

UACES 41st Annual Conference

Cambridge, 5-7 September 2011

Conference papers are works-in-progress - they should not be cited without the author's permission. The views and opinions expressed in this paper are those of the author(s).

www.uaces.org

The European Union as a Comprehensive Police Actor

Stephen Rozée

PhD candidate, University of Salford

Paper for the 41st Annual UACES conference ‘Exchanging Ideas on Europe’ 5-7

September 2011

Abstract

The European Union has responded to changing security threats by seeking to increase cooperation between Member States’ law enforcement agencies, granting further powers to Europol and other intelligence-sharing institutions, and by undertaking police missions beyond EU borders. The literature relating to EU policing is generally focused on the ‘internal’ or ‘external’ dimensions, or on specific aspects of police activity. This tendency to concentrate on narrow or isolated areas of policing has led to a significant gap regarding broader analysis of the EU as a comprehensive police actor. Important questions about the nature of EU policing as a whole, as well as the contribution of policing activities to the EU’s security agenda, remain unexplored in the literature. This paper aims to define what is meant by ‘comprehensive policing’ and to identify criteria by which the comprehensiveness of EU-level policing may be measured. In addition to this, an integrated actorness/police comprehensiveness framework will be presented as a tool for assessing the EU as a comprehensive police actor.

Introduction

There have been a number of informative articles written that highlight key developments in EU-level policing, particularly post-9/11, as well as some thought-provoking analyses of the linkage between the EU's security agenda and specific police activities. Much attention has been given to the changing role of Europol in counter-terrorism and fighting cross-border organised crime, in terms both of its potential significance and current short-comings (Bures 2008, Kaunert 2010). Other developments in intelligence-sharing at EU-level, such as the Schengen Information System have also received a significant amount of analysis in the literature (Walsh 2006, and Den Boer, Hillebrand and Nölke 2008). In addition to this, authors such as Rees (2005) and Mounier (2008) have examined the way in which EU Police Missions have been used to externalise the EU's internal security concerns beyond its borders; this is done in order to protect the EU's 'safe' internal space from the 'unsafe' external environment, and also to externalise EU internal security standards and 'best European practices' in police matters (Mounier 2008, Celador 2007/9). This may be viewed as part of scholars' increased questioning of the traditional distinction between the 'internal' and 'external' dimensions of EU security. As multi-faceted areas of EU security become increasingly interwoven, a more comprehensive conceptualisation of security is becoming a requirement for analysis. In the case of EU policing, scholars have focused on the study of narrow aspects of EU policing, or, in some instances, have discussed police in terms of the 'internal' or 'external' dimensions of EU security. There has been no in-depth study of EU policing as a whole, which is a very significant gap in our understanding of the EU as a security actor. There are a number of reasons why filling this gap is important: firstly, the traditional distinction between the 'internal' and 'external' dimensions of EU security

is continuing to be questioned in the literature (Rees 2005, Mounier 2008), indicating that a unified and interconnected approach to understanding the different elements of the EU's security agenda is required. Secondly, this area of study can offer valuable insights into the role played by EU police within the wider framework of the EU's security agenda: this cannot be done by focusing only on isolated areas of policing as is currently the approach of the literature. Finally, the EU's ambitions as a comprehensive security provider and credible global security actor have been widely discussed by scholars (Brown 2007, Shepherd 2007, et al.); this area of research can offer important insights the role of police within these ambitions. This paper aims to address the gap in the literature by presenting a framework for investigating the European Union as a comprehensive police actor. Research based upon this framework will be used to examine the relationship/linkage between the EU's police comprehensiveness and its security actorness, and by doing so to explore the contribution of police activities to the EU's security agenda.

EU-level policing may be understood as including any instance of police functions being undertaken by or in conjunction with EU institutions and agencies. For the purpose of examining the EU as a comprehensive police actor it is necessary to identify what is meant by the notion of an 'actor' and also to explain precisely what constitutes 'comprehensive' policing. Once clearly defined criteria for these concepts have been established, they can then be integrated into a coherent and usable framework for analysis. This paper will be divided into three main sections; firstly, theories of actorness will be outlined. This will be done not only in order to clarify what is meant by the term 'actor', but also to understand how actorness may be measured and assessed. The actorness criteria selected for this research should be clearly relatable to policing if they are to be integrated into a usable framework. The

second section will consider what ‘police comprehensiveness’ means, particularly focusing on police functions; that is, the various roles, tasks, and procedures recognised in the literature as comprising policing as a whole. This will lead to precisely defined criteria that may be used to measure and assess police comprehensiveness. A final section of this chapter will then demonstrate and justify how a theoretical framework may be constructed by integrating the criteria for actorhood and comprehensiveness into a matrix. This will form the basis of a nuanced and in-depth approach to researching EU-level policing. The goal of this framework is to investigate the relationship between the EU’s police comprehensiveness and its security actorhood, and to explore the contribution of police to the EU’s security agenda. The framework can be applied more generally than this, however, and will also be useful for investigating police comprehensiveness in other cases.

Theories of Actorhood

There has not been an extensive amount written about assessing the EU’s status as an actor, and there is a lack of consensus regarding what it means to be an actor in international relations (Jupille and Caporaso, 1998, p.213). Neoliberal notions of international relations such as those presented by Keohane and Nye (1977) suggest that there are numerous types of actors, including governmental, intergovernmental, and non-governmental actors. The multi-dimensional nature of global politics was reflected further still by Rosenau (1990, p.119), who proposed that citizens, officials and leaders, as well as private actors could be considered ‘Micro actors’, while states, transnational organisations, leaderless publics, and social movements may be seen as ‘Macro actors’. Bretherton and Vogler (1999, p.20) claim that Rosenau’s view is admirable for its inclusiveness, but further work is required in order to understand

how the actorness of the EU as a whole might be assessed. Drawing from ideas regarding European Community actorness presented by Sjöstedt (1977), Bretherton and Vogler offer a scheme that aims to identify and measure components of actor capability which they directly relate to the EU. They offer the following set of five criteria indicating the basic requirements for actorness:

- Shared commitment to a set of overarching values and principles.
- The ability to identify policy priorities and to formulate coherent policies.
- The ability effectively to negotiate with other actors in the international system.
- The availability of, and capacity to utilise, policy instruments.
- Domestic legitimation of decision processes, and priorities, relating to external policy.

These criteria are useful and insightful, particularly when applied to the EU. For the purpose of producing a framework for examining the EU as a comprehensive police actor, however, it is Jupille and Caporaso's (1998) criteria for assessing the EU's actor capacity that will be primarily focused upon. While in many ways similar to Bretherton and Vogler's, the scheme presented is somewhat broader and more flexible, and as such may be more easily and effectively integrated with criteria for police comprehensiveness. The four criteria that they suggest; recognition, authority, autonomy, and cohesion, are designed to be 'observable, continuously variable, and abstract from any particular institutional form. (p.216)' Furthermore, they state that their criteria for actorness should be 'conceptually helpful when applied to the EU's global political role and to be applicable more generally in assessments of other

entities' capacities to act in world politics. (p.216)' For these reasons, Jupille and Caporaso's criteria will be particularly suitable for research in terms of assessing EU actorness, being adapted to apply to policing, and being combined with criteria for measuring police comprehensiveness. In more detail, the four criteria for actorness are as follows:

Recognition

Recognition by others is an essential condition for actorness. According to Jupille and Caporaso (1998, p.215), recognition should be seen as a 'minimum condition that adds little substantive understanding of any given entity, but simply registers it on the analytical radar.'

There are two categories of recognition: *de jure* and *de facto*. *De jure* recognition refers to diplomatic recognition under international law or to formal membership of international organisations. Diplomatic recognition has traditionally been considered as an aspect of sovereign statehood, automatically given to states. This is not always the case, however, as examples such as Kosovo, Israel, and Taiwan demonstrate that states are not always given automatic full diplomatic recognition. Furthermore, where the line is drawn in terms of recognition is not clear. Kosovo is not a member of international organisations, yet is recognised by more than fifty states. The EU is not sovereign, and it is not conferred with any kind of automatic recognition; instead, diplomatic recognition of the EU is at the discretion of third parties.

In practice, the interactions of third states with the EU may implicitly confer *de facto* recognition upon it. However, Jupille and Caporaso claim that simply producing external effects is not sufficient to fulfil the criterion of recognition; it is third parties' *engagement* with the EU in order to discuss, clarify, or modify such

external effects that are most significant for recognition, not the effects themselves. In other words, it is states' direct negotiations with the EU that indicates the Union's de facto recognition as an actor. According to Jupille and Caporaso, the criterion of recognition may be considered satisfied whenever a third party interacts with the EU itself, rather than, or in addition to, EU member states. They point out that recognition should not be thought of as a 'one-shot, all-or-nothing criterion'; rather, increasing bilateral, regional, and global interactions with third states increases the extent to which EU activity becomes accepted and expected, and the EU's de facto recognition builds accordingly.

For the purpose of examining the EU as a comprehensive police actor, recognition may be assessed by identifying international agreements and third states' interactions with the EU relating to EU-level policing. Examples of this include the signing of international agreements with Europol: many operational and strategic agreements have been made with non-EU states and international organisations, including Interpol and the United Nations Office on Drugs and Crime.

Authority

The authority to act externally is Jupille and Caporaso's second factor for assessing the EU's capacity as a global actor. In particular, this authority refers to legal competence. Jupille and Caporaso offer several examples of areas where the EU has been given external legal authority, including international and association agreements, and environmental agreements. The EU's legal competences have expanded in many areas during the last decade, including areas related to security and policing, such as Europol and the European Arrest Warrant (which allows a court of an EU Member State to issue a judicial judgement for the arrest and surrender of a

person in another Member State). In addition to these, EU Police Missions may also be used to provide examples of the EU being given external legal authority to act. For instance, formal United Nations Security Council approval of a Joint Action provided the EU with legal competence to act in the Rule of Law Mission in Kosovo.

Autonomy

According to Jupille and Caporaso, autonomy implies distinctiveness, and to some extent independence from other actors, especially states. This may be best explained in terms of two factors: institutional distinctiveness, and independence. Institutional distinctiveness refers to having distinctive institutional apparatus, even if these are based in or attached to domestic political institutions. An institution's independence from states should make a difference compared to what would result from an international system comprised just of self-interested state actors. Jupille and Caporaso claim that parts of the institutional structure of the EU with exclusive competence to act may not necessarily be directly translated as areas of Union independence. However, autonomy need not be absolute, as an actor may be autonomous in areas; for instance, the EU is intended to be representative of its member states, and yet may still be considered autonomous from states external to the EU.

The EU's distinctive institutional apparatus involving policing exists at a number of levels. These may be seen as ranging from the Council and other relevant legislative or decision-making institutions, through to Union-level institutions directly involving police and judiciary activities, such as Europol and Eurojust.

Cohesion

Cohesion is not required in order to make a difference in global politics, that is, to have 'presence'; for instance, the EU would still make a significant difference with regards to external consequences without policy cohesion. For this reason, Jupille and Caporaso argue that there is a difference between 'actor' and 'presence', and that to be an actor requires a certain minimal level of cohesion. As they point out, 'A random collection of elements could have external effects but would not be judged as being an actor.' (p.219)

The concept of cohesion, as Jupille and Caporaso present it applied to the EU, may be divided into four dimensions: Value (goal) cohesion, tactical cohesion, procedural cohesion, and output cohesion. Value cohesion involves similarity or compatibility of goals. Tactical cohesion, on the other hand, is when goals are significantly different but can be made to fit with each other through issue linkages. Procedural cohesion refers to issues where there is conflict, yet some consensus exists regarding the procedures and rules to be used. The fourth dimension of cohesion that Jupille and Caporaso suggest relates to public policies: more cohesion exists when Member States form collective policies, and this is referred to as output cohesion. Cohesion need not be considered an all-or-nothing criterion; it is possible for an actor to demonstrate very high levels of cohesion in some areas and less in others.

In terms of EU-level policing, these four areas of cohesion may be explored by considering EU policy and legislation. Policy documents related policing will provide indication of goals, while legislation will be useful for identifying output cohesion: for example, legislation on the European Arrest Warrant demonstrates output cohesion. Union-level police activities involving contributions from many Member States, such as the EU Police Missions, also provide evidence of output cohesion.

Certain examples of EU police activities, such as Police Missions and Europol, relate to several or all of the criteria for actorness. This makes them ideal as cases for analysis. Criteria for actorness are not absolute: they may be fulfilled in particular areas or to degrees. For this reason, actorness may be measured both in terms of quality and quantity; that is, the number of instances where criteria for actorness are met, and also the depth to which they are met.

As previously noted, Jupille and Caporaso's approach is flexible and can be generally applied in assessing actorness. It is already designed with the EU in mind, and may easily be adapted to focus more specifically on EU policing. As they stand, however, Jupille and Caporaso's criteria for actorness are not adequate for assessing the EU as a comprehensive police actor because they cannot incorporate the dimension of police comprehensiveness. The broad nature of Jupille and Caporaso's approach will need to be adapted in such a way that police comprehensiveness can be assessed alongside actorness in an integrated fashion. In order to achieve this it will be necessary to systematically examine the functions, roles, and tasks of police, and then reduce them into a small number of clearly defined criteria that may be used to indicate police comprehensiveness. The criteria for both actorness and police comprehensiveness may then be combined into a single framework. This is important, because it is by exploring not only the EU's police comprehensiveness and its actorness, but also the relationship/linkage between these two areas that the contribution of police to the EU's security agenda may be assessed.

The following section of this paper will give an overview of police functions and explain how criteria for police comprehensiveness may be produced. A final section will then consider how theoretical approaches to actorness and police

comprehensiveness may be integrated into a coherent and usable framework, and how this framework may be applied for research.

Police Functions

For the purpose of producing a theoretical framework for assessing the EU as a comprehensive police actor, it is necessary to move towards a complete understanding of the activities, processes and other elements that constitute policing. In order to identify precisely what ‘comprehensiveness’ means in terms of police, the range of roles and tasks that are deemed to belong to police must be clearly defined. This approach will allow a limited number of criteria to be formulated that may be used to assess police comprehensiveness. The first step in this process is to examine the various *functions* of police, and this may be done by considering how police functions are defined in the policing literature. Goldstein (1977) identified a classic ‘ideal set’ of police functions which is well-established and commonly referred to by scholars; it is this set that will be used here, although many other authors’ work will then be incorporated in order to elaborate on different aspects of policing. According to the classic ideal set presented by Goldstein, the functions of police are as follows:

- To prevent and control conduct widely recognized as threatening to life and property (serious crime).
- To aid individuals who are in danger of physical harm, such as the victims of violent attack.
- To protect constitutional guarantees, such as the right of free speech and assembly.

- To facilitate the movement of people and vehicles.
- To assist those who cannot care for themselves: the intoxicated, the addicted, the mentally ill, the physically disabled, the old, and the young.
- To resolve conflict, whether it be between individuals, groups of individuals, or individuals and their government.
- To identify problems that have the potential for becoming more serious problems for the individual citizen, for the police, or for the government.
- To create and maintain a feeling of security in the community.

The following section of this paper will elaborate on the kinds of police tasks and activities that these functions involve, and then demonstrate how police functions, roles, and tasks may be used to formulate criteria for police comprehensiveness.

The underlying concepts and application of police functions

Certain analytical terms and concepts must be outlined in order to clarify what police functions involve, and examples will be used to illustrate how these functions may be applied in practice. This information will then be linked to Goldstein's set of police functions, which will in turn be adapted into a smaller number of clear criteria that encompass the range and objectives of police work.

Roles

Bittner (1970) draws attention to the 'roles' or essential characteristics of policing. Roles may be thought of as conceptually 'what police do', or what they are essentially supposed to achieve. In particular Bittner focuses on one central aspect: the

unquestionable use of force. He claims that the capacity to use force is the core of the police role, and that this involves a monopoly on the legitimate use of force in society. There are a few exceptions to this, such as a citizen's right to self-defence, and some restrictions, such as on the use of deadly force. In practice, most modern police forces will be expected to act in accordance with established ethical principles related to the 'justifiable use of force' (Waddington, 1999, p.187). Some examples of when police force may be used are resistance to arrest, dangerous behaviour, protecting public order (such as violence at demonstrations), and to suppress riots. This last example demonstrates that police may sometime operate in a paramilitary capacity, that is, operating with weaponry or tactics that likens them to the military. Use of force and paramilitary activities can both be seen in EU-level policing: the deployment of European Gendarmerie forces (who have both civil and military responsibilities) to Haiti to assist with post-relief security efforts in 2010 provides an example of this.

Another very central role of policing is information gathering; Nogala (1995) claims that 'information work' is in fact the most important aspect of police work. Conceptually, police work can be viewed as an ongoing cycle of collecting and processing information, which Ericson and Shearing (1986, pp.129-159) state is used for 'penetration, surveillance, information, registration, knowledge, and administration', and that *all* of these things contribute to social control. Police, at least at the domestic level, are best positioned in terms of society, experience, technology and 'know-how' to gather information and intelligence, and this is an intrinsic part of their role (Ericson and Shearing 1986).

In practice, the gathering and use of information may take a number of forms. While processing data used for police administrative purposes and that relating to maintaining public order and safety form significant parts of information gathering, a

large amount police work deals with information related both to investigating crimes and preventing them. Examples of methods for collecting information related to crime include use of reports by the public, witness statements, interviews, covert surveillance, informants, forensic evidence, legal knowledge, negotiation, inspection of documents (such as bank statements), using the internet, and various types of registration information. In terms of the police role, gathering information for crime investigation may be considered part of 'bringing offenders to justice' and a 'search for the truth' (Maguire 2003, pp.433-437). This kind information and intelligence work is central to the activities of Europol, the European Law Enforcement Agency that aims to improve effectiveness and cooperation among Member States' competent authorities in preventing and combating terrorism, drug trafficking, and other types of organised crime.

Lastly, it is a role of police to strengthen feelings of security in society, in particular to reduce the fear of crime among local people, as well as promoting and achieving public safety (Hughes 2008). Modern policing has put an increased emphasis on this role, as fear of crime, disorder, anti-social behaviour, and 'quality of life' issues have been placed more centrally on the police agenda in both Europe and the United States (Tilley 2003, pp.146-148). The need to present places as safe and secure locations to live, work and spend leisure time may increase public demand for a visible police presence. Addressing this need is sometimes referred to as the 'reassurance agenda' (Maguire 2003). Strengthening feelings of security and confidence in the police has been an important aspect of EU police forces' work in the Police Missions in Kosovo and Bosnia, and these aims have been pursued by publicising efforts to deal with corruption and organised crime.

Policing tasks

The following sections will outline the range of tasks that police perform. These tasks will then be related back to Goldstein's ideal set of functions, and this will provide the basis for producing criteria for police comprehensiveness.

Crime fighting tasks

Fighting crime is one of the most central aspects of police work, and many policing tasks in some way relate to dealing with convictable violations of law (Loveday 1996). Indeed, dealing with crime may be said to be the original *raison d'être* of policing (Edwards 2005). Crime fighting involves the prevention or reduction of crime, as well as the detection and investigation of crimes that have been committed. Edwards (2005) suggests that crime may be seen as ranging from large-scale crime, such as organised crime, drug trafficking, terrorism, and serious fraud; to personal crime involving individuals, such as domestic violence or murder; and minor or street crime including muggings and vandalism. Crime prevention and reduction concerns those measures taken by police that are designed to stop crimes from occurring.

There are a number of broad approaches used for the prevention or reduction of crime. Some of these are situational; in other words, tailored for particular places and circumstances. Examples of this are community-based programmes, such as police-led drug education programmes, or 'early intervention' programmes in schools to promote community values (Byrne and Pease 2003). The EU Police Mission in Bosnia has regularly employed public information campaigns which aim to promote values in this way, and these tend to be aimed at specific areas of society.

In general, police must focus crime reduction efforts on 'hotspots' where criminal activities are particularly high. According to Clarke (1997) there are four

basic methods police and society may employ to reduce crime. Firstly, security techniques such as locks, entry phones, or computer passwords may be used to increase the effort of committing crime, and the means of crime, such as the availability of weapons, may also be controlled. The second method is increasing the risk from committing crime, which may be achieved by formal surveillance, such as CCTV or patrolling police. The third way of reducing crime is by reducing the reward. This can involve anything from removing targets (keeping cars in garages or removing their radio facia when parked) to identifying property with serial numbers. The last method is removing excuses for committing crime, which means clear rule-setting; for example, campaigns designed to stimulate conscience and awareness, such as drink-drive campaigns (Clarke 1997). Making the commission of a crime more difficult or less attractive is sometime called 'target hardening' (Edwards 2005). Many of these techniques require contributions from both police and the public in order to be successful. In addition, Byrne and Pease (2003) argue that effectively putting these methods into practice requires service-level agreements to strengthen cooperation between police and local authorities. Examples of these kinds of service-level agreements can be seen in the EU Police missions in Kosovo and Bosnia, where there is a high-level of cooperation among EU police forces, local police, and local authorities. EU Police Missions also employ a range of crime reduction techniques, including the promotion of security devices, increased police presence, and awareness campaigns.

Gathering information is central element of both crime reduction and crime investigation. There are two primary tasks involved: generating police 'knowledge' and producing 'evidence'. *Knowledge* refers to the understandings reached by police about what crimes have been, or are likely to be, committed, by whom, how and why.

The production of *evidence* means obtaining material that may be presented in court to establish whether a criminal offence took place, and if a suspect is guilty of it (Maguire 2003). An important aspect of this is the use of ‘intelligence’: information of value and relevance derived from informants of other sources, and the understanding and evaluation of that information. This is important because the analyses of intelligence may be effectively utilised to direct the activities of law enforcement agencies in ways that enable them to disrupt, disable, or undermine criminal threats (Tilley 2008). Since the events of 9/11 there has been a greatly increased emphasis on ‘intelligence-led policing’ in the field of counter-terrorism. This can be seen in legislation such as the 2004 EU Action Plan on combating terrorism, and in the 2004 Hague Programme which highlighted the priority given by the EU and the importance of EU-level policing with regards to counter-terrorism efforts.

Aside from the information gathering techniques already discussed as part of police roles, there are numerous other ways in which crime may be detected by police, varying depending on the nature and scale of the crime. Much street-level crime is opportunistic, involving offenders roaming until they find a chance to commit a crime (Edwards 2005). A standard approach to detecting this sort of crime is to have police officers patrolling streets and stopping, questioning, and searching individuals that they perceive to be ‘suspicious’. This may lead to the discovery of recently stolen property, drugs, or weapons. Other types of crime, including more serious or large-scale crime, may require the targeting and monitoring of particular individuals or premises (Edwards 2005). Detecting and dealing with matters of serious organised crime and fraud, drug trafficking, terrorism, and cybercrime often involves specialist groups of police, sometimes working at the international level. Europol is highly

active in these areas, particularly in terms of facilitating the sharing of intelligence among Member States' law enforcement agencies. Specialist police and specialist training for local police are used for dealing with organised crime and drug trafficking in many of the EU Police Missions, including those in Bosnia, Kosovo, the Democratic Republic of the Congo and Afghanistan.

Detecting and investigating crime also leads to an area of police work that has received much scholarly attention: the procedures and decisions involved with invoking the law. According to Bittner (1970), powers of arrest and detention mean that police effectively have a greater freedom in proceeding against offenders than any other public officials; police determine the 'outer perimeter of law enforcement', and determine what the business of prosecutors and judges will be. The justice system is designed to deal with offenders, but the justice system can do nothing with an individual until they have been classified as an offender. Here the police have a clear role: after a crime has been committed, the police must investigate it, gather evidence against a suspect, and then prepare a case and bring the suspect before court (Edwards 2005). The criminal justice system cannot operate without police supplying both suspects and evidence against them. In order that they may perform these tasks, police are granted the power to arrest, detain, and question (interrogate) suspects. This is an area in which the EU police institutions and Member States' law enforcement agencies cooperate: whilst EU institutions such as Europol do not themselves have powers of arrest, they facilitate the sharing of intelligence and evidence which may be used by Member States' police to make arrests. Additionally, the European Arrest Warrant is an example of EU-level policing legislation that directly relates to powers of arrest.

Order maintenance tasks

Order maintenance essentially refers to the non-arrest side of police work. The aspect of order maintenance that has received by far the most attention in academic literature is 'policing public order'. Unlike crime fighting, precisely what is meant by policing public order is unclear; Waddington (1996, 2003) points out that the phrase evokes images of riot-clad officers engaged in forceful conflict with political dissidents engaged in 'community disorders, but that this is usually far from the case. Protests and picketing are most often policed by officers in normal uniforms, with little violence and few arrests. Furthermore, eruptions of violence requiring forceful suppression by police occur in many situations, from sports matches to street carnivals. Nor can policing public order be defined by the deployment of officers on masse, because such collective police action also occurs in other circumstances, such as at civil disaster (Hills 1997). Waddington (2003, p.187) suggests that due to the ambiguity of policing public order, it is useful to focus on certain aspects, in particular 'contentious politics' when they are pursued through protest and related activity. The techniques that police may use to suppress political contention are varied, ranging from benign symbolic presence to aggressive paramilitary responses to disorder. The use of visored helmets, body armour, flame retardant overalls, shields and batons may be seen as a way to protect police from injury while engaged in work that is intrinsically dangerous. However, the increased use of firearms and low-lethality weapons such as CS sprays have contributed to accusations that police are becoming more paramilitary (Rappart 2003).

The police also perform order maintenance tasks during times of emergency, such as when large-scale accidents, terrorist attacks or natural disasters occur. Emergency management coordination tasks primarily involve working alongside

other emergency services, as different agencies will have primary responsibility for dealing with different types of emergencies; for example, the fire service for fire, or the rail board for train crashes (Edwards 2005). Few emergency situations require police only to perform coordination tasks, as major incidents often involve at least the possibility of criminal offences. Crowds may also be attracted, particularly in cities, meaning that other public order tasks may be required. The 2010 activities of European Gendarmerie Forces in Haiti demonstrate both EU policing in a paramilitary capacity and the provision of order-maintenance support in the aftermath of a major natural disaster.

The last area of order maintenance tasks for police involves facilitating the movement of vehicles and people. This is largely to ensure public safety. Traffic police usually operate in areas where there is a high volume of vehicle congestion, areas where vehicles travel at high speed, or when traffic signs and signals are not functioning. Police also observe whether people operating vehicles are doing so in a safe manner in accordance with the law, and those who fail to do so may face a caution, fines or arrest. At large public gatherings police may also monitor and facilitate the safe movement of pedestrians, whilst monitoring for any criminal behaviour or outbreaks of public disorder (Edwards 2005). Finally, police are involved with border control, including the movement of people by public or private transport between countries. These tasks have been included in the activities of EU Police missions, such as the border control assistance provided by EU police officers in Bosnia.

Service tasks

Aside from police work that is related to order maintenance, crime or arrests, police also provide service tasks to the public. According to Walker (2003), the functions of police in the modern state have come to interlock closely with other services involved in the broader project of providing for citizens' well-being. These services include, for example, health, social security, environmental protection, and utility supply. By providing twenty-four-hour, seven day-a-week availability as well as legal coercion, police have the authority and presence to reinforce such services. This is because police can be pro-active players in terms of planning and coordination in both the local and central administration of these other services. Walker (2003) points out that 'in this sense, policing has both shaped and been shaped by broader framework of multi-functional, co-ordinated regulatory activity we call government and the general container of government power we call the state' (p.113).

Police provide a number of other day-to-day services to the public. These include providing directions, general information and advice, and even helping with the cleanliness of communities. Punch and Naylor (1973) point out that after specific emergency services (fire, ambulance, coast guard and so on) the police are often left to deal with other matters, and could be described as the only twenty-four-hour, fully mobile, social service. In a study of public expectations of police, Punch and Naylor found that a great many people felt that they could contact the police when they needed help from an authoritative source, and there was no-one else available; often calls to police are made when even the caller realises that the reasons are not strictly police business (Edwards 2005). Many of the EU civilian missions include the training of indigenous police forces in performing day-to-day service tasks. Additionally, the public awareness campaigns run as part of the Police Missions to

Bosnia and Kosovo provide services by educating the young and raising awareness of the range of day-to-day support that police offer to the public.

Transnational dimensions of policing

The last area of police work that needs to be outlined here is 'transnational policing'. Walker (2003) suggests that the term 'transnational' is preferable to 'international'. This is because not all policing beyond the state can be reduced to cooperation between actors whose main reference point is their state of origin; some policing involves networks which are relatively autonomous of their states of origin, and instead owe authority and allegiance to non-state polities or political communities (Walker 2003). The primary examples of this are to be found in EU-level policing.

Cooperation at various levels between police agencies of different states has expanded as international security concerns have increased. The main area in which this cooperation takes place is intelligence-sharing, which is often an important part of states' attempts to deal with cross-border crime such as drug-trafficking or terrorism. The EU offers a particularly far-reaching example of transnational policing, which has developed significantly over the last few decades. Earlier examples of EU policing include the Schengen Information System; a computerised database designed to facilitate the exchange of information and intelligence among European police agencies, as well as operational measures such as pursuit across borders, cross-border observation and controlled delivery of illegal substances (Den Boer 2000). Police cooperation was formally integrated into the supranational structure of the EU in the 1992 Maastricht Treaty, which also established the legal basis for Europol. Europol is a central organisation in a network of relationships with national units in each EU member state, and is used to supply national units with criminal intelligence and

analysis. Additionally, Europol receives information from the national units on issues relating to certain forms of transnational crime. The EU supported this by introducing an integrated policy structure and supporting legislative measures in criminal justice cooperation (Walker 2003), and by the time Europol was fully operational its extended remit covered all crimes with an organised criminal structure. Another significant development in EU-level policing was the European Arrest Warrant (EAW) which came into force in January 2004, which was designed to replace extradition proceedings between EU Member States, and so speed up and remove obstructing political dimensions in the transfer of criminal suspects and fugitives.

Criteria for assessing police comprehensiveness

The following section will explain how the functions of police may be reduced to three analytical criteria without sacrificing the details and quality contained in the full ideal set. Firstly, each of the police tasks that have been outlined in this chapter may be identified with a function from the set. Each of these functions may in turn be grouped under three broad criteria for assessing comprehensiveness: crime fighting, order maintenance, and service. Some functions may fit more than one criterion, but the tasks within that function will be different in each criterion's case. This will be demonstrated and explained in further detail below. The way in which the criteria relate to police functions and tasks can be explained most clearly by considering each one in turn; the following is a list of police functions grouped with each criterion, and a brief summary of the tasks associated with each based on the more detailed descriptions already given in this paper.

1 – Crime fighting

Function: To prevent and control conduct widely recognized as threatening to life and property (serious crime).

Tasks: This involves all police tasks related to the prevention or reduction of all types of crime, the detection and investigation of crimes that have been committed, and the apprehension, detention, and charging of suspects.

Function: To resolve conflict, whether it be between individuals, groups of individuals, or individuals and their government.

Tasks: Relates to crime-fighting when conflicts involve illegal activity, such as violence, the threat of violence, or causing serious or dangerous public disorder.

Function: To identify problems that have the potential for becoming more serious problems for the individual citizen, for the police, or for the government.

Tasks: This involves gathering and analysing information and intelligence related to what crimes have been, or are likely to be, committed, by whom, how and why.

2 – Order maintenance

Function: To prevent and control conduct widely recognized as threatening to life and property (serious crime).

Tasks: Negotiation management and policing public order at protests and marches, as well as other types of public gatherings such as sports matches, carnivals and so on.

Function: To aid individuals who are in danger of physical harm, such as the victims of violent attack.

Tasks: To coordinate and work alongside other emergency services during times of emergency, such as when large-scale accidents, terrorist attacks or natural disasters occur.

Function: To facilitate the movement of people and vehicles.

Tasks: To ensure public safety in areas where there is a high volume of vehicle congestion, areas where vehicles travel at high speed, or when traffic signs and signals are not functioning. To observe whether people operating vehicles are doing so in a safe manner and in accordance with the law. To monitor and facilitate the safe movement of pedestrians at large gatherings. This also includes police tasks relating to border control.

Function: To assist those who cannot care for themselves, the intoxicated, the addicted, the mentally ill, the physically disabled, the old, and the young.

Tasks: To detain or get help for those who may present a danger to themselves or others, and to take appropriate subsequent action, such as offering advice, referring an individual to a specialist, or charging an individual if the law has been broken.

Function: To resolve conflict, whether it be between individuals, groups of individuals, or individuals and their government.

Tasks: To negotiate, take actions to 'keep the peace' when serious conflict occurs between individuals, and to perform negotiation management and public order policing tasks when conflicts between large groups or groups and their government occur.

Function: To create and maintain a feeling of security in communities.

Tasks: In accordance with the 'reassurance agenda' police should create a sense of security in society through the symbolic presence of police, as well as making efforts to convince the public that they are beating crime and protecting them from criminals.

3 - Service

Functions: To aid individuals who are in danger of physical harm, such as the victims of violent attack. *Also*, to assist those who cannot care for themselves, the intoxicated, the addicted, the mentally ill, the physically disabled, the old, and the young.

Tasks: These tasks relate to providing for citizens' well-being. Police should assist those who have been physically harmed, or are in danger of harm, and coordinate with other specialists and emergency services for the protection of citizens. Police are often expected to provide 24-hour, seven day-a-week availability to help with citizens' general needs. Additionally, the notion of police assisting those who need help may also be extended to include service tasks such as the provision of directions, general information and advice. Police service tasks may also include planning and coordination involvement with health, social security, environmental protection, and utility supply.

Function: To protect constitutional guarantees, such as the right of free speech and assembly.

Tasks: To advise and assist citizens planning to hold lawful public protests, gatherings, or other events.

For the purposes of this research, if police perform tasks that can be identified as belonging to a particular function, and those tasks are performed to a similar depth and quality as would be expected of comparable domestic or international police, then that function may be considered fulfilled. Each criterion for comprehensiveness may be considered to be fully met only if all of the functions that comprise them are fulfilled. The foundational 'roles' of policing may also be related to these criteria. Police roles are very broad in nature, and as such may be applied in some way to a large percentage of police functions and tasks. For this reason, the extent to which police fulfil the essential roles of policing may be judged by the extent to which they meet all three criteria for comprehensiveness.

Police comprehensiveness is to be measured both in terms of quantity; that is, the number of roles, functions, and tasks that occur in EU-level policing, and quality; that is, the depth of the function or task that is carried out. This is because quantity alone may not be a sufficient basis to claim that the EU is a comprehensive and credible police actor. Rather, the criteria for police comprehensiveness must be met at a similar level to that which would be expected of comparable domestic or international police forces undertaking the functions and tasks in question. Furthermore, the criteria for comprehensiveness are not 'absolute', 'all-or-nothing' criteria. As with actorness, police comprehensiveness may be fulfilled in certain areas. For example, case studies may indicate that EU-level policing clearly fulfils all of the functions relating to order maintenance, but only some of those relating to crime fighting. In this case, EU-level policing may be considered comprehensive in the area of order maintenance, but partial in the area of crime fighting. Additionally, specific police activities or examples of policing (such as may be used for case studies when applying this framework) would not be expected to include evidence for all three

criteria for comprehensiveness. A study of Europol, for instance, would be likely to provide evidence of crime fighting functions, but not of service functions. As will be discussed later in this paper, a number of case studies will be required to present a meaningful analysis of the EU as a comprehensive police actor.

Theoretical Framework for Research

In order to assess the EU as a comprehensive police actor, it is necessary to produce a framework capable of measuring both actorness *and* police comprehensiveness. Furthermore, the approach used should produce an assessment of the relationship between comprehensiveness and actorness, as well as the linkage between each of the criteria to be used. This will be achieved by combining Jupille and Casporaso’s criteria for actorness and the criteria for police comprehensiveness presented in this chapter into a single integrated framework. This may be illustrated in the form of a matrix, as shown in table 1 below:

Table 1 Framework for assessing police comprehensiveness and actorness

	Recognition	Authority	Autonomy	Cohesion
Crime fighting				
Order maintenance				
Service				

When applying this framework to research, police comprehensiveness should be assessed first. Once the extent to which the criteria for comprehensiveness are met has

been established, each one must then be measured against the criteria for actorness. This integrated approach forms an interrelated hypothesis; this means that to provide a complete analysis, all elements of the framework must be considered together and in relation to each other. This approach offers several advantages: firstly, by systematically looking at the linkage between each element of police comprehensiveness and actorness and then considering the overall relationship between them, a highly nuanced analysis may be produced. This will be useful for providing a detailed and insightful answer to the question of whether the EU can be considered a comprehensive police actor. Secondly, it offers an effective way to compare and link case studies. The aspects of comprehensiveness and actorness that different areas of EU policing meet or fail to meet can be identified, and then measured alongside each other. This will be important for producing an accurate overall assessment of the EU as a comprehensive police actor. Finally, the broad nature of the framework lends itself to being adaptable for this type of research. For a topic as multi-faceted as EU policing this is advantageous, as diverse aspects of policing can be meaningfully examined and compared within the same analytical parameters.

Case studies will be highly useful for assessing whether the criteria for police comprehensiveness and actorness are fulfilled EU-level policing. According to Yin (2003), case studies often 'contribute to our knowledge of individual, group, organisational, social, political, and related phenomena', and that 'the case study method allows investigators to retain the holistic and meaningful characteristics of real-life events - such as individual life cycles, organizational and managerial processes, neighbourhood change, international relations, and the maturation of industries' (Yin, 2003, pp.1-2). A study of EU policing, including its activities, organisation, and functional processes is clearly well suited to this kind of approach.

Potential case studies range from broad examples of EU-policing, such as Europol or any of the Police Missions, through to narrower, more specific cases, such as the European Arrest Warrant. However, the cases selected must be substantial enough to meaningfully incorporate a study of recognition, authority, autonomy, and cohesion. It should also be demonstrated that the case studies chosen are representative or indicative of EU policing as a whole in order to assure that the findings are generalisable.

Conclusion

This paper has identified the absence of an in-depth, systematic study of EU-level policing as a significant gap in the literature; scholars have tended to focus on narrow aspects of EU police activity, or on either the internal or external dimensions. Filling this gap is vital for understanding the contribution of police to the EU's security agenda, which is important as police have increasingly become part of EU security policy-making since 9/11. The framework presented here offers a systematic way to approach the examination of the EU as a comprehensive police actor. Empirical research is to be undertaken to determine in which areas and to what extent EU-level policing incorporates the range of functions, roles, and tasks that constitute comprehensive policing. EU-level policing must also be explored in terms of actorness; in this way it will be possible to examine the relationship and linkage between the EU's police comprehensiveness and its security actorness. This framework can therefore offer valuable insights into the role of police in the EU's ambitions as a comprehensive security provider and a credible global security actor.

References

- Alderson, J. (1979) *Policing Freedom* (Plymouth: Macdonald & Evans).
- Bittner, E. (1970) *The Functions of Police in Modern Society* (Washington DC: National Institute of Mental Health).
- Bittner, E. (1990) *Aspects of Police Work* (Boston, Massachusetts: Northeastern University Press).
- Bretherton, C. and Vogler, J. (1999) *The European Union as a Global Actor* (London: Routledge).
- Brown, D. and Shepherd, A. (2007) *The Security Dimensions of EU Enlargement – Wider Europe, Weaker Europe?* (Manchester: Manchester University Press).
- Bures, B. (2008) 'Europol's fledgling counter-terrorism role', *Terrorism and Political Violence* 20, 498-517.
- Burns, R. (2000) *Introduction to Research Methods* (London: Sage).
- Byrne, S. and Pease, K. (2003) 'Crime Reduction and Community Safety' in Newburn, T. (ed.) *Handbook of Policing* (Devon: Willan Publishing).
- Celador, G. (2009) *The European Union Police Mission: The Beginning of a New Future for Bosnia and Herzegovina?* (Barcelona: IBEI).
- Clarke, R. V. (1997) *Situational Crime Prevention: Successful Case Studies*, 2nd edn (New York, NY: Harrow & Heston).
- Crawford, A. (2003) 'The Pattern of Policing in the UK: Policing Beyond the Police' in Newburn T. (ed.) *Handbook of Policing* (Devon: Willan Publishing).
- Den Boer, M. (2000) 'The incorporation of Shengen into TEU: a bridge too far?' in Monar, J. and Wessels, W. (eds) *The Treaty of Amsterdam: Challenges and Opportunities for the European Union* (London: Cessels), pp. 296-318.

- Den Boer, M., Hillebrand, C. and Nölke, A. (2008) 'Legitimacy under pressure: the European web of counter-terrorism networks', *Journal of Common Market Studies* 46, no.1, 101-124.
- Edwards, C. (2005) *Changing Police Theories* (Sydney: The Federation Press).
- Ericson, R. (1982) *Reproducing Order: A Study of Police Patrol Work* (Toronto: University of Toronto Press).
- Ericson, R.V. and Shearing, C.D. (1986) 'The Scientification of Police Work' in Böhme, G. and Stehr, N. (eds.) *The Knowledge Society: The Growing Impact of Scientific Knowledge on Social Relations* (Dordrecht: Reidel).
- Follett, M. (2006) 'Crime Reduction', in McLaughlin, E. and Muncie, J. (eds) *The Sage Dictionary of Criminology* (London: Sage).
- Goldstein, H. (1977) *Policing a Free Society* (Cambridge, Massachusetts: Ballinger).
- Hills, A. (1997) 'Care and control: The role of UK police in extreme circumstances', *Policing and Society* 7, No. 3, 177-90.
- Hills, A. (2009) *Policing Post-Conflict Cities* (New York: Zed Books).
- Hughes, G. (2008) 'Crime Reduction' in Newburn, T. and Neyroud, P. *Dictionary of Policing* (Devon: Willan Publishing).
- Hughes, G. (2008) 'Community safety' in Newburn, T. and Neyroud, P. *Dictionary of Policing* (Devon: Willan Publishing).
- Jason-Lloyd, L. (2008) 'Arrest' in Newburn, T. and Neyroud, P. *Dictionary of Policing* (Devon: Willan Publishing).
- Jupille, J. and Caporaso, A. (1998) 'States, Agency, and Rules: The European Union in Global Environmental Politics' in Rhodes, C. *The European Union in the World Community* (Colorado: Lynne Rienner Publishers, Inc.).

- Kaunert, C (2010), 'Europol and EU counter-terrorism: international security actorness in the external dimension ', *Studies in Conflict and Terrorism* 33, No. 7, 1-34.
- Klockars, C. (1985) *The Idea of Police* (Beverly Hills: Sage).
- Leishman, F., Loveday, B., Savage, S. (1996) *Core Issues in Policing* (Essex: Longman Group).
- Maguire, M. (2003) 'Criminal Investigation and crime control' in Newburn, T. (ed.) *Handbook of Policing* (Devon: Willan Publishing).
- Mawby, R. C. and Wright, A. (2003) 'The police organisation' in Newburn, T. (ed.) *Handbook of Policing* (Devon: Willan Publishing).
- Matassa, M. and Newburn, T. (2003) 'Policing and Terrorism' in Newburn, T. (ed.) *Handbook of Policing* (Devon: Willan Publishing).
- McConville, M., Sanders, A. and Leng, R. (1991) *The Case for the Prosecution* (London: Routledge).
- Merle, M. (1987) *The Sociology of International Relations* (Leamington Spa: Berg).
- Mounier, G. (2008) 'European Police Missions: From Security Sector Reform to Externalisation of Internal Security Beyond the Borders', *HUMSEC Journal* 1, No. 1, 47-64.
- Nogala, D. (1995) 'The Future Role of Technology in Policing' in J. P. Brodeur (ed.) *Comparisons in Policing: An International Perspective* (Aldershot: Avebury).
- Punch, M. and Naylor, T. (1973) 'The police: a social service', *New Society* 24, 358-61.
- Rappart, B. (2003) *Non-lethal weapons as Legitimizing Forces? Technology, Politics and the Management of Conflict* (London: Frank Cass).

- Rappart, B. (2008) 'Force, Police Use of' in Newburn, T. and Neyroud, P. *Dictionary of Policing* (Devon: Willan Publishing).
- Reiner, R. (2000) *The Politics of Police*, 3rd edn (Oxford: Oxford University Press).
- Sanders, A. and Young, R. (2002) 'From suspect to trial' in M. Maguire *et al.* (eds) *The Oxford Handbook of Criminology*, 3rd edn (Oxford: Oxford University Press).
- Sjöstedt, G. (1977) *The External Role of the European Community* (Farnborough: Saxon House).
- Tilley, N. (2008) 'Intelligence-led policing' in Newburn, T. and Neyroud, P. *Dictionary of Policing* (Devon: Willan Publishing).
- Tilley, N. (2008) 'Community policing' in Newburn, T. and Neyroud, P. *Dictionary of Policing* (Devon: Willan Publishing).
- Trojanwicz, R. and Bucqueroux, B. (1990) *Community Policing: A Contemporary Perspective* (Cincinnati, Ohio: Anderson).
- Waddington, P. (1996) 'Public order policing: citizenship and moral ambiguity' in Leishman, F., Loveday, B. and Savage, S. (eds) *Core Issues in Policing* (Essex: Longman Group).
- Waddington, P. (1999) *Policing Citizens: Authority and Rights* (London: UCL Press).
- Waddington, P. (2008) 'Paramilitary policing' in Newburn, T. and Neyroud, P. *Dictionary of Policing* (Devon: Willan Publishing).
- Walker, N. (2003) 'The pattern of transnational policing' in Newburn, T. (ed.) *Handbook of Policing* (Devon: Willan Publishing).
- Walsh, J. (2006) 'Intelligence-sharing in the European Union: institutions are not enough' *Journal of Common Market Studies* 44, No.3, 625-43.
- Yin, R. (2003) *Case Study Research* (USA: Sage).