted into the transnational realm.

By the end of the 20th century a number of entirely new policing mechanisms had been created. Interpol grew from a small club of police chiefs in 1923 into a 188 member organisation with a global communication and intelligence sharing capacity, 'wanted persons' databases and the ability to offer training and operational support for member police forces. The Interpol logo – encompassing a globe, scales and sword – may invoke the idea of global policing, but at the 'sharp end' Interpol has, in fact, little operational capacity and functions principally to facilitate communication, co-operation and coordination among police officers around the world. This said, Interpol's leadership has far-reaching ambitions for the organisation and its work has grown in scope and complexity. According to its website, the organisation provides investigative resources, intelligence analysis, liaison facilities and other similar activities to support domestic police in difficult cases. Interpol remains mainly a mechanism for sharing information, but is increasingly involved in operational policework on the ground. In recent years it has provided operational assistance to a murder investigation in Jamaica, credit card fraud investigations in Trinidad and Tobago, identifying plane-crash victims in Cameroon and fugitive tracking in Austria.[11] It has become embedded within domestic police forces, with officers based in the National Central Bureaux identifying with Interpol's global policing mission and playing a key role in transnational activity in local police divisions.[12]

The United Nations (UN) first put police on the ground to support its peacekeeping operation in Congo in 1960. A few years later, UN Secretary-General U. Thant declared that, 'I have no doubt that the world should eventually have an international police force which will be accepted as an integral and essential part of life in the same way as national police forces are accepted'.[13] Since then, UN policing capacity has grown dramatically. What started out as a few hundred police officers on the ground fifty years earlier had swelled by 2010 to more than 17,500 police officers from 98 countries deployed in peace operations around the world.[14] Still mainly concerned with peacekeeping, the UN policing mandate has been extended to other things like targeting gangs in Haiti, drugs in Afghanistan and Guinea-Bissau, and arms trafficking in the Democratic Republic of Congo. In 2009 Interpol and the UN signed a co-operation agreement linking UN Security-Council backed enforcement powers with Interpol databases of wanted persons, fingerprints, DNA and criminal intelligence. Speaking about these developments to the 77th Interpol General

Assembly, UN Police Adviser Andrew Hughes observed that practical collaboration between UNPOL and Interpol 'brings the combined weight of a majority of the world's States to bear on organised crime networks'.[15]

When the International Criminal Court (ICC) was established at the end of the millennium, it created a seedling police force with the power to collect and examine evidence and to interview suspects and witnesses in cases of war crimes, crimes against humanity and genocide. In 2008, under the direction of a former Belgian Gendarme, the ICC investigative division employed 165 people and had a budget of €21 million.[16] The ICC may issue arrest warrants but cannot, itself, enforce them.[17] The lack of a power of arrest led to calls for the ICC to have a 'strongly empowered policing arm which is able to work transnationally to take suspects into custody regardless of the desires or ability of the home nation'.[18] This has not yet come to pass. Although the ICC remit is narrowly restricted to a strict set of 'international crimes' and it has strictly limited enforcement powers, it nevertheless partially embodies the idea of an international *Police Judiciare*. This has profound implications for how global policing might develop in the future.

Alongside the emergence of these global policing entities and their rapid growth in size, power and ambition, regional organisations have been created in many places. The Association of South East Asian Nations Chiefs of Police (ASEANAPOL), Southern African Regional Police (SARPOL), Association of Caribbean Commissioners of Police (ACCP) and the European Police Office (EUROPOL) are umbrella organisations seeking, in various ways and under different legal or political auspices, to facilitate inter-agency collaboration and the exchange of information and personnel. While regional policing bodies tend, like Interpol, to be largely concerned with information sharing, they also play a key role in agenda setting and policymaking. They too sometimes provide operational functions.

Echoing these developments, domestic police forces have also become far more closely linked transnationally. Around the turn of the 21st century, many countries created 'national policing hubs', or centralised criminal intelligence services, to provide points of contact for international collaboration. Most countries now have national police in one form or another. Transnational liaison officers are the 'practical glue' that binds global policing together. They give advice and build capacity, train and mentor other police personnel and coordinate joint operations, often spanning continents. Led by the US, which has posted FBI liaison officers overseas since 1940, many countries now have an international policing capacity. In 2008, the FBI had around 340 people assigned permanently overseas and aimed to have an agent in every country.[19] The US DEA had 78 offices in 58 countries and the US Treasury Department, State Department Diplomatic Security Service, Bureau of Alcohol Tobacco and Firearms (ATF) and the Federal Marshals Service also had overseas posts. Police agencies in other countries, especially from what we call 'seigneurial states',

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