“IT’S A DIFFICULT DISCUSSION”:
INTERNATIONAL POLICE AND JUDICIAL COOPERATION
AIMED AT COMBATING SERIOUS TRANSNATIONAL
ORGANIZED CRIME IN THE CROSS-BORDER MEUSE–RHINE
EUREGION OF BELGIUM, THE NETHERLANDS, AND GERMANY

by
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Dissertation Submitted in Partial Fulfillment of the
Requirements for the Degree of
Doctor of Philosophy

in the
School of Criminology
Faculty of Arts and Social Sciences

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SIMON FRASER UNIVERSITY
Summer 2015

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Approval

Name: Tamie Helana Fennig
Degree: Doctor of Philosophy (Criminology)
Title: “It’s a Difficult Discussion”: International Police and Judicial Cooperation Aimed at Combating Serious Transnational Organized Crime in the Cross-Border Meuse–Rhine Euregion of Belgium, The Netherlands, and Germany

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Date Defended/Approved: Thursday July 23rd, 2015
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or

b. advance approval of the animal care protocol from the University Animal Care Committee of Simon Fraser University;

or has conducted the research

c. as a co-investigator, collaborator or research assistant in a research project approved in advance,

or

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Abstract

Globalization presents an important opportunity for police and justice officials around the world to cooperate with one another to bring offenders of serious transnational organized crime to justice. Numerous trends and developments are emerging in Europe—especially in the cross-border Meuse–Rhine Euregion, where the three countries of Belgium, The Netherlands, and Germany meet. Indeed, the police and justice officials of the Meuse–Rhine Euregion are acknowledged as the “pioneers” of routine cross-border police and judicial cooperation, and due to various factors, their work is arguably among the most long-standing, advanced, and intense in the world. Despite an expanding legal framework, however, operational problems still arise in practice. Therefore, one question becomes: how may international police and judicial cooperation in the Meuse–Rhine Euregion be improved? The Meuse–Rhine Euregion frames this multi-site case study, which uses the Organizational Behavior (OB) approach to examine the state-of-the-art. Specifically, the analysis of scholarly literature, international law, and in-depth personal interviews with 44 English-speaking police detectives, senior police commanders, prosecutors, and examining magistrates from 21 organizations across the three countries in this Euregion provides the data to answer this study’s four main research questions, namely: (1) What is the status quo with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?; (2) How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice, according to police and justice officials?; (3) What variables affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?; and (4) How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion be improved? The findings of this study may help improve international police and judicial cooperation in the Meuse–Rhine Euregion, and inspire similar cooperative efforts around the world.

Keywords: International police and judicial cooperation; serious transnational organized crime; mutual legal assistance; organizational behavior; organizational dynamics; cross-border; Meuse–Rhine Euregion
Executive Summary


Research Perspective: Qualitative.

Research Type: Multi-site case study of 21 police and justice organizations in the Meuse–Rhine Euregion.

Research Design:

<table>
<thead>
<tr>
<th>Research Questions</th>
<th>Data Collected</th>
<th>Data Analyses</th>
</tr>
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<tbody>
<tr>
<td>1.) What is the status quo with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?</td>
<td>Past research studies and discussion papers</td>
<td>Literature Review</td>
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<td>Treaties, conventions, etc.</td>
<td>Legal Analysis</td>
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<td>Multi-site case study consisting of in-depth personal interviews with police officers, prosecutors, and examining magistrates</td>
<td>Comparative Analysis</td>
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<td>Cross-Sectional Analysis</td>
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<td>Qualitative Analysis of Interview Data</td>
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<td>2.) How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice, according to police and justice officials?</td>
<td>Multi-site case study consisting of in-depth personal interviews with police officers, prosecutors, and examining magistrates</td>
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<td>Flow Charts</td>
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<td>3.) What variables affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?</td>
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<td>Qualitative Analysis of Interview Data</td>
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<td>4.) How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion be improved?</td>
<td>Multi-site case study consisting of in-depth personal interviews with police officers, prosecutors, and examining magistrates</td>
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<td>All gathered data</td>
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<td>Holistic Qualitative Analysis</td>
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</table>

Research Purpose: To determine how to improve international police and judicial cooperation in the Meuse–Rhine Euregion, so as to increase justice and decrease the opportunity for offenders to commit serious transnational organized crime.

Data Collection Instrument: A list of questions guided the in-depth personal interviews.
### Data Sources:

<table>
<thead>
<tr>
<th>City</th>
<th>Agency</th>
<th>Primary Language Spoken</th>
<th>English-Speaking Interviewees</th>
<th>Senior Police Commanders</th>
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Totals: 44
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<tr>
<th>#</th>
<th>Research Question</th>
<th>Main Findings</th>
<th>So what? (i.e., What is the contribution to knowledge?)</th>
<th>Thesis Statement</th>
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<tbody>
<tr>
<td>1</td>
<td>What is the <em>status quo</em> with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?</td>
<td>The evolution of international police and judicial cooperation in the Meuse–Rhine Euregion is a “long story,” as evidenced by an extensive legal framework and the establishment of a number of structures/institutions designed to help regulate and facilitate the enterprise.</td>
<td>• <em>Confirms</em> the literature (see Spapens, 2010; Van Daele &amp; Vangeebeken, 2009; Van Daele 2010). • <em>Extends</em> the literature</td>
<td>Despite the huge advancements that have been made in the area of international police and judicial cooperation in the Meuse–Rhine Euregion, the interview data suggest that there is still room for improvement, and efforts in this regard should continue.</td>
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<td>There were widely varying perceptions among the interviewees regarding the <em>status quo</em> of international police and judicial cooperation in the Meuse–Rhine Euregion, with response statements ranging from “Very advanced” to “Not satisfactory.”</td>
<td>• <em>Extends</em> the literature</td>
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<td>In sum, most of the interviewees responded to Research Question #3 by stating either that: (1) “Huge improvements have been made in the area of international police and judicial cooperation in the Meuse–Rhine Euregion,” or (2) “The <em>status quo</em> is good, but there is room for improvement and we must keep improving.”</td>
<td>• <em>Confirms</em> the literature (in general) (see Chapters 2 and 3)</td>
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<td>2</td>
<td>How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice, according to police and justice officials?</td>
<td>The process of international police and judicial cooperation in the Meuse–Rhine Euregion proceeds in a sequential step-by-step manner, with one or more variables influencing each step. The most common choice for operational execution in international police and judicial cooperation in the Meuse–Rhine Euregion is the “long/hard way” of mutual legal assistance, which is also the most problem-prone, difficult, and time-consuming option. The “Masters in Cooperation” reported using the “fast tracks” in international cooperation, which are open to them at key points in the cooperation process.</td>
<td>• <em>Extends</em> the literature</td>
<td><em>The practical process of international police and judicial cooperation proceeds in a sequential, step-by-step manner, with one or more variables influencing each step, and with the “fast channels” remaining open to the “Masters in Cooperation” at the key points in the process of cooperation.</em></td>
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<tr>
<td>#</td>
<td>Research Question</td>
<td>Main Findings</td>
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- **Extends** the literature  
- **Extends** the literature | (See above)                      |

The hindering variables have the capacity to complicate and stop international police and judicial cooperation, even despite legal obligations for the signatory countries to cooperate!
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<th>#</th>
<th>Research Question</th>
<th>Main Findings</th>
<th>So what? (i.e., What is the contribution to knowledge?)</th>
<th>Thesis Statement</th>
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<tbody>
<tr>
<td>4</td>
<td>How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion be improved?</td>
<td>With respect to improving the process of cooperation, the data clearly show that the police and justice officials can control many of the influential variables themselves.</td>
<td><strong>Confirms</strong> the literature (contingency theory) (see Dandurand et al., 2007:288; Das &amp; Kratcoski, 1999:225–227; Hufnagel, 2009:2; Indik, 1968:56–57 as cited in Roberg, 1979:37; Luthans, 1985:561; Milton, 1981:11; More et al., 2006:13, 372–375; Roberg, 1979:vii, 15, 23, 43; Rollinson &amp; Broadfield, 2002:20; Roth, 2005:240; Sims, 2002:8; Swanson et al., 2008:208; Vermeulen et al., 2005:11; Williams, 2001:58).</td>
<td>The process of international police and judicial cooperation in the Meuse–Rhine Euregion can be improved by recognizing international cooperation as a specialty job, and accordingly allocating such work to the qualified specialists, so as to control the micro-level variables that influence the process of cooperation.</td>
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<td>With respect to discussions on advancing international cooperation, remarkably, the data revealed that some of the Belgian and German police and justice officials engage in the psychological game of “Yes, but…” with their Dutch counterparts to halt the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion.</td>
<td><strong>Extends</strong> the literature</td>
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<td><strong>Extends</strong> the literature</td>
<td>There is currently a power struggle between the police and justice officials of the countries in this Euregion with respect to the ownership/ control of any new entities/structures that may be built to further advance cooperation. The tri-national power struggle can be surmounted by ensuring equality between the stakeholders going forward (i.e., designing and implementing an equal/fair structure for international police and judicial cooperation).</td>
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Recommendations for Policy/Practice:

**Option A: The Comprehensive Approach**

Implement:
- Action Plan #1 of 3, to control the variables that influence the process of international police and judicial cooperation (see Appendix J)
- Action Plan #2 of 3, to advance the enterprise of international police and judicial cooperation by overcoming the psychological games contributing to the current deadlock (see Appendix O)
- Action Plan #3 of 3—the “New and Improved Proposed Model for the Governance of International Police and Judicial Cooperation in the Meuse–Rhine Euregion”—to establish fairness/equality between the three countries (see Appendix P)

**Option B: The Minimalist Approach**

In the event that “Option A” is too overwhelming, the police and justice officials in the Meuse–Rhine Euregion can proceed by focusing on the implementation of the key points from each action plan, as follows:

- Action Plan #1 of 3 (see Appendix J)
  - involve specialists in international police and judicial cooperation, so as to control the variables that are currently hindering the process;
  - speak the common/neutral English language at all the Euregional meetings to equalize power and minimize the strong-arming and antagonizing cultural conflict that is caused by choosing one of the three Euregional languages;
  - invite/involve all of the key stakeholder organizations in the Strategic Steering Committee;
  - the Dutch should dedicate police manpower that is exempt from the Dutch “Weigh Commission” and “Target Agreements”;
  - the Dutch “Target Agreements” should be revised to take into account and reward international cooperation efforts, or better yet, abandoned entirely in favor of progressive police performance measurement tools.

- Action Plan #2 of 3 (see Appendix O)
  - stop the psychological game playing;
  - write/submit funding proposals for large-scale improvements in international police and judicial cooperation in the Meuse–Rhine Euregion.

- Action Plan #3 of 3 (see Appendix P)
  - invite/involve all of the key stakeholder organizations to participate in the Strategic Steering Committee;
  - establish three Integrated Euregional Police Investigation Teams;
  - establish the interoperability of the national police databases by virtue of a tri-lateral treaty.

**Option C: Government-Imposed Changes**

If organizational change is difficult to achieve, then the police and justice officials in the Meuse–Rhine Euregion may have to wait for a major catastrophe, such as a terrorist attack, to underscore the shortcomings of the present system, so the government can impose top-down changes. Hopefully, a major catastrophe will not happen, and the officials will implement either Option A or B, proactively.
**Option D:**

**Maintaining the Status Quo**

This option is not recommended. Considering the overwhelming amount of data revealing the specific problems in international cooperation in the Meuse–Rhine Euregion, as well as the specific solutions, the researcher believes that it would not be helpful for the police and justice officials in the Meuse–Rhine Euregion to take no action. Moreover, maintaining the status quo would probably jeopardize both officer safety and public safety, and allow serious transnational organized crime to flourish.

**Future Research Directions:** The top three topics in most pressing need of research are: (1) quantitatively determining the extent of serious transnational organized crime in the Meuse–Rhine Euregion; (2) qualitatively examining integrated cross-border police teams around the world; and (3) qualitatively examining the Canadian/American “Integrated Border Enforcement Teams” (IBETs).

**Conclusion:** This research undertaking has been very valuable in that it has extended both the international police and judicial cooperation literature, and the organizational behavior literature, by revealing many of the precise variables that: (1) facilitate/hinder the process of international police and judicial cooperation in the Meuse–Rhine Euregion; and (2) cause deadlock in the advancement of the enterprise. The researcher is confident that the system of international police and judicial cooperation in the Meuse–Rhine Euregion would be improved through the implementation of the evidence-based recommendations set forth in this dissertation.
I dedicate this dissertation to the police officers, public prosecutors, and examining magistrates of the Meuse–Rhine Euregion who are involved in international police and judicial cooperation aimed at combating serious transnational organized crime.

～

“Never, never, never give up.”
~ Winston Churchill

～

“Education is the most powerful weapon which you can use to change the world.”
~ Nelson Mandela
Acknowledgements

I look back in utter awe, sheer amazement, and with utmost gratitude, when I consider the chain of events, and the many “stars” that had to align in both time and space, for me to complete this challenging dissertation. Indeed, an amazing international team spanning four countries played a critical role in making this dissertation possible. I present my sincere thanks below.

I owe overwhelming gratitude to my senior supervisor, Dr. Curt Griffiths, who has been a mentor to me for over 15 years, and has positively influenced my life in far-reaching and immeasurable ways. He has helped me see a world of possibilities—lighting the way like the brightest beacon. He has also challenged me to explore my potential and grow. I am forever thankful to him for taking me “under his wing” and helping me to become an international criminal justice researcher—like him.

I express profound appreciation to the members of my supervisory committee: Dr. Bill Glackman and Prof. Neil Boyd. They supported me throughout the completion of my dissertation, and provided me with very insightful feedback. I am especially thankful to them for believing in the value of this international research study, and for believing in my ability to complete this work.

I am also very thankful to Dr. Robert Gordon and Dr. Simon Verdun-Jones for all of their guidance, support, and inspiration over many years. Many thanks also go to Dr. Brian Burtch, Dr. Margaret Jackson, and Dr. Martin Bouchard for their kind support throughout this journey.

I warmly thank the staff at SFU's Interlibrary Loans department. They helped me obtain numerous publications from around the world, which informed the literature review.

I am very thankful to the scholars who wrote before me, because their work played a key role in helping to set the foundation for the present study. Although I have not yet had the honour of meeting them in person, I especially wish to extend my thanks to: (1) Professor Dr. Cyrille Fijnaut, for his prolific work on the subject of international police and judicial cooperation; (2) (retired) Professor John Benyon of the University of Leicester, for his ground-breaking research on police cooperation in Europe; (3) Dr. Michael Chatterton, for graciously identifying critical areas in need of further research in his publications; and (4) Distinguished Professor Dr. Fred Luthans of the University of Nebraska–Lincoln, for his elegant explanations of the otherwise elusive subjects of Organizational Theory and Organizational Behavior.

Very special thanks go to my European contacts, all of whom helped make this research study possible, especially Mr. Wim van de Ven, Mrs. Nathalie Wiegers, and Mr. Peter Meertens of The Netherlands, for their invaluable assistance with the planning and coordination associated with my month-long visit to the Meuse–Rhine Euregion in the spring of 2010 for the purpose of conducting in-person interviews with police and justice officials in Belgium, The Netherlands, and Germany.
I owe profound gratitude to all the police officers, prosecutors, and examining magistrates who participated in this research study. I found them all to be welcoming, kind, benevolent, inspirational, and very modest. It was a pleasure to speak with them, see their passion for international police and judicial cooperation, hear about their numerous creative ideas/projects/plans, and study their system of international cooperation. I am also very thankful to the many interviewees who very graciously continued to provide their support from afar, by kindly and thoroughly answering my follow-up questions via e-mail, telephone, and Skype video calls, and cheerfully encouraging me all the way. I sincerely hope that my research findings and recommendations help improve international police and judicial cooperation in their Euregion.

Finally, I am deeply thankful to my family, close friends, and professional mentors for their support and encouragement throughout this long and challenging “rock-climb” of a journey up so-called “Mount Dissertation.” It’s finally done!

Tamie* Helana Fennig
Burnaby, British Columbia, Canada

*Note: The author’s first name, “Tamie,” is pronounced “tah-MEE”—exactly the same way that it is pronounced in the French song after which the author was named. Readers interested in hearing the pronunciation of the author’s first name can listen to the French version of the song “Tamy” by Manuel Menengichian, available on www.youtube.com.
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8.1.1.1.2. A Decreasing Culture Gap

8.1.1.1.3. Different Cultures

8.1.1.2. Beliefs

8.1.1.3. Values

8.1.1.4. Attitudes

8.1.1.4.1. Fun/Passion/Enjoyment

8.1.1.4.2. Goodwill

8.1.1.4.3. Optimism: Looking for Solutions

8.1.1.4.4. “There are no problems with attitude”

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8.1.1.5.1. Humorous and Fun-Loving Personalities

8.1.1.5.2. Passionate Personalities

8.1.1.5.3. Supportive Personalities

8.1.1.5.4. Courteous and Respectful Personalities

8.1.1.5.5. Open-Minded Personalities

8.1.1.5.6. Fearful / Timid Personality Due to Limited Language Skills

8.1.1.5.7. Unhelpful / Disengaged / Indifferent Personalities

8.1.1.5.8. Problematic / Obstructionist Personalities

8.1.1.5.9. “Personality does not always matter”

8.1.1.6. Perceptions

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8.1.1.7.1. “To make society a safer place”

8.1.1.7.2. The Need for Information—“Give and Take”
### 8.1.1.8. Training

8.1.1.8.1. Police Training for International Cooperation

- No Common Training/Expertise Centre
- One-Day Courses
- Advertising EPICC as a Tool
- Tactical Training
- Sharing Best Practices in the NeBeDeAgPol Working Groups

Special Tools: The CD-ROM Glossary and the *Vademecum*

“Most of us learn by doing”

8.1.1.8.2. Prosecutor Training for International Cooperation

- Self-Education, Networks, Seminars, and Intranet Sites
- Annual Training Co-Hosted by the BES and a Dutch Law Professor

### 8.1.2. Inductive Variables

8.1.2.1. Recruitment

- Management Asks for Volunteers

8.1.2.2. Knowledge/Expertise

- Expertise in the Process of International Cooperation
- Knowledge about What Can Be Expected from Different Countries
- Knowledge of the Organizational Structures in Different Countries
- Knowledge of the Organizational Systems in Different Countries
- Example #1: Different Vehicle Registration Systems
- Example #2: The Overtime Policy of the Dutch Police
- Knowledge of the Resources Available for International Cooperation
- Knowing Each Other

8.1.2.2.2. Lack of Knowledge Regarding the Possibilities for International Cooperation

### 8.1.3. Experience

### 8.1.4. Speed / Time

- Quick Execution
- Slow Execution

### 8.1.5. Specialists

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8.2.1. Deductive Variables

8.2.1.1. Trust

- How Trust is Built Among Cross-Border Colleagues
- Getting to Know One Another
- Meetings
- Working on Cases Together
- Seminar Days
- Teambuilding Exercises
- Friendship / Informal Contacts
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<th>Description</th>
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<tr>
<td>BES</td>
<td>Bureau voor Euregionale Samenwerking (Bureau for Euregional Cooperation)</td>
</tr>
<tr>
<td>BGC</td>
<td>Bureau Georganiseerde Criminaliteit (Bureau for Organized Crime)</td>
</tr>
<tr>
<td>BKA</td>
<td>Bundeskriminalamt, which is a department of the Bundespolizei (German National Police)</td>
</tr>
<tr>
<td>BOLO</td>
<td>“Be on the lookout for…”</td>
</tr>
<tr>
<td>CCP</td>
<td>German Code of Criminal Procedure</td>
</tr>
<tr>
<td>CCPD</td>
<td>Centres de Coordination Police Douanes (Police/Customs Coordination Centres)</td>
</tr>
<tr>
<td>CGI</td>
<td>Commisair Général International (Directorate of International Police Cooperation)</td>
</tr>
<tr>
<td>CGO</td>
<td>Commisair Général du Organisation (Directorate of Operational Police Information)</td>
</tr>
<tr>
<td>DGJ</td>
<td>Direction Générale Judiciaire (DGJ) (General Direction for Combating Serious Organized Crime; this is the next level up in the organization of the Federal Judicial Police in Belgium)</td>
</tr>
<tr>
<td>Dutch OT</td>
<td>Dutch “Observatie Team” (Dutch Observation Team)</td>
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<tr>
<td>EAW</td>
<td>European Arrest Warrant</td>
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<tr>
<td>EBO</td>
<td>Euregionaal Beslisgremium Opsporingen (Euregional Decision-Making Committee for Cross-Border Investigations; composed of senior prosecutors and chiefs of police from Belgium, The Netherlands, and Germany)</td>
</tr>
<tr>
<td>EEW</td>
<td>European Evidence Warrant</td>
</tr>
<tr>
<td>EJN</td>
<td>European Judicial Network</td>
</tr>
<tr>
<td>EMMI</td>
<td>Euregionale Multimedia Informatievoorziening (Euregional Multimedia Information Exchange)</td>
</tr>
<tr>
<td>EOT</td>
<td>Euregional Opsporing Team (Euregional Investigation Team)</td>
</tr>
<tr>
<td>EPICCC</td>
<td>European Police Information and Coordination Centre</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>ESLI</td>
<td>Exchange System of Legal Information</td>
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<tr>
<td>EUROJUST</td>
<td>European Judicial Cooperation Unit (Prosecutors)</td>
</tr>
<tr>
<td>EUROPOL</td>
<td>European Police Office</td>
</tr>
<tr>
<td>FBI</td>
<td>Federal Bureau of Investigation (USA)</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>GFK</td>
<td>Grenzraum-Fahndungs-Kommando (German &quot;Surveillance and Arrest Team&quot;)</td>
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<tr>
<td>IBET</td>
<td>Integrated Border Enforcement Team (Canada and the USA)</td>
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<tr>
<td>INTERPOL</td>
<td>International Criminal Police Organization</td>
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<tr>
<td>IRC</td>
<td>Integrated Border Enforcement Team (Canada and the USA)</td>
</tr>
<tr>
<td>JHA</td>
<td>Justice and Home Affairs</td>
</tr>
<tr>
<td>JHT</td>
<td>Joint Hit Team</td>
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<tr>
<td>JIT</td>
<td>Joint Investigation Team (ad hoc)</td>
</tr>
<tr>
<td>KLPD</td>
<td>Korps LandelijkePolitiediensten (National Police Services Agency of The Netherlands)</td>
</tr>
<tr>
<td>KMar</td>
<td>Koninklijke Maréchaussée (Dutch Royal Police with Military Status)</td>
</tr>
<tr>
<td>LKA</td>
<td>Landeskriminalamt</td>
</tr>
<tr>
<td>MAHNL</td>
<td>The Mayors of the key cities in the Meuse–Rhine Euregion (i.e., Maastricht, Aachen, Hasselt, Heerlen and Liège)</td>
</tr>
<tr>
<td>MLA</td>
<td>Mutual Legal Assistance</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>NeBeDeAgPol</td>
<td>Niederländisch–Belgisch–Deutsche Arbeitsgemeinschaft der Polizei (Dutch–Belgian–German Working Group of Police)</td>
</tr>
<tr>
<td>NPS</td>
<td>&quot;National Plan de Sécurité&quot; (Belgium) (National Safety Plan)</td>
</tr>
<tr>
<td>OB</td>
<td>Organizational Behavior</td>
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<tr>
<td>OD</td>
<td>Organizational Development</td>
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<tr>
<td>OLAF</td>
<td>European Anti-Fraud Office</td>
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<tr>
<td>OT</td>
<td>Organizational Theory</td>
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<tr>
<td>RCMP</td>
<td>Royal Canadian Mounted Police</td>
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<tr>
<td>RPE</td>
<td>Rival Plausible Explanation</td>
</tr>
<tr>
<td>SGBO</td>
<td>Staf Grootschalig Bijzonder Optreden (Dutch Special Staff for Major Events/Incidents)</td>
</tr>
<tr>
<td>SIS</td>
<td>Schengen Information System</td>
</tr>
<tr>
<td>STOC</td>
<td>Serious Transnational Organized Crime</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>WG</td>
<td>Working Group</td>
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<tr>
<td>WWI</td>
<td>World War I</td>
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<td>WWII</td>
<td>World War II</td>
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Map of the Meuse–Rhine Euregion’s Administrative Divisions

1. Introduction

This doctoral dissertation uses the Organizational Behavior (OB) approach to identify, describe, analyze, and explain the variables that influence international\(^1\) police and judicial cooperation aimed at combating serious transnational\(^2\) organized crime in the cross-border Meuse–Rhine Euregion of Belgium, The Netherlands, and Germany, according to the perceptions of 44 police and justice officials involved in the enterprise, as reported during in-depth personal interviews conducted in the spring of 2010, to determine how such cooperation may be improved. To quickly orient readers as to the crux of this dissertation, this chapter presents a brief overview of the study’s background, research questions, research objectives, research design, and professional significance. This chapter concludes with an overview of this dissertation’s organization.

1.1. Background of the Study

While globalization has facilitated numerous legitimate breakthroughs, it has also given rise to the phenomenon of serious transnational organized crime, which includes: (1) the trafficking and smuggling of humans, human/animal body parts, stolen vehicles, firearms, and drugs; along with (2) other crimes, such as money laundering, corruption, cybercrime, and terrorism (Kumar & Nalla, 2006:86; Maich, 2005:40; Mueller, 2001:14; see also Williams, 1999). Indeed, in recent years, formidable terrorist attacks and cases of human smuggling en masse have shocked the conscience of observers globally. Such grandiose transnational criminal activity requires police and justice agencies to cooperate with each other to bring offenders to justice and prevent crime. In many parts of the world, however, police and justice agencies do not cooperate effectively with one another. They are restricted by numerous factors, such as different legal systems,

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\(^1\) The New Oxford Dictionary of English (2001) defines the term international to mean “existing, occurring, or carried on between two or more nations” (Pearsall, 2001:954).

different official languages, and different cultures—while criminals operate freely and quickly (Maich, 2005:40; Storbeck, 2000:22).

Numerous efforts have been made by some countries to overcome the barriers to effective international police and judicial cooperation. For example, to counter the obstacles posed by differing legal systems, there has been a global trend toward the globalization of law—a movement to harmonize the laws of different countries to combat international crime. The “new world order” of international adjudication, however, is still new and developing (Martinez, 2003:432). Since the globalization of law has not yet been widely adopted around the world, police and justice agencies remain chiefly responsible for finding practical ways to cooperate with one another against serious transnational organized crime.

Despite the global trend toward the globalization of law, stark differences remain in terms of border-control paradigms throughout the world. It is interesting to observe that, while some borders are strengthening (e.g., the external borders of the United States of America), other borders are dissolving (e.g., the internal borders of European Union member states). Yet, Europe is now one of the most advanced parts of the world with respect to international police and judicial cooperation. Indeed, European police and justice organizations have been forced to work with their international colleagues for years now because in 1995, the European Union (EU) implemented Schengen—an international agreement designed to eliminate the internal border controls between numerous European countries. As Schmidt-Nothen (1996:37) aptly observed: “[i]t is no longer a question of security at [the] national level, but of the internal security of Europe.” Consequently, the cooperative efforts of European police and judicial officials have resulted in an elaborate international legal framework, numerous international structures/organizations, and innovative cross-border initiatives—all designed to facilitate international police and judicial cooperation.

International police and judicial cooperation has been particularly long-standing and intense in the Meuse–Rhine Euregion, which is the cross-border region shared by Belgium, The Netherlands, and Germany (von Malchus, 1973 as cited in O’Dowd, 2003:18). Because police and justice officials in this cross-border region have been cooperating for decades, the Meuse–Rhine Euregion has been repeatedly referred to as “a laboratory for European integration,” and has been the subject of several key research
Arguably, this Euregion is the world’s best location/“laboratory” for a case study of advanced and intense international police and judicial cooperation aimed at combating serious transnational organized crime.

The literature reveals that, although numerous trends and developments are emerging in Europe with respect to international police and judicial cooperation, operational problems still arise in practice. As well, the regime of international police and judicial cooperation in the Meuse–Rhine Euregion has never before been examined using the Organizational Behavior approach. These circumstances give rise to some interesting research questions.

1.2. Research Questions

Considering the increasing need for international police and judicial cooperation around the world—despite the myriad of challenges stemming from the micro-, meso-, and macro-levels—the central research question becomes: how may international police and judicial cooperation be improved? To begin to answer this question, one should first establish the status quo by conducting an “environmental scan” to determine the “baseline” about what is happening in the Meuse–Rhine Euregion with respect to international police and judicial cooperation. In addition, one should also determine how international police and judicial cooperation occurs in practice, and what variables affect (facilitate/impede) the process of cooperation. It is through answering these research questions that one may determine how the enterprise of international police and judicial cooperation may be improved. The Meuse–Rhine Euregion frames this multi-site case study to examine the state-of-the-art, due to this Euregion’s international reputation as the epicentre for longstanding and intense international police and judicial cooperation. Therefore, the four main research questions guiding this dissertation are:

1. What is the status quo with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?

2. How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice, according to police and justice officials?
3. What **variables** affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?

4. How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion **be improved**?

These research questions provide a logical and graduated structure for this dissertation (i.e., each research question builds upon the previous questions).

### 1.3. Research Objectives

The objectives of this dissertation are to conduct exploratory, descriptive, and explanatory research into the process of, and the variables that influence, international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. The purposes of this research are to: (1) extend the knowledge-base in this area; (2) identify the variables that affect (facilitate/impede) the process of international police and judicial cooperation; and (3) determine how international police and judicial cooperation in the Meuse–Rhine Euregion may be improved, so as to increase justice and decrease the opportunity for offenders to commit serious transnational organized crime.

### 1.4. Research Design

In this dissertation, the four main research questions are answered by virtue of a mixed methods research design that features an analysis of: (1) the published scholarly literature; (2) the legal framework regulating international police and judicial cooperation in Europe and the Meuse–Rhine Euregion; and (3) the typed interview transcripts generated from in-depth personal interviews with 44 police officers, prosecutors, and examining magistrates from the Meuse–Rhine Euregion who specialize in the field of international police and judicial cooperation aimed at combating serious transnational organized crime. Specifically, the research questions demand that the research methods consist of: document analysis, comparative cross-sectional qualitative analysis, and holistic qualitative analysis. To be clear, this study’s **research perspective** is qualitative.
Moreover, the research type is one of a multi-site case study. The data sources, data sampling techniques, data collection instruments, and data analyses are discussed in Chapter 5 in detail.

1.5. Professional Significance of the Study: Five Thesis Statements

Operational and evaluative research in the area of international police and judicial cooperation in practice is scarce (see Chatterton, 1997:4 as cited in Das & Kratcoski, 1999:224). Remarkably, the issues under examination in the present dissertation are of international importance, and yet, have not previously been examined using the Organizational Behavior approach. The need for a practical social science research study of this kind is pressing, both in terms of the contribution such a study would make to the field/practitioners, and also to the scholarly literature.

On the basis of the data gleaned and analyzed for the present dissertation, five thesis statements (i.e., arguments supported by evidence) are advanced to answer the four overarching research questions guiding this study. Specifically, in response to the first research question (i.e., What is the status quo?), the researcher argues that: despite the huge advancements that have been made in the area of international police and judicial cooperation in the Meuse–Rhine Euregion, there is still room for improvement, and efforts in this regard should continue. This is argued because the data clearly show that there are widely varying perceptions among the officials with respect to the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion, with the “short answer” responses to this question ranging all the way from “very advanced” to “not satisfactory,” and the dominant views among the officials being: (1) “Huge improvements have been made”; (2) “Good, but we must keep improving”; and (3) “Good, but there is room for improvement.”

In response to the second research question (i.e., How does the process of cooperation operate in practice?), the researcher argues that: while only some of the police and justice officials involved in international police and judicial cooperation in the
Meuse–Rhine Euregion can be called “Masters in Cooperation,” the practical process of cooperation proceeds in a sequential, step-by-step manner, with one or more variables influencing each step and the “fast channels” remaining open to the “Masters in Cooperation” at key points in the process of cooperation. The researcher argues this because the data clearly reveal: (1) a step-by-step process that is influenced by certain variables that lead to either the fast or slow tracks in cooperation; and (2) the “Masters in Cooperation” provided excellent overviews of the entire process of cooperation—complete with commentary about how to manipulate the variables, so as to push a case either through the fast or slow tracks in international cooperation—but the “non-masters” did not provide overviews about the entire process of cooperation, and only spoke about the common/slow methods in cooperation.

In response to the third research question (i.e., What variables facilitate/impede cooperation?), the researcher argues that: although the extensive and complex international legal framework may leave some people with the impression that the process of international police and judicial cooperation should occur smoothly and predictably within a “vacuum” that is immune to outside influences, the present research suggests that an overwhelming number of individual-, interpersonal-, and organizational-level variables affect (facilitate/impede) the process of international police and judicial cooperation in the Meuse–Rhine Euregion. The researcher argues this because the data reveal that: (1) numerous variables identified by the organizational behavior literature (i.e., deductive variables) are indeed operative within the specific context of international police and judicial cooperation; and (2) additional variables not identified by the organizational behavior literature (i.e., inductive variables) are also operative within the specific context of international police and judicial cooperation.

In response to the fourth research question (i.e., How can cooperation be improved?), two issues should be separated. First, in terms of improving the process of cooperation, the researcher contends that: although some officials are pessimistic/doubtful that the current status quo can be changed, arguing that improvements in cooperation are beyond their reach and depend on “political will,”

---

3 This term was coined by the present researcher and refers to the police and justice officials who possess such a large degree of knowledge and expertise concerning the process of international police and judicial cooperation that they are able to: (1) select the “fast tracks” in the process, and (2) manipulate the variables that affect the process, so as to ensure successful cooperation.
the process of international police and judicial cooperation in the Meuse–Rhine Euregion can be improved by recognizing international cooperation as a specialty job, and accordingly allocating such work to the qualified specialists, so as to control the micro-level variables that influence the process of cooperation. The researcher argues this because: (1) many of the variables that influence the process of international police and judicial cooperation are situated at the micro-level, and therefore can be manipulated by the specialist officials involved to ensure effective and efficient cooperation every time; and (2) most of the officials are unsatisfied with the current status quo and wish to improve international police and judicial cooperation in the Meuse–Rhine Euregion, which means that the will/support is there to do what is necessary to achieve success.

Second, in terms of further advancing international cooperation, the researcher first argues that: despite the natural assumption that the players in international police and judicial cooperation in the Meuse–Rhine Euregion are all equal, there is currently a power struggle between the police and justice officials of the countries in this Euregion with respect to the ownership/control of any new entities/structures that may be built to further advance cooperation. The researcher argues this because the data reveal that the perception among the Belgians and Germans is that the Dutch are in control, because it is the Dutch who are: (1) usually generating ideas for advancement in cooperation, (2) driving the enterprise with their ideas; (3) securing funding for their ideas; and (4) establishing/implementing every new idea for cooperation (e.g., BES, EPICC) within The Netherlands because they are the ones who generated the ideas and secured the funding in the first place. The Belgians and Germans wish to be equal participants in advancing international cooperation, but do not have the opportunity/inclination to fully participate because of their perception that all such discussions are being initiated and controlled by the Dutch. This power struggle is causing reactions among some Belgian and German officials that are designed to equalize power between the players (e.g., psychological game playing4 wherein all responses to Dutch ideas are “Yes, but…” which actually means “No,” and power is thus effectively regained by the Belgian and German officials). This is because “the person who wants less in a relationship is in control” (Dr. Alina Wydra, Personal Communication, July 22, 2008). Unfortunately, such

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4 The term “psychological games” is from the Organizational Behavior literature (for example, see Luthans, 1985:397, 401, 402; see also Huse & Bowditch, 1977:146).
psychological game playing is causing deadlock with respect to advancements in international police and judicial cooperation, because most suggestions to improve cooperation are being “shut down” due to the “Yes, but…” psychological game.

The researcher then argues that: **the power struggle between the countries can be overcome by ensuring equality between the stakeholders going forward.** The researcher argues this because the data suggest that: (1) the few officials who participate in psychological game playing can choose to stop participating in psychological game playing; (2) all the stakeholder officials can become more active participants in the discussions that the Dutch wish to have, so that the power between the countries is equalized in a productive way, and all parties become actively involved and truly equal in deciding how international police and judicial cooperation may be further advanced in the Euregion; and (3) a new model to facilitate international police and judicial cooperation can help ensure equality between the international partners in a number of ways.

Since Europe is one of the most advanced regions in the world with respect to international police and judicial cooperation, it is anticipated that the findings of this study will be of interest to practitioners and academicians alike, as they may help improve international police and judicial cooperation in the Meuse–Rhine Euregion, and may also help inspire the development of international police and judicial cooperation efforts around the world.

### 1.6. Organization of the Dissertation

This dissertation is composed of 12 chapters. Chapter 1 introduces the study. Chapter 2 contextualizes the research topic amidst the scholarly literature, beginning with an overview of globalization and serious transnational organized crime. The discussion then turns to the globalization of law, and the ways in which this new phenomenon has manifested, with particular regard to the European Union. Numerous treaties, conventions, bi-lateral and multi-lateral conventions form an elaborate legal framework that regulates international police and judicial cooperation aimed at combating serious transnational organized crime in Europe, and in the Meuse–Rhine Euregion specifically. In this chapter, a concise overview/analysis of the legal framework is presented to inform/contextualize the present study, while respecting the study’s scope.
Chapter 3 reviews the literature on the subject of international police and judicial cooperation, with special attention to the forms of international police and judicial cooperation that exist between the police, prosecution services, and the judiciary. The published obstacles surrounding international police and judicial cooperation are summarized, along with the published operational needs of justice officials. Chapter 3 concludes with a critical review of the published research studies of international police and judicial cooperation in Europe, and the Meuse–Rhine Euregion specifically.

Chapter 4 presents the conceptual framework of this dissertation. Notably, none of the published research studies on the subject of international police and judicial cooperation in Europe draw upon any theory whatsoever, let alone the Organizational Behavior approach. Yet, the Organizational Behavior approach is particularly well-suited to guide the present study.

Chapter 5 details the research method employed in this dissertation, including the research questions, research objectives, and research design. Moreover, Chapter 5 addresses issues such as data sources, sampling, data collection instruments, data analyses, reliability/validity, research limitations, ethical standards, and role considerations. In recognition of the impact of reflexivity on research, the researcher accordingly offers reflexive analysis throughout the latter half of this dissertation, in the footnotes, as appropriate.

Chapters 6 to 9 present the findings of this multi-site case study, stemming from the in-depth personal interviews with police officers, prosecutors, and examining magistrates who specialize in international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. Due to the overwhelming amount and richness of data gathered, each of these chapters focuses on answering only one main research question at a time.

Chapter 10 features a discussion of these data. This chapter presents a comprehensive critical analysis of the data—including the researcher’s interpretation and explanation of the data—in relation to the published literature. In addition, the findings are defended and possible directions for future research are identified.
Chapter 11 addresses the “lessons learned,” implications, and recommendations for policy and practice. In other words, this chapter focuses on identifying the practical ways in which international police and judicial cooperation in the Meuse–Rhine Euregion may be improved. Indeed, a number of “Action Plans” are presented for consideration.

Chapter 12 offers the conclusion to this study. Although the practice of international police and judicial cooperation has existed for many decades, this study offers a new and fresh approach to answer the long-standing question of how it may be improved. In so doing, this dissertation makes an important contribution to the literature, and also endeavours to improve both policy and practice.
2. Globalization

Understanding police co-operation in Europe means understanding a number of complex realities, including European Union, crime, policing and immigration. (Benyon, Turnbull, Willis, Woodward, & Beck, 1993:3)

This chapter situates the topic of interest amidst a large body of literature. The discussion begins with an overview of how globalization has spawned major developments, such as the problem of serious transnational organized crime, as well as solutions to the problem, including the globalization of law, international law, and law harmonization. Among other things, the literature reveals that a “new world order” of global adjudication is emerging, and that the European Union is one of the most advanced regions in the world with respect to international police and judicial cooperation. Moreover, an examination of the formidable legal framework regulating international police and judicial cooperation in Europe, and the Meuse–Rhine Euregion in particular, reveals the evolution and sophistication of the enterprise—from a legal perspective. The discussion of these subjects “set the stage” for the present study of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion.

2.1. Globalization and Serious Transnational Organized Crime

Globalization has facilitated numerous legitimate beneficial advances that would otherwise be unimaginable. By way of explanation, the term globalization means “…a transformation of the world order through the multiplication and intensification of linkages and interconnectedness” (Passas, 2001:28). Globalization manifests through changes in technology (e.g., Internet, mobile phones, satellites) and politics (e.g., foreign trade, European Union), both of which facilitate the transportation of services, commodities, funds, and humans around the planet, despite obstacles such as “…distance, borders and
government policies” (Bomberg, Stubb, & Peterson, 2008:10; Hirst & Thompson, 2002:247; Naim, 2005:57; Passas, 2001:28).

While globalization enables legitimate business transactions, gaps in the world order facilitate serious transnational organized crime. The United Nations Convention against Transnational Organized Crime (2000) offers guidance with respect to how the term “serious transnational organized crime” may be defined. To begin, the convention defines serious crime as a transnational offence, perpetrated by an “organized criminal group,” and punishable by “at least four years” of imprisonment (United Nations, 2000b: Article 2(b), Article 3(1)(b)). The convention further defines the term transnational offence as a crime that:

is committed in more than one State…[or] is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State… [or] is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; [or] is committed in one State but has substantial effects in another State (United Nations, 2000b: Article 3(2)).

Finally, the convention defines the term organized criminal group as:

a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences… in order to obtain, directly or indirectly, a financial or other material benefit (United Nations, 2000b: Article 2a).

Therefore, serious transnational organized crime refers to offences such as human smuggling (for illegal immigration), human trafficking (for sexual exploitation), human and animal body-part trafficking, stolen vehicle trafficking, illicit firearms trafficking, drug trafficking, money laundering, cybercrime, corruption, and terrorism (Maich, 2005:40; Mueller, 2001:14; Roth, 2005:252). With respect to terrorism, it is important to note that terrorists often engage in different types of cross-border organized crime, including money laundering, drug trafficking, human trafficking, and illicit firearms trafficking (Dandurand & Chin, 2004:2, 9; United Nations, 2005:4). Due to its sophisticated nature, serious

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5 In the past, some research studies and international agreements/conventions were limited in focus to only one type of transnational organized crime, such as terrorism, money laundering, or human trafficking. In recent years, however, there has been a movement toward a more generalized study/treatment of the phenomenon of serious transnational organized crime, as demonstrated in the literature and international legal instruments (Bruggeman, 2001:289; see also Joutsen, 2006a:41; van den Wyngaert & Stessens, 1996:138).
transnational organized crime may be orchestrated by a group of three or more offenders. Although quantitative data relating to serious transnational organized crime are not currently available, numerous police agencies publish organized crime “threat assessments” (i.e., intelligence reports), which shed some light on what is happening.

National borders are useful to criminals. They provide a “convenient legal shield,” since governments are most comfortable working within and for their own jurisdiction, and not with other governments (Naim, 2005:57, 59). Often times, organized criminal groups take advantage of that fact by preparing to commit a crime in one or more countries, and then committing the crime in a different country. This partly explains why traffickers engage in cross-border crime—traffickers are more effective when authorities struggle to work together (Naim, 2005:57).

Illicit traders are also infiltrating political systems, and as such, corruption is a major issue for many countries around the world (see Naim, 2005:57). Undoubtedly, the costs of organized crime are exponential; organized crime threatens the legitimate world and international security (see Naim, 2005:58; Sheptycki, 2004:139). To illustrate, as of 2005, annual organized crime revenue estimates were as follows: money laundering yielded $1.5 trillion, illicit drug trafficking yielded $900 billion, human trafficking yielded $10 billion, illicit firearms trafficking yielded $10 billion, and the stolen art trade yielded $3 billion (Naim, 2005:58). These proceeds partially finance terrorism (Maich, 2005:40). Law enforcement approaches should evolve and adapt to the enterprising and sophisticated nature of serious transnational organized crime.

### 2.2. Serious Transnational Organized Crime and International Police and Judicial Cooperation

While serious transnational organized crime continues to flourish in the global landscape, the problem remains that “…there is no such thing as a world government… or a world army… or… world law… or a world police force” (Martin, Metzger & Pierre, 2006:500). The capacity of police and justice agencies to combat crime remains restricted because of differing legal systems, official languages, and cultures, while criminals operate freely and quickly (Maich, 2005:40; Storbeck, 2000:22). In fact, while illicit traffickers continue to profit enormously from their activities, police and justice
organizations have been undergoing budget cuts due to governmental downsizing trends (Naim, 2005:58). To illustrate: “In 2004, Interpol’s entire budget was only $50 million—the cost of just one of the fast ships or planes routinely used and abandoned by traffickers” (Naim, 2005:58). Moreover, international police and judicial cooperation is not occurring to the extent that it can and should. Often, law enforcement agencies from different jurisdictions simultaneously conduct investigations against the same offenders—unaware that other law enforcement agencies are interested in the same offenders (Storbeck, 2000:22).

While globalization provided the opportunity for serious transnational organized crime to grow, the terrorist attacks of 9/11 and the establishment of the European Union (EU) have provided an excellent incentive and possibility for law enforcement agencies to work together in bringing criminals to justice (Maich, 2005:40). Yet, the phenomenon of transnational crime has existed for hundreds of years—perhaps as long as there have been political borders. International police cooperation efforts date back to at least the 1800s, with formal agreements starting in the 1890s (Fijnaut, 1993a:120; Gerspacher, 2008; Peek & Hoefman, 1993:101). According to Monica den Boer, recent changes in our world today have simply breathed new life into this age-old problem, commanding a more serious, coordinated, and swift response from law enforcement authorities (see Den Boer, 1992a:14 as cited in Benyon et al., 1993:59). Moreover, Harfield (2008:483) explains that serious transnational organized crime is “…beyond the scope of any one agency or jurisdiction to deal with alone…” Naturally, this crime-type thrives in the absence of international police and judicial cooperation (Harfield, 2008:483; United Nations, 2005:2). Therefore, one “piece of the puzzle” to combat serious transnational organized crime should be effective international police and judicial cooperation.

2.3. Globalization of Law: The New World Order

When used in legal discourse, the term “globalization” appears to negate the certainty of law (Sheptycki, 2001:89). Yet, most observers will agree that “[g]lobal crime calls for global justice” (Delmas-Marty, 2002). Accordingly, a body of international law is forming, and a “global legal system” for world governance is emerging (Dale, 2003/2004:39, 54 as cited in Backer, 2007:3; Slaughter, 2000:1103; see Väyrynen,
1999; see Whitman, 2009). To be clear, we do not currently have a “world government,” but we do have a system of global governance, which can be explained as follows:

Global governance—governance for the world without world government—refers to cooperative problem-solving arrangements on a global plane. These may be rules (laws, norms, codes of behavior) as well as constituted institutions and practices (formal and informal) to manage collective affairs by a variety of actors (state authorities, intergovernmental organizations, nongovernmental organizations, private sector entities). Global governance thus refers to the complex of formal and informal institutions, mechanisms, relationships, and processes between and among states, markets, citizens, and organizations—both intergovernmental and nongovernmental—through which collective interests are articulated, rights and obligations are established, and differences mediated (Thakur & Van Langenhove, 2006:233).

Accordingly, global governance is composed of entities such as the: United Nations, World Health Organization, International Labour Organization, World Bank, International Monetary Fund, World Trade Organization, G8, G20, Interpol, International Court of Justice, and International Criminal Court.

The world is also witnessing an increase in regional integration, which supports the movement toward global governance in grassroots ways. As explained by Thakur and Van Langenhove (2006:234), regional integration means:

A process in which a group of (usually contiguous) countries moves from a condition of partial or utter isolation toward one of partial or complete unification. The shift involves a progressive lowering of internal boundaries within the integrating zone and a de facto relative rise of external boundaries vis-à-vis countries outside the region. Regional integration does not have to—although it often does—involve the construction of some kind of permanent formal institutional structure of mutual cooperation among the governments of the countries involved.

Regional organizations have proliferated across the world over the past 60 years… [Emphasis added].

Regional integration supports the movement toward global governance in a “bottom-up” manner.

In a similar vein, the globalization of law refers to “…the worldwide progression of transnational legal structures and discourses…” (Held et al., 1999 as cited in Halliday & Osinsky, 2006:447). As some argue, “[t]he globalization of criminal law involves the hegemonizing of one set of standards [American, most typically] for the planet”
One way in which the globalization of law may be approached to examine international police and judicial cooperation is through the lens of World Polity Theory (Halliday & Osinsky, 2006:447, 452, 453). As Halliday and Osinsky (2006:452) explain:

[w]orld polity theory, arguably the most prominent sociological theory of globalization, maintains that modern legal norms demonstrate a remarkable tendency toward global convergence. As world civilization evolves, diverse societies adopt increasingly uniform legal norms, standards and institutional scripts. (Halliday & Osinsky, 2006:452)

The globalization of law has undoubtedly helped draw attention to the emerging supranational polity: the “new world order.” Arguably, however, the new world order of international adjudication remains new (Martinez, 2003:432). To illustrate:

[t]he typical nightmare situation… which some lawyers mention, consists of child abduction cases involving countries that have not ratified the relevant international treaties. These child custody disputes very often have to be resolved, not through the symbolic or even the sheer rational force of official law and application of legal rules, but rather by ‘international cooperation based on mutual trust.’ To some lawyers, such a ‘procedure’ is nothing more than the legal construction of a world of ‘make believe,’ that is pretending to conduct legal matters by actually using international relations pivoting on such non-legal factors as economic and/or diplomatic pressure or mutual respect and cooperation. Similar strategies based on extralegal factors, such as mutual trust and the business reputation of the parties involved, are even used within private international law to regulate transactions… Many lawyers find it difficult to cope with the apparent arbitrariness of many legal decisions taken at this level… [they seem to have] never-ending discussions about whether such a thing as international law really exists and whether the rules of international law are really legal rules. [Emphases in original] (Banakar, 1998:385–6)

Because of the lack of clear demarcations between the old regime and the new regime, Sørensen (2006:343) argues that the present world order is an interregnum (i.e., a period between regimes).

A deeper study of the globalization of law demands an examination of the related subjects of comparative criminal justice, the emerging international legal system, international law, and law harmonization. These subjects are discussed briefly below.
2.3.1. Comparative Criminal Justice

The world’s different criminal justice systems vary widely, but can be classified as: Common Law (adversarial), Civil Law (inquisitorial), Islamic Law (religious), or Socialist (Marxist–Leninist) (Allen, 1993 as cited in Deflem & Swygart, 2001:53). The Common Law and Civil Law traditions are dominant in North America, Australia, and Europe, and have directly shaped international law (see Martinez, 2003:447).

Despite these different approaches, some national criminal justice systems have been converging in recent years (Deflem & Swygart, 2001:52). For instance, Germany’s relatively “harsh” justice system has recently become more lenient, particularly with respect to sentencing (Deflem & Swygart, 2001:52). The Dutch and British criminal justice systems are also beginning to resemble one another more closely due to Europeanization—a process that harmonizes the criminal justice systems in EU member states according to the supranational directives of the EU (Dalferth, 2004:3; Fennell et al., 1995 as cited in Deflem & Swygart, 2001:52). Interestingly, the process of integration within the EU (i.e., economic liberalization and power fragmentation) is actually fostering the widespread adoption of North America’s adversarial style of criminal justice within Europe (Kelemen, 2006:101, 102). The harmonization of law is discussed further below.

2.3.2. International Legal System

An international legal system is emerging. The international legal system presently consists of two main parts: (1) the national criminal justice systems that function alongside one another—pursuant to accords—to address transnational crime; and (2) the international entities established specifically for international police and judicial cooperation, such as the International Criminal Court, International Court of Justice, European Court of Justice, European Court of Human Rights, ad hoc international tribunals, Interpol, Europol, and Eurojust (di Gennaro, 2001:264; Martinez, 2003:438; Zahar & Sluiter, 2008:viii). Indeed, as Martinez (2003:429) explains, “…there are now more than fifty international courts, tribunals, and quasi-judicial bodies, most of which have been established in the last twenty years.” As will become apparent in the following discussion, the links between these entities are more informal than they are formal (Martinez, 2003:436). Notably, the three main functions of the international legal system are to: (1) produce an inter-agency cooperation framework, (2) encourage respect for international law, and (3) increase respect for rights/democracy (Martinez, 2003:463).
2.3.3. **International Law, Universal Jurisdiction, and International Jurisdiction**

Stemming from the international legal system are the domains of international law, universal jurisdiction, and international jurisdiction. To distinguish between these three domains, *international law* has long encompassed: “…the treaties and agreements entered into by nation-states, the declarations and protocols of the United Nations (UN) or other affiliated bodies, and the rulings of international courts and tribunals” (Berman, 2005:492). International criminal law is a type of international law. In the words of Höpfel and Angermaier (2005:310):

> International criminal law merges two legal disciplines that are fundamentally different in their focus: (1) international law, which deals with the legal duties and rights of equal sovereign states and (2) criminal law, where the focus is on the criminal responsibility of individuals.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) are the primary precedent-setting courts for international criminal law (Zahar & Sluiter, 2008:x). One of the most vulnerable parts of international criminal procedure law is the law of evidence, because of the movement among international lawyers toward using inquisitorial-type evidence in a principally adversarial system (Zahar & Sluiter, 2008:xii). In any event, it is becoming more common for judges around the globe to: summon international law in transnational cases, enter into transnational legal discussions, and apply the doctrine of universal jurisdiction (Berman, 2005:489).

The concept of international crime is related to the doctrine of *universal jurisdiction*. Specifically, universal jurisdiction:

> can be defined as providing every state with jurisdiction over a limited category of offences generally recognized as of universal concern, regardless of the location of the offence and the nationalities of the offender and the victim. (Randall, 1988:788 as cited in Zahar & Sluiter, 2008:496)

Although many treaties establish universal jurisdiction, nations have been hesitant to use the principle to prosecute transnational crimes, likely because of its potential to create “judicial chaos” and “international disputes,” particularly when foreign nationals are tried *in absentia* (Zahar & Sluiter, 2008:498, 499, 501). Therefore, the concept of *conditional universal jurisdiction* has evolved, which purports that the principle of universal jurisdiction
may only be invoked if the suspect is present on national territory (Ryngaert, 2006:52; Zahar & Sluiter, 2008:501).

Interestingly, universal jurisdiction is distinguishable from *international jurisdiction* (Ryngaert, 2006:47). To be clear: “[u]niversal jurisdiction is *national* jurisdiction over international crimes, whereas international jurisdiction is jurisdiction over international crimes as exercised by *international tribunals*” [emphases in original] (Ryngaert, 2006:47). As one may anticipate, the need for nation states to exercise universal jurisdiction will be negated entirely if the International Criminal Court successfully brings offenders to justice (Rabinovitch, 2005:525 as cited in Ryngaert, 2006:46).

### 2.3.3.1. International Criminal Court

The International Criminal Court was established in 2002 at The Hague, in The Netherlands. The law-making authority of the International Criminal Court is limited to a small number of crimes that fall within universal jurisdiction, namely international crimes against humanity, such as war crimes and genocide. An important note is that the International Criminal Court does not address serious transnational organized crime, such as drug or human trafficking (Ryngaert, 2006:78). Although various treaties and national criminal codes place serious transnational organized crime in the realm of universal jurisdiction, the laws are enforced only by the courts of the relevant nation states (Lensing, 1993:221; Ryngaert, 2006:78).

### 2.3.3.2. International Court of Justice

When questions of law arise in legal matters between nation states, the International Court of Justice assists. Established in 1945, located in the Peace Palace at The Hague, and composed of 15 judges from around the world, the International Court of Justice is of “general competency” (International Court of Justice, 2008a). As such, the court also provides advisory opinions when requested by “specialized agencies,” such as the United Nations (International Court of Justice, 2008a; Keith, 2008). Of all the 114 cases referred to the Court since its inception, only one case concerns international police and judicial cooperation: *Djibouti v. France* [2008]. In that case, the African Republic of Djibouti requested mutual legal assistance from France by sending a letter rogatory, but France refused to assist without giving a reason. The Court unanimously found that:
the French Republic, by not giving the Republic of Djibouti the reasons for
its refusal to execute the letter rogatory presented by the latter on
3 November 2004, failed to comply with its international obligation under
Article 17 of the Convention on Mutual Assistance in Criminal Matters
[of 27 September 1986 between the Republic of Djibouti and the French
Republic], signed in Djibouti on 27 September 1986, and that its finding
of this violation constitutes appropriate satisfaction. (Djibouti v. France [2008],
para. 205(2)(a), pp. 73–74)

This decision, which is binding on all member countries of the United Nations, should
further encourage international police and judicial cooperation.

2.3.4. Law Harmonization

Globalization and the emergence of an international legal system have urged the
harmonization of law among different countries, to reduce areas of divergence and
facilitate international law enforcement (Backer, 2007:3, 10). Specifically, law
harmonization coordinates “…different legal provisions or systems by eliminating major
differences and creating minimum requirements or standards” (Kamba, 1974:501 as cited
in Backer, 2007:13). Indeed, bi- and multi-lateral conventions between nations are
possible due to similarities between the political and judicial systems of the nations that
share the agreements (di Gennaro, 2001:264).

Laws are being harmonized in several ways. The creation of a supranational
entity, such as the EU, is one way to compel nations to harmonize their law and legal
systems (Backer, 2007:6–7, 11, 12; see Blomsma, 2012:543). Indeed, the EU is
undoubtedly the most advanced region in the world with respect to the harmonization of
criminal law at the international level (Kaiafa-Gbandi, 2001:240–241). Law harmonization
is primarily being achieved through the expansion of the international legal framework,
since many of the international legal instruments call upon the contracting parties to
establish certain acts as criminal offences under national law, impose associate sanctions,
and make any other changes as necessary to entrench international law into their
respective national law. Yet, gaps in law harmonization exist. For example, criminal law
principles such as those that relate to criminal liability should still be harmonized in the EU
(Blomsma, 2012:543).
Law harmonization can also be achieved in another way. To illustrate, the tolerant approach to drug use and prostitution in The Netherlands has long been criticized by neighbouring European countries (e.g., France, Belgium, Germany), some of whose citizens travel to The Netherlands to buy drugs—a phenomenon referred to as “drug tourism.” Fijnaut and Spapens (2010:106–107) explain the dynamics of drug tourism:

Undoubtedly, the drug problem is one of the most pressing types of organized crime in the Meuse–Rhine Euregion... coffee shops in towns close to the border attract customers not only from The Netherlands itself but also from other countries... Most of the buyers are from Belgium, Germany and France. Every day, an estimated 7,000 ‘drug tourists’ visit the Dutch part of the Meuse–Rhine Euregion. Although buying soft drugs at a coffee shop is allowed, drug tourists are a constant nuisance because of the littering, parking problems, etc. (Spapens, 2008b). [Emphases added; citation in original]

Then, the drug tourists return to their respective home countries, where the possession of drugs is strictly prohibited. These countries have long urged The Netherlands to harmonize its laws with their own, by adopting a stricter approach to drug use and prostitution.

2.3.5. Human Rights Implications of International Law

Clearly, the harmonization of different legal systems and laws facilitates international police and judicial cooperation. Law enforcement powers are even being expanded in various related ways, such as through the development and use of the European Arrest Warrant, which will be discussed further below. Far less attention, however, has been given to the diminishing rights of accused persons (Lööf, 2006:423). Consequently, some scholars argue that procedural law should be developed to safeguard human rights (see Lööf, 2006:430).
2.4. The European Union

[Anyone involved in international research should be “required to have some understanding of, and be sensitive to, the social, economic, and political milieu that frames the context in which their research is taking place.” (Benatar & Singer, 2000:826 as cited in Schneider, 2006:182)]

The beginning of the European Union (EU) can be traced to 1951, when six neighbouring European countries (France, West Germany, Italy, Belgium, The Netherlands, and Luxembourg) signed the Treaty of Paris, and united to form the “European Coal and Steel Community” (Dinan, 2008:27; European Commission, 2007:5; Peers, 2006:5). In 1957, the Treaty of Rome was signed by the same six countries and established the “European Economic Community,” which later became known simply as the “European Community” (Dinan, 2008:28–33; European Commission, 2007:5).

In 1986, the Schengen Agreement came into force. This agreement, along with the Convention Implementing the Schengen Agreement (1990), are perhaps the most significant agreements in the international legal framework regulating international cooperation, because they represent a critical point in the history of the world in general, and for international cooperation in particular (see Fijnaut, 1993b:37). Initially signed in Luxembourg’s Schengen Village by five countries (Luxembourg, France, Belgium, Germany, and The Netherlands) in 1985, the Schengen Agreement dramatically changed the EU by laying the groundwork for the abolishment of the borders and border control posts that once separated the member states, thereby eliminating the need for passport/customs checks of people who travel between those countries (see Griffiths, 2004:379; Guymon, 2000:76; Van Den Wyngaert & Stessens, 1996:140). Consequently, the Schengen Agreement triggered new and increased initiatives to facilitate international police and judicial cooperation in Europe (Fijnaut, 1993b:37).

In 1992, the Maastricht Treaty established the EU as it is known today. Since then, there have been several successive enlargements of the EU, and the EU now consists of 28 member states, namely: France, Germany, Italy, Belgium, The Netherlands, Luxembourg, Denmark, Ireland, the United Kingdom, Greece, Portugal, Spain, Austria, Finland, Sweden, Bulgaria, Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, and Croatia (European Commission, 2014; Laffin & Stubb, 2008:74). Notably, the EU has 24 different official languages and encompasses 30 justice systems (when one counts the United Kingdom’s three legal
systems separately) (European Commission, 2014; Horvatits & de Buck, 2007:242; Laffan & Stubb, 2008:73). Figure 2.1 below shows the evolution of the politico-legal framework that led to the creation of the European Union.

There are five main political institutions in the EU. The first is the European Commission, which proposes legislation and drafts international agreements (Bomberg & Stubb, 2008:46–50). The second is the Council of Ministers, which enacts legislation (Bomberg & Stubb, 2008:50–57). The third is the European Council, which determines the EU’s political parameters (Bomberg & Stubb, 2008:49, 57–58). The fourth is the European Parliament, which consists of elected national representatives (Bomberg & Stubb, 2008:58–61). The fifth main political institution of the EU is the European Court of Justice, which works to ensure the proper “…interpretation and application of [t]reaties” (Bomberg & Stubb, 2008:62).

It is significant to note that the EU seeks to become “a global power” (Peterson, 2008:202). In fact, the increasingly integrated structure of the EU, coupled with the far-reaching power of European Community law, makes the EU appear similar to a federal state, but it is not (Lensing, 1993:212). The EU is a supranational system, which means that the member states of the EU remain sovereign countries, but must comply with the supranational rules of the EU (Bomberg, Stubb & Peterson, 2008:10). Indeed, to become a member state of the EU, the nation must accept the Union’s already established laws, obligations, and system—which in some cases necessitates some preparatory work by nations prior to joining the EU (Laffan & Stubb, 2008:72). As one may suspect, it becomes increasingly difficult for non-member states to adapt and join the EU as it grows, since the EU’s institutions, policies, and practices evolve over time to also accommodate new member states (Avery, 2008:184). Nevertheless, many observers praise the EU as “…the most successful experiment in peaceful international cooperation in world history” (Moravcsik, 2003 as cited in Bomberg, Peterson & Stubb, 2008:back cover). The EU demonstrates the benefits of interdependence and also underscores the necessity of international cooperation (Passas, 2001:44).

The European Union is to be distinguished from the Council of Europe. To be clear, in 1949, the Treaty of London established the Council of Europe, to uphold human rights and democracy. To aid readers, Table 2.1 below distinguishes between the European Union and the Council of Europe, and their respective institutions.
### Figure 2.1. Highlights of the Evolution of the EU’s Politico-Legal Framework

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<td><strong>European Communities</strong></td>
<td><strong>Preliminary Efforts at Creating a Council</strong></td>
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<td><strong>Pillar I:</strong> Economic Community</td>
<td><strong>Protocol #1:</strong> Modifying &amp; Completing the Brussels Treaty</td>
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<td><strong>Pillar II:</strong> Atomic Energy Community</td>
<td><strong>Treaty:</strong> Brussels Treaty</td>
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<td><strong>Pillar III:</strong> “European Coal and Steel Community”</td>
<td><strong>Year Effective:</strong> 1948</td>
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<td><strong>Schengen Space</strong></td>
<td><strong>Year Opened:</strong> 1954</td>
</tr>
<tr>
<td><strong>More Intense Political &amp; Economic Cooperation</strong></td>
<td><strong>Two Treaties Merging the Treaty of Rome &amp; Brussels Treaty</strong></td>
</tr>
<tr>
<td><strong>European Communities</strong></td>
<td><strong>Signed:</strong> 1958</td>
</tr>
<tr>
<td><strong>European Political Cooperation</strong></td>
<td><strong>Implemented:</strong> 1967</td>
</tr>
<tr>
<td><strong>Council of the Western European Union</strong></td>
<td><strong>Treaty:</strong> Maastricht Treaty</td>
</tr>
<tr>
<td><strong>Convention Implementing the Schengen Agreement</strong></td>
<td><strong>Signed:</strong> 1992</td>
</tr>
<tr>
<td><strong>Single European Act</strong></td>
<td><strong>Implemented:</strong> 1986</td>
</tr>
<tr>
<td><strong>Convention Implementing the Schengen Agreement</strong></td>
<td><strong>Treaty:</strong> Amsterdam Treaty</td>
</tr>
<tr>
<td><strong>Nice Lisbon Treaty</strong></td>
<td><strong>Signed:</strong> 2003</td>
</tr>
<tr>
<td><strong>Rome Treaty</strong></td>
<td><strong>Implemented:</strong> 2007</td>
</tr>
<tr>
<td><strong>Maastricht Treaty</strong></td>
<td><strong>Signed:</strong> 1993</td>
</tr>
<tr>
<td><strong>Treaty of Paris (1951)</strong></td>
<td><strong>Implemented:</strong> 1990</td>
</tr>
<tr>
<td><strong>Treaty of Paris (1951)</strong></td>
<td><strong>Signed:</strong> 1950</td>
</tr>
<tr>
<td><strong>Treaty of Paris (1951)</strong></td>
<td><strong>Implemented:</strong> 1957</td>
</tr>
<tr>
<td><strong>Treaty of Paris (1951)</strong></td>
<td><strong>Treaty:</strong> Paris Treaty</td>
</tr>
<tr>
<td><strong>Treaty of Paris (1951)</strong></td>
<td><strong>Signed:</strong> 1955</td>
</tr>
<tr>
<td><strong>Treaty of Paris (1951)</strong></td>
<td><strong>implemented:</strong> 1951</td>
</tr>
</tbody>
</table>


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6 It should be noted that the changes that occurred between 1993 and 2009 are slightly too complex to capture in this basic illustration. Simply establishing the essence of the overall evolution of the politico-legal framework is all that is necessary to orient readers for the purpose of this study.
Table 2.1. Distinguishing the Council of Europe from the European Union

<table>
<thead>
<tr>
<th>Council of Europe</th>
<th>European Union</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Composed of 47 member states (which includes countries such as Turkey and Russia)</td>
<td>- Composed of 28 member states</td>
</tr>
<tr>
<td>- Established by the Treaty of London (1949) to uphold human rights and democracy</td>
<td>- First established by the Treaty of Paris (1951) and called the “European Coal and Steel Community”</td>
</tr>
<tr>
<td>- Based in Strasbourg, France</td>
<td>- The Treaty of Rome (1957) created an additional group: the “European Economic Community”</td>
</tr>
<tr>
<td></td>
<td>- The Maastricht Treaty (1992) created the “European Union” and the “Three Pillars”</td>
</tr>
<tr>
<td></td>
<td>- The Treaty of Lisbon (2007) integrated the “European Communities” into the “European Union”</td>
</tr>
<tr>
<td></td>
<td>- Must be a member of the Council of Europe in order to join the EU</td>
</tr>
<tr>
<td></td>
<td>- States relinquish some of their national sovereignty to join the supranational system of the EU</td>
</tr>
</tbody>
</table>

European Commission on Human Rights
- Examined contraventions of the European Convention on Human Rights by member states
- Ended in 1998

European Commission
- Based in Brussels, Belgium
- Composed of two arms:
  - College of Commissioners (executive); proposes legislation
  - Administrative Commission (bureaucracy)
- Monitors treaty application

Committee of Ministers
- Decision-making body
- Composed of the Ministers of Foreign Affairs

Council of the European Union
- Also known as the “Council of Ministers”
- Decision-making body
- Composed of the Presidents/Prime Ministers/Heads of State
- Enacts legislation

Parliamentary Assembly
- Deliberative body
- Composed of appointed national representatives

European Parliament
- Parliamentary body
- Composed of elected national representatives

European Court of Human Rights
- Based in Strasbourg, France
- Enforces the European Convention on Human Rights

Court of Justice of the European Union
- Based in Luxembourg
- Three sub-courts:
  - European Court of Justice
    - Interprets/applies EU treaties
  - General Court/Court of First Instance
  - Civil Service Tribunal

2.4.1. The Expansion of the European Union: Issues

As many observers predicted years ago, the creation of a large and unified economic space—free of traditional internal borders—facilitated the occurrence of serious transnational organized crime (Dalferth, 2004:1; see also Van Duyne, 1993:99, 103). In turn, this created the need and opportunity for international police and judicial cooperation.

2.4.1.1. The Legal Framework for International Police and Judicial Cooperation

One artefact of the EU’s expansion is an elaborate legal framework, which regulates cooperation between member states in a number of different areas at the macro-level. A significant portion of this legal framework concerns the regulation of international police and judicial cooperation against serious transnational organized crime specifically, and consists of bi-, tri- and multi-lateral agreements, such as treaties, conventions, and framework decisions.7 International colleagues from police and prosecutorial services cooperate with each other according to these bi-, tri-, and/or multi-lateral international agreements, and also within the parameters set by their own national laws. It is important to distinguish between international conventions, treaties, framework decisions, and other types of international agreements (see Table 2.2 below).

Most of the international legal instruments regulating international police and judicial cooperation typically require contracting parties to entrench international law into national law in order to achieve implementation. Therefore, the legal framework regulating international cooperation includes both: (1) the international legal instruments (treaties, conventions, etc.); and (2) the national laws of each country involved. Complicating factors in the examination of the legal framework, however, are the different national legal systems, and the different national laws. Indeed, while states may share similar substantive criminal provisions due to the obligations imposed by international law, national legal systems and procedures may still vary. Regrettably, a comprehensive examination of the relevant national laws of Belgium, The Netherlands, and Germany is beyond the scope of this study. The relevant national laws will only be referred to on a piecemeal basis in the research findings chapters of this dissertation, as necessary.

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7 Legislation and other important documents of the EU are available in the EU’s official working languages, including English (European Commission, 2008a).
Table 2.2. Glossary of Terms—Key International Legal Instruments

<table>
<thead>
<tr>
<th>Key International Legal Instruments</th>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Third Pillar” Instruments</td>
<td>As the Council of the European Union (2005b:17) explains: “[b]efore the adoption of the Treaty of Amsterdam, the Council’s most important JHA [Justice and Home Affairs] legal instruments were classic international conventions. Implementing conventions is slow and difficult however, so the Treaty of Amsterdam created two new instruments: decisions and framework decisions.”</td>
</tr>
<tr>
<td>Treaty</td>
<td>The term treaty refers to: “a formally concluded and ratified agreement between states. The term is used generically to refer to instruments binding at international law, concluded between international entities (States or organizations). Under the Vienna Convention on the Law of Treaties (1969), a treaty must be: (1) a binding instrument, which means that the contracting parties intended to create equal rights and duties; (2) concluded by States or international organizations of treaty-making power; (3) governed by international law and (4) in writing” [emphasis added] (UNICEF, 2005:2).</td>
</tr>
<tr>
<td>Convention</td>
<td>A convention is a type of treaty (UNICEF, 2005:1). Specifically, “[t]his term was used indiscriminately prior to 1945 to apply to treaties of a bilateral or multilateral nature. Since 1945, the expression is confined to treaties of a multilateral nature and is usually employed in respect of multilateral law making treaties…” (O’Brien, 2001:329).</td>
</tr>
<tr>
<td>Framework Decision</td>
<td>As the EU has expanded in recent years, it has become more difficult to ratify instruments among the signatories, so there has been a movement in favor of Framework Decisions (as opposed to traditional treaties and conventions), since Framework Decisions do not require ratification. According to the Consolidated Version of the Treaty on European Union (1992: Title VI, Article 34, para. 2b), “[f]ramework decisions shall be binding upon the member states as to the result to be achieved but shall leave to the national authorities the choice of form and methods. They shall not entail direct effect” [emphasis added] (see also Council of the European Union, 2005b:18). The entry into force of the Treaty of Lisbon (2007) at the end of 2009 functioned to replace Framework Decisions with Directives (European Judicial Training Network, 2011:14).</td>
</tr>
<tr>
<td>Decision</td>
<td>Decisions refer to international legal instruments that “are compulsory but do not have direct effect. They are consequently accompanied by implementing measures” (Council of the European Union, 2005b:18, 19).</td>
</tr>
<tr>
<td>European Community Instruments</td>
<td>Regulations refer to instruments that: “…are compulsory in all their elements and directly applicable in all the member states. No national measure is required to implement them. They are general in scope and compulsory for all” (Council of the European Union, 2005b:19).</td>
</tr>
<tr>
<td>Regulation</td>
<td>Directives refer to documents that: “…set objectives or results that member states must achieve by means of national legislation or other appropriate measures” (Council of the European Union, 2005b:19).</td>
</tr>
<tr>
<td>Directive</td>
<td>Recommendations/Opinions refer to documents that: “are not legally binding and do not constitute legislative instruments proper” (Council of the European Union, 2005b:19).</td>
</tr>
<tr>
<td>Recommendation/Opinion</td>
<td>These documents provide: “…the Council’s points of view and are not binding. They may nevertheless have an important political impact” (Council of the European Union, 2005b:19).</td>
</tr>
<tr>
<td>Resolution/Declaration/Conclusion</td>
<td></td>
</tr>
</tbody>
</table>

Source: Adapted primarily from Council of the European Union (2005b:17–19), with additions as noted above.
Moreover, a comprehensive overview of the structures and workings of the different legal systems in Belgium, The Netherlands, and Germany is also beyond the scope of this study.

While most of these legal instruments are binding upon the signatories, freedom is granted in terms of how the states choose to transpose the legal instruments into their own national law (see European Judicial Training Network, 2011:13; see also Rijken, 2006b:106). Moreover, the rules differ from country to country. Specifically, this is how it works in Belgium, for example:

In sum, [with respect to] EU ‘third pillar’ legal instruments, only conventions may entail direct effect, though often their adoption at [the] domestic level requires passing implementing legislation, because they are not fully self-executing. Joint positions and joint actions (Maastricht) as well as framework decisions and decisions (Amsterdam) have no domestic legal effect whatsoever unless through domestic implementing or transposing legislation. (Moore, 2004:14–15)

These different legal documents are invoked by different justice officials as the situation demands (see Gessner, 1998:442).

The focus of this dissertation is very specific and pragmatic: an examination of the process of international police and judicial cooperation aimed at combating serious transnational organized crime, and the variables that influence that process, so as to determine how this type of international cooperation may be improved. Since the legal framework represents the context within which cooperation takes place, and ultimately

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8 For an exposition of the police structures in the three countries, see An Garda Síochána (2002) and Van Daele & Vangeebergen (2009). For a discussion of the legal systems in the three countries, see Van Daele & Vangeebergen (2009). Other sources also outline the goals, structures, and other fundamental information about the police services in Belgium, The Netherlands, and Germany (see for example Benyon et al., 1993; Netherlands Ministry of the Interior, 2004).

9 For a discussion of the prosecutorial structure in Belgium, see Parmentier, Fijnaut & Van Daele (2000), Van Daele (2005), and Van Daele & Vangeebergen (2009).


11 For a discussion of the prosecutorial structure in Germany, see Weigend (2005), Siegismund (2003), and Van Daele & Vangeebergen (2009).
amounts to only one variable that influences the process of international police and judicial cooperation, a detailed discussion of the legal framework is beyond the scope of this study. Instead, a brief chronological inventory\textsuperscript{12} of the legal framework\textsuperscript{13} regulating international police and judicial cooperation—meant to orient readers to the legal landscape and map the parameters within which international cooperation occurs—is provided in Appendix A below.\textsuperscript{14}

\textbf{2.4.1.1.1. Administrative Measures Aimed at Combating Serious Transnational Organized Crime}

In addition to the elaborate legal framework, one administrative strategy grew in New York in the 1990s as a way to curb organized criminal groups (Fijnaut, 2010:45). The officials in New York shared their so-called “New York Double Strategy to Control Organized Crime” with Dutch officials, and the strategy has since taken root in both The Netherlands and in Italy (Fijnaut, 2010:47, 62). In The Netherlands, this strategy is entrenched in the \textit{BIBOB}\textsuperscript{15} Act of 2002. Among other things, this Act helps prevent organized crime groups from obtaining municipal permits to operate businesses (Fijnaut, 2010:44, 48; Van De Bunt, 2004:699). Fijnaut (2010:45–46) explains:

[\textit{u}]

\begin{quote}
using administrative powers involves such things as screening businesses that tender for public contracts, for example for the construction of roads or schools. Just as important is refusing or withdrawing permits from businesses that are in some way linked to organized crime. These can range all the way from waste management businesses to businesses in the food industry.
\end{quote}

\textsuperscript{12} The international legal framework regulating international police and judicial cooperation is presented in Appendix A in a chronological manner to reveal the piecemeal (and almost haphazard) evolution of this framework. Readers interested in examining the legal framework by theme (as opposed to by year) are encouraged to consult the European Judicial Training Network’s (2011) \textit{European Criminal Justice Training Guidelines}.

\textsuperscript{13} Full-text versions of the Council of Europe Conventions/Treaties are available online at: \url{http://www.conventions.coe.int/l}. Moreover, pursuant to Article 80 of the \textit{Vienna Convention on the Law of Treaties} (1969), every international treaty/agreement must be registered with the United Nations. The “United Nations Treaty Series” database is searchable online at: \url{http://treaties.un.org/Pages/UNTSOnline.aspx?id=1}. European Union Law in particular can be accessed at: \url{http://eur-lex.europa.eu/en/index.htm}

\textsuperscript{14} It should be noted that, although efforts were made to ensure that the list pieced together in Appendix A is sufficient for the purposes of the present study, the list is not exhaustive.

\textsuperscript{15} In Dutch, this Act is titled: “\textit{Bevordering Integriteitsbeoordelingen door het Openbaar Bestuur}.” The English translation is: “Promotion of Integrity Assessments by the Public Administration.”
Discussions are currently underway between The Netherlands and its neighbouring countries—Belgium and Germany—for them to also adopt administrative measures in the fight against serious transnational organized crime (see Fijnaut, 2010:60).

### 2.4.1.2. Critical Analysis of the International Legal Framework: From a Modest Beginning to an “Embarrassment of Riches”

As can be seen from the foregoing inventory of the international legal framework regulating police and judicial cooperation, the legal instruments initially stemmed from the wars, and were meant to promote peace and re-establish economies. Because of the war-torn history between the neighbouring countries in Europe, it is not a surprise that the legal framework regulating international police and judicial cooperation developed very slowly, steadily, and incrementally, over the course of decades.

As the countries became more trusting of one another, and international police and judicial cooperation grew more intense, the international legal framework was built-up to address the deficiencies of previous treaties. It is very interesting to note that the Benelux countries were—without question—the leaders in this regard. Indeed, a review of the chronological list of international legal instruments in Appendix A below reveals that, throughout history, international cooperation between the Benelux countries has been developing in a faster and more profoundly trusting/intimate way than what has been documented at the more general EU level. In other words, the Benelux countries have always been at the core of the developments in international cooperation. In fact, it appears that the international cooperation agreements between the Benelux countries have been inspiring and “setting the pace” for subsequent similar agreements at the wider EU-level. In this way, the legal framework provides clear evidence as to the pioneering history of the officials in the Benelux countries with respect to promoting, facilitating, and advancing international cooperation.

An examination of the legal framework also reveals that there is a large amount of redundancy between the legal instruments, especially with respect to the regulation of international police and judicial cooperation. To illustrate this fact, Tables 2.3 and 2.4 below compare some of the key legal instruments with respect to some key measures. Upon examining Tables 2.3 and 2.4, one begins to muse whether: (1) the drafters of these international legal instruments are dealing with such an expansive legal framework that they have forgotten the international laws that have already been established, or
(2) the legal framework is so expansive and complicated that the drafters would prefer not to examine the existing legal framework but rather simply draft a new legal instrument to ensure that current needs are met. This sentiment is shared by others as well, who argue that the: “[r]ule of law, for instance, may be a precondition for joining the European Union, but some states, such as Belgium and France, are much better at calling for new legislation than adhering to laws that have already been passed” (Harding, 2012:78). In sum, the international legal framework can be simplified.

Another surprise that becomes apparent after examining the international legal framework is the number of gaps in the regulation of international police and judicial cooperation, which will be identified and discussed in the research findings chapters of this dissertation. Due to the piecemeal nature of the legal framework, the gaps in the legal framework unintentionally impede the fight against serious transnational organized crime (Guymon, 2000:76). Despite the gaps, however, studies have shown that “…the legal framework [regulating international police cooperation]… is functioning reasonably well” (Spapens, 2010:101).

Table 2.3. Comparison of the Key Legal Agreements Relating to International Judicial Cooperation by the Key Measures of Extradition and Mutual Legal Assistance

<table>
<thead>
<tr>
<th>Year Opened for Signature</th>
<th>Treaty/Convention</th>
<th>Key Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957</td>
<td>European Convention on Extradition</td>
<td>Extradition&lt;sup&gt;16&lt;/sup&gt; Artikel 1–24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mutual Legal Assistance Artikel 12, 13</td>
</tr>
<tr>
<td>1959</td>
<td>European Convention on Mutual Assistance in Criminal Matters</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Artikel 1–22</td>
</tr>
<tr>
<td>1962</td>
<td>Benelux Treaty Concerning Extradition and Mutual Assistance</td>
<td>Artikel 1, 2, 5, 14, 17–19</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Artikel 22–26, 37, 38–46</td>
</tr>
<tr>
<td>1969</td>
<td>Convention Concerning Administrative and Judicial Co-operation in Respect of Laws and Regulations Pertaining to the Realization of the Aims of the Benelux Economic Union</td>
<td>Artikel 17</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Artikel 16–20</td>
</tr>
<tr>
<td>1990</td>
<td>Convention Implementing the Schengen Agreement</td>
<td>Artikel 59–66</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Artikel 48–53</td>
</tr>
<tr>
<td>2000</td>
<td>Convention on Mutual Assistance in Criminal Matters</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Artikel 1–23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Artikel 18</td>
</tr>
</tbody>
</table>

<sup>16</sup> Even though the traditional process of extradition was replaced by the European Arrest Warrant, this comparative analysis is still valuable to show the amount of redundancy with respect to these forms of international judicial cooperation throughout history.
### Table 2.4. Comparison of the Key Legal Agreements for International Police Cooperation

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Exchange of Non-Personal Data</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Exchange of Non-Personal Data</td>
</tr>
<tr>
<td>Exchange of Personal Identifying Data</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Exchange of Personal Identifying Data</td>
</tr>
<tr>
<td>Crossing the Border in Emergency Situations</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Crossing the Border in Emergency Situations</td>
</tr>
<tr>
<td>Mutual Support for &quot;Major Events, Disasters and Serious Accidents&quot;</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Mutual Support for &quot;Major Events, Disasters and Serious Accidents&quot;</td>
</tr>
<tr>
<td>Authority/Subordination</td>
<td>-</td>
<td>-</td>
<td>Art. 23 (a)</td>
<td>Art. 23 (a)</td>
<td>Art. 23 (a)</td>
<td>Art. 23 (a)</td>
<td>Authority/Subordination</td>
</tr>
<tr>
<td>Hot Pursuit</td>
<td>Art. 27</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Hot Pursuit</td>
</tr>
<tr>
<td>Cross-Border Surveillance</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Cross-Border Surveillance</td>
</tr>
<tr>
<td>Controlled Delivery</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Controlled Delivery</td>
</tr>
<tr>
<td>Joint Police/Checks</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Joint Police/Checks</td>
</tr>
<tr>
<td>Joint Operations</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Joint Operations</td>
</tr>
</tbody>
</table>

Art. 13
Art. 18
Art. 14
Art. 17
Art. 19
Art. 24
Art. 41
| Treaty/Convention/Decision                                                                 | Key Measure                        | Art. 1 | Art. 2 | Art. 3 | Art. 4 | Art. 5 | Art. 6 | Art. 7 | Art. 8 | Art. 9 | Art. 10 | Art. 11 | Art. 12 | Art. 13 | Art. 14 | Art. 15 | Art. 16 | Art. 17 | Art. 18 | Art. 19 | Art. 20 | Art. 21 | Art. 22 | Art. 23 | Art. 24 | Art. 25 | Art. 26 | Art. 27 | Art. 28 | Art. 29 | Art. 30 | Art. 31 | Art. 32 | Art. 33 | Art. 34 | Art. 35 | Art. 36 | Art. 37 | Art. 38 | Art. 39 | Art. 40 | Art. 41 | Art. 42 | Art. 43 | Art. 44 | Art. 45 | Art. 46 | Art. 47 | Art. 48 | Art. 49 | Art. 50 | Art. 51 | Art. 52 | Art. 53 | Art. 54 | Art. 55 | Art. 56 | Art. 57 | Art. 58 | Art. 59 | Art. 60 | Art. 61 | Art. 62 | Art. 63 | Art. 64 | Art. 65 | Art. 66 | Art. 67 | Art. 68 | Art. 69 | Art. 70 | Art. 71 | Art. 72 | Art. 73 | Art. 74 | Art. 75 | Art. 76 | Art. 77 | Art. 78 | Art. 79 | Art. 80 | Art. 81 | Art. 82 | Art. 83 | Art. 84 | Art. 85 | Art. 86 | Art. 87 | Art. 88 | Art. 89 | Art. 90 | Art. 91 | Art. 92 | Art. 93 | Art. 94 | Art. 95 | Art. 96 | Art. 97 | Art. 98 | Art. 99 |  
|------------------------------------------------------------------------------------------------|-----------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
Overall, there has been a distinct movement toward enhanced international cooperation—on many levels. Indeed, almost every Council of Europe convention, for example, contains the words “to achieve a greater unity” in the preamble. Many of the other international legal instruments contain similar wording in their respective preambles. The spirit behind the international legal framework is clear, but the onus is on the contracting parties to transpose relevant provisions into national law, and it is up to the police and justice officials at the “ground level” to make enhanced international cooperation a reality.

Perhaps the best way to conclude this section is to acknowledge the valuable summative insights offered by Van Den Wyngaert and Stessens (1996:174–175), which still ring true today, even though the international legal framework has expanded exponentially since their writing of 1996. They observed:

[I]he treaties indeed cover a wide variety of co-operation forms, ranging from extradition and mutual assistance to the transfer of proceedings and execution of foreign criminal judgments. However, not all of the treaties have been a success as far as ratification is concerned, and many member states have failed to adopt the necessary municipal legislation that is necessary to enforce the treaties domestically. Moreover, the multitude of instruments may be in itself, problematic: the texts, because they are so multiple and complex as a result of the fact that they bind different states on different terms and conditions due to the possibility of reservations, are difficult to apply in practice, especially when they have to be interpreted by courts, which are not always familiar with the interpretation of international conventions. What on the surface is a multilateral convention, may, in reality, be more like a patchwork of bilateral conventions, due to the operation of reservations and declarations which work like a boomerang, as they have a reciprocal effect.\(^\text{17}\)

From a political point of view, the multitude of conventions is explained by the fact that most conventions have loopholes, which creates the need for new conventions, drafted within smaller regional frameworks, in which the experts drafting the treaties, in their drafting enthusiasm, hope to overcome the difficulties that exist in the larger framework, the Council of Europe. In practice, this enthusiasm is not always shared by governments: comparing the relevant conventions concluded within the Council of Europe with the conventions that were negotiated within the Schengen group or within the European Union (the European Political Co-operation agreements), the results are very disappointing: the “progress” achieved is minute, and one may wonder whether it would not have been preferable to

\(^{17}\) This means that if “Country A” does not wish to accept a certain provision, and therefore ratifies the agreement with a “reservation,” then all other parties to the agreement are affected insofar as “Country A” is concerned with respect to the particular provision “Country A” renounced.
negotiate the same changes in additional protocols or amendments to the original conventions of the Council of Europe, in which case the multiplication and superposition of conventions that followed the original conventions would have been avoided.

Ideally, all forms of cooperation should be dealt with in one big instrument. But that too is something which seems to be easier in terms of formulating the ideas and drafting the texts, than in terms of having them be accepted politically by governments. Within the Council of Europe, the expert committee PC-OC had made considerable progress in this direction, but there seems to be little political willingness to go ahead with the project. Meanwhile, failing a coherent system spelled out in a sort of an “international criminal cooperation code” for Europe, progress could be achieved if the member states of the European Union would ratify the existing conventions, withdraw their reservations and adopt the necessary domestic legislation in order to allow them to enforce the conventions in practice. Even if this would be realized, there are problems that need to be resolved. (Van Den Wyngaert & Stessens, 1996:174–175)

In sum, the international legal framework continues to grow larger, more redundant, more complicated, and leaves much to be desired.

2.4.2. **Border Issues**

Discourse about globalization, de-territorialization, and disappearing borders has prompted an increased multi-disciplinary study of borders in the past decade (see Delanty, 2006:185; Newman, 2006b:143–144; O’Dowd, 2003:13). Globalization and the accompanying advancements in international law have made the study of borders in the discipline of criminology both appropriate and necessary.

The term **border** refers to “…the outer part or an edge of a territory,” while the term **frontier** refers to “…the border between two countries” (Delanty, 2006:187). With respect to the EU, the term **border** refers to the external border of the EU, and the term **frontier** refers to the internal borders that separate member states of the EU (Müller-Graff, 1998:15 as cited in Delanty, 2006:187). The literature on international police and judicial cooperation, however, generally ignores the nuance between these two terms and uses them interchangeably. For this reason, the terms “border” and “frontier” are used interchangeably in this dissertation, with a preference for the former term because of its broad use and application.
Delving into the study of borders further, Marenin (2006:19) explains that “…borders must be both open and closed, and be both gates and walls.” Specifically, borders can be “hard” or “soft,” and either “open” or “closed” (Delanty, 2006:183). To distinguish between the different types of borders, “[h]ard borders are generally military or political borders that separate states or state systems,” while soft borders are those that separate people of different nationalities (Delanty, 2006:188–9). Closed borders have a border control post/gate-keeper to monitor entry, while open borders do not. To combine the concepts, hard borders are generally closed, but some regions have begun to open their hard borders (Delanty, 2006:189, 191). For example, the external borders of the United States of America are considered hard and closed, while the internal borders of the EU are hard and open (Delanty, 2006:190). Moreover, soft and open borders are characteristic of multiculturalism, while soft and closed borders encapsulate, for example, Christian Europe (Delanty, 2006:190). When analyzed carefully, borders are merely social constructions; they are man-made concepts to help provide order and organization for societies (Delanty, 2006:186; Newman, 2006b:143).

Interestingly, while many of the internal borders in Europe have opened due to economics or Schengen, the borders in other parts of the world (e.g., North America) have been closing since the terrorist attacks of 9/11, in the name of safety and security (Delanty, 2006:197; Newman, 2006a:182). Of course, crime remains widespread in both Europe and North America, since border control posts (and the prima facie lack thereof) do little to reduce crime within nations (Killias, 1993:8). In fact, some law enforcement officials argue that traditional border control posts expose the “little stupid offenders,” but fail to stop sophisticated organized criminals who find less conspicuous ways to function (Benyon et al., 1993:29; Kühne, 1993 as cited in Benyon et al., 1993:54).

Europe is taking a relatively novel approach with respect to crime control, by replacing border control posts with initiatives such as intense international police and judicial cooperation—which de facto promotes information exchange and intelligence analysis (Benyon, et al., 1993:24; Bruggeman, 2001:290; Hills, 2006:47; Killias, 1993:7; Rees & Webber, 2002:91). In other words, borders do not simply exist on a country’s edge, nor are they totally vanishing; rather, borders now exist in multiple locations within a country, and manifest in different ways (Paasi, 2005 & Rumford, 2006 as cited in Delanty, 2006:183, 199; Lyon, 2005). In the EU for instance, the process of “re-territorialization” is taking place, “…whereby old borders overlap with new and less
visible ones, such as increased policing and security checks, leading to a networked border system in which inside and outside are less clear-cut” (Delanty, 2006:192). In fact, databases such as the Schengen information System are serving as “the new digital borders of Europe” (Broeders, 2007:71; see also Koslowski, 2006:71). These databases monitor migration by identifying illegal migrants using various types of data, such as biometric data (Broeders, 2007:71).

Because intense international police cooperation has become common in areas that were once separated by borders, a new concept is born: “policing without borders.” In the literal sense, the concept refers to policing an area that lacks a traditional border control post. In the figurative sense, it means policing a “small world” due to globalization and teamwork. The implication of both definitions is the need for enhanced international police and judicial cooperation.

2.5. Summary

This chapter began contextualizing the present research topic within the literature. As was shown in the foregoing discussion, the phenomena of globalization, transnational crime, and law harmonization all point to the need for, and reinforce the rationale behind, international police and judicial cooperation. These global trends are extremely pronounced in the EU, which embodies 28 different countries and 30 different legal systems—making the EU the ideal location/laboratory for a study of international police and judicial cooperation. Among other things, an analysis of the legal framework regulating international police and judicial cooperation revealed that: (1) the Benelux countries “set the pace” for enhanced international cooperation in the wider EU arena; and (2) the legal framework developed slowly, over the course of decades, on a piecemeal basis—an approach that created both redundancies and gaps in the legal framework.

Chapter 3 continues to examine international police and judicial cooperation, as reported in the literature. Among other things, this exercise is done to: (1) further contextualize the present study amidst the literature; (2) introduce various key words and entities to the readers; and (3) reveal some specific areas in need of research.
3. International Police and Judicial Cooperation

The ‘Achilles heel’ of all these initiatives [i.e., the legal framework], however, is that law enforcement authorities remain dependent on the goodwill of their colleagues across the border.

(Vermeulen, Vander Beken, Van Puyenbroeck & Van Malderen, 2005:17)

This chapter examines the various facets of international police and judicial cooperation—its history, structures, manifestations, obstacles, issues, and key research studies. As will be discussed below, although international police and judicial cooperation is growing in popularity and necessity, challenges still plague the enterprise, leaving significant room for improvement. Moreover, the literature review reveals that the regime of international police and judicial cooperation in the Meuse–Rhine Euregion has never before undergone a comprehensive examination informed by the Organizational Behavior approach. Therefore, this chapter further contextualizes the present research study amidst the literature.

3.1. A Brief History of International Police Cooperation

The practice of international police cooperation is not new. According to the literature, international police cooperation first began in Europe in 1848 to maintain the “political status quo,” which was threatened by anarchists at the time (Gerspacher, 2008:169, 170, 184). After World Wars I and II, the motivation behind international police cooperation shifted from politics to the desire for crime control on a transnational basis (Gerspacher, 2008:169, 170). Since then, international police cooperation has grown increasingly sophisticated and widespread, as have the international organizations that facilitate the cause (Gerspacher, 2008:169).18 Indeed, the findings chapters of this dissertation describe the enterprise’s current level of sophistication, as manifest in the Meuse–Rhine Euregion.

18 For a comprehensive chronology detailing the evolution of events associated with international police cooperation in Europe from the years 1898 to 2005, see Occhipinti (2003:239–263).
3.2. International Police and Judicial Organizations in Europe

There are several international law enforcement organizations in Europe. Specifically, the United Nations, Interpol, Europol, Eurojust, and the European Judicial Network are among the most prominent organizations that facilitate international police and judicial cooperation. Brief descriptions of these organizations are provided below.

3.2.1. United Nations

While the United Nations (UN) is neither a police nor judicial organization, it should be mentioned here since it has passed several conventions and resolutions to aid the fight against serious transnational organized crime. Despite its influence, however, the UN remains largely powerless with respect to this global venture (Lewis, 2007:177). The reasons for this are two-fold. First, the UN has neither the authority nor the capacity to enforce the conventions (Lewis, 2007:178). Second, the UN conventions do not receive full support from UN member states because some nations contain significant populations that implicitly support at least some serious transnational organized crime (e.g., terrorism) (Lewis, 2007:178). Nevertheless, this organization should be recognized for its role in policy-making, which encourages international cooperation.

3.2.2. Interpol

The International Criminal Police Organization (Interpol) was established in 1923 and is the most long-standing international police organization in the world (Deflem, 2005:797; Interpol, 2008). As Deflem (2008:198) explains:

Interpol is a nongovernmental international organization that aims to provide and promote mutual assistance among nations’ criminal police authorities within the limits of their respective national laws and in the spirit of the United Nations’ Universal Declaration of Human Rights.

In terms of its history, Interpol was conceived by a number of senior police officials from different countries who realized the need for such an agency at the end of World War I, in

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19 In Spapens’ (2010:78) words, Interpol “…is not based on a treaty, but it has comparable status.” For the complete legal analysis that explains the basis of this statement, see Martha (2010:2, 3, 201).
1918, when crime expanded into the international realm (Deflem, 2005:797).

The headquarters of Interpol are located in Lyon, France, and a regional bureau of Interpol is located on each continent. The organizational structure for Interpol consists of a General Assembly, Executive Committee, General Secretariat, National Central Bureaus, and Advisers (Interpol, 2008; Inwood, 1994:22). Interpol currently has a total of 190 “member countries,” which is excellent global representation considering that there are approximately 195 countries in the world (Interpol, 2012; World Atlas, 2008). Representatives from each member country work for Interpol, and a National Central Bureau is located in each member country (Interpol, 2008; Spapens, 2010:78).

With respect to day-to-day operations, the four official languages of Interpol are: English, French, Spanish, and Arabic (Interpol, 2008). Interpol’s jurisdiction includes the areas of drugs, criminal organizations, financial and high-tech crime, fugitives, terrorism, human trafficking, corruption, vehicle crime, property crime, genocide, war crimes, crimes against humanity, and environmental crime (Interpol, 2008; Lewis, 2007:179). Because the vast majority (about 75%) of all cases handled by Interpol had a European element as of the early 1990s, some observers called for the establishment of a “Europol.”

### 3.2.3. Europol

As mentioned above, the “Maastricht Treaty” (1992) set the basis for Europol (Europol, 2004). The organization first started in 1995 as the “European Drugs Unit,” with the mandate of promoting information sharing among the member countries of the European Union with specific regard to drug trafficking (Gerspacher, 2008:181; Marotta, 2001:311). In 1998, the mandate of the European Drugs Unit expanded to encompass international law enforcement efforts aimed at combating serious transnational crime—given the implementation of Schengen—and as such, the European Police Office (Europol) was born (Bruggeman, 2002:1 as cited in Gerspacher, 2008:181). Europol’s jurisdiction now includes:

- organized illegal immigration, trafficking in human beings, including sexual exploitation, child pornography, trafficking in stolen vehicles, illicit trafficking in nuclear and radioactive materials, terrorism, counterfeiting of currency and other means of payment (with a particular emphasis on the Euro), and associated money laundering activities. (Storbeck, 2000:22)
Europol operates according to the “Europol Convention” (1995), of which almost 50% of the provisions concern the processing of data (see Council of the European Union, 1995; Storbeck, 2000:22). Hence, one mandate of Europol is to disseminate intelligence produced through the synthesis and analysis of information voluntarily provided by the member states’ police forces (Gerspacher, 2008:181).

Europol’s staff consists of over 300 law enforcement authorities (liaison officers) from the EU member states, including police and customs officials, who facilitate a far-reaching “interdisciplinary and multi-agency approach” to international police cooperation in the EU (Gerspacher, 2008:181, 182; Storbeck, 2000:22). Notably, the “Treaty of Amsterdam” (1997) grants Europol staff the power to facilitate international police cooperation by allowing them to perform a support and coordination function in investigations (Storbeck, 2000:22). Europol has been a leading example with respect to the trends of intervention and coordination in international cooperation (Gerspacher, 2008:182).

3.2.4. Eurojust

Established in 2002 and based in The Hague, Eurojust is a central body for judicial cooperation in the EU (Spapens, 2010:78; Wright, 2006:286). Eurojust is often referred to as a “legal melting pot” since it houses “…25 senior judges or prosecutors from each EU state,” along with a team of administrators (Lewis, 2007:183). This group of prosecutors and magistrates share information with each other at regular meetings and facilitate cross-border police and judicial cooperation (Wright, 2006:286). Specifically, Eurojust has three main functions:

[i]t stimulates and improves [the] coordination of investigations and prosecutions between competent authorities; it improves cooperation by easing the execution of international mutual legal assistance and the implementation of extradition requests; and it supports states in investigations into cross-border crime. (Lewis, 2007:183)

Eurojust also has privileged connections with other international police and judicial cooperation bodies, including Europol and the European Judicial Network (Lewis, 2007:183).
3.2.5. European Judicial Network

Created in 1998, the European Judicial Network (EJN) facilitates judicial cooperation among EU member states in combating serious transnational organized crime (Dandurand et al., 2007:283; Lewis, 2007:183; Spapens, 2010:79). Essentially, the EJN is an EU-wide network of about 250 legal experts (prosecutors and judges) who work with local law enforcement officials to carry out requests for mutual legal assistance (Lewis, 2007:183). The EJN has a website that members can access for information, which helps facilitate international judicial cooperation. The EJN also hosts conferences for experts.

3.3. International Police and Judicial Cooperation in Europe

When a crime occurs, and something concerning that crime crosses a border or can be found across a border—whether it be the offender(s), victim(s), witness(es), or evidence—a cross-border police and judicial response (tactics such as surveillance, telephone tapping, arrests, searches, seizures, etc.), involving international police cooperation (information sharing, joint investigations, etc.) and international judicial cooperation (mutual legal assistance), is required to bring that case to justice in a court of law. While many transnational offences occur in cross-border regions, typically only the most serious offences involving organized crime warrant the time-consuming and resource-intensive process of international police and judicial cooperation.

Remarkably, the process of international police and judicial cooperation is usually embarked upon without the help of international organizations such as Europol or Eurojust, which are reserved for only the most complicated multi-national cases. Indeed, to regain control over serious transnational organized crime, new crime interdiction strategies have been emerging between the police, prosecution, and judiciary, at the local, national, and international levels, as well as at the micro- (individual), meso- (organizational), and macro- (legal/political) levels. Table 3.1 below orients readers to this complex enterprise, and reveals that there are many different forms of international police and judicial cooperation—at multiple levels. In creating this table, one question became: is the process of international police and judicial cooperation rightly categorized at the meso-level or the micro-level? On the one hand, Benyon et al. (1993) posit that
processes are rightly categorized at the meso-level, but they do not provide a rationale or research evidence to support this contention. On the other hand, and as will be shown in

Table 3.1. The Levels/Initiatives of International Police and Judicial Cooperation Aimed at Combating Serious Transnational Organized Crime

<table>
<thead>
<tr>
<th>The Levels of International Police and Judicial Cooperation</th>
<th>Initiatives Aimed at Combating Serious Transnational Organized Crime</th>
</tr>
</thead>
</table>
| **Macro- (legal/political) level** | • International Legal framework  
  • Treaties, conventions, framework decisions, etc.  
  • National legal framework supports international cooperation  
  • Criminalization of serious transnational organized crimes  
  • Criminalization of related crimes  
  • Extradition powers  
  • Mutual legal assistance laws and procedures  
  • Mutual recognition of decisions/judgments  
  • Law harmonization  
  • Victim and witness protection  
  • Political support  
  • Funding |
| **Meso- (organizational) level** | • Structures/Institutions (e.g., Interpol, Europol, Eurojust)  
  • Networks/working groups  
  • Systems/technology for cooperation  
  • Joint/inter-operable databases |
| **Micro- (individual) level** | • Strong front-line response  
  • Proactive crime prevention  
  • Reactive crime detection  
  • Strong response among the specialists (multilingual senior liaison officers, prosecutors, and examining magistrates)  
  • Steps in the process of international cooperation  
  • Police  
  • Information exchange  
  • Joint investigations  
  • Telephone tapping  
  • Hot pursuit  
  • Cross-border surveillance  
  • Controlled delivery  
  • Warrant execution  
  • Prosecutors/Examining Magistrates  
  • Mutual legal assistance |

Source: The contents of this table were adapted from/inspired by Benyon et al. (1993:11–13) and Gallagher & Holmes (2008),20 with some contributions/modifications by the present author. The foci of this dissertation are highlighted in this table in bold print.

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20 To be clear about the division/attribution of intellectual contributions in Table 3.1 above, Benyon et al. (1993:11–13) posit that there are three levels of police cooperation (macro-, meso-, micro-levels). In contrast, Gallagher & Holmes (2008:334) contend that the systems/processes of cooperation represent just one aspect of a multi-pronged initiative in the fight against serious transnational organized crime, such as human trafficking. Yet, all the authors agree that an elaborate framework of cooperative initiatives has been erected to combat serious transnational organized crime.
this dissertation, the process of international police and judicial cooperation is made possible by the macro- and meso-level policies, but the actual "cooperation" occurs at the micro-level. Indeed, individual specialists execute the process by virtue of their knowledge, decisions, personal contacts, etcetera. At the most basic/fundamental level, if the individuals involved do not know what to do, or choose not to cooperate—regardless of macro-level international laws and meso-level Memorandums of Understanding (MOUs)/organizational policies, then the process of cooperation will not happen. For this reason, the researcher argues that the process of cooperation depends on the individuals involved, and therefore, is rightly categorized at the micro-level. The latter chapters of this dissertation provide overwhelming evidence to support this assertion (e.g., virtually every step in the process of cooperation depends on a decision/action made by an individual).

To be clear, the term cooperation simply refers to the act of co-operating/working together to achieve a mutual goal (More, Wegener, Vito, & Walsh, 2006:366). In the case of international police and judicial cooperation, the actual “cooperation” is achieved through a long series of steps that require decisions/actions by individual specialists21 (see Chapter 7 below). The term police cooperation refers to the cooperation that occurs between police forces for the purpose of crime prevention or a criminal investigation (see El Zein, 1997 as cited in Das & Kratcoski, 1999:234). Naturally, the term international police cooperation refers to police cooperation across national borders. The focus of the present dissertation is on international police and judicial cooperation, which is defined here as: the micro-level process by which cases of serious transnational organized crime are addressed by police and justice officials of different countries, and subsequently put through one country’s legal system for judicial case processing with the goal of achieving one or more criminal convictions, within a wider socio-legal/political/organizational context.

The process of international police and judicial cooperation can be distilled into two main parts. First, the process starts with international police cooperation, which consists of investigative tactics such as information sharing (Dandurand, Colombo, & Passas, 2007:280, 283; El Zein, 1997 as cited in Das & Kratcoski, 1999:234; Joutsen, 2006a:13). Second, the process continues with international police and judicial cooperation, which is

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21 There are not many steps in the process of international police and judicial cooperation that consist of group activity/actions/decisions (see Chapter 7 below). The vast majority of steps in the process of international police and judicial cooperation are made by individual specialists.
characterized mostly by the traditional sub-process of *mutual legal assistance* (i.e., the exchange of *letters rogatory*, which are formal requests for international assistance from one justice official to another) (see El Zein, 1997 as cited in Das & Kratcoski, 1999:234; Harris, 2000:137). The process of international police and judicial cooperation is actually much more complicated/sophisticated than the simple two-part process described here, but for the purpose of this brief introduction, a basic explanation will suffice to orient readers. The “full-blown” process of international police and judicial cooperation, as manifest in the Meuse–Rhine Euregion, is exposited in detail in Chapter 7 below.

It is important and necessary to examine both the police and justice aspects of the international cooperation process, since both components work symbiotically to address serious transnational organized crime (i.e., studying only one component of the system will not reveal the complete picture as to what is happening). Moreover, developments in international police cooperation should be matched with complementary efforts made by prosecution and judicial services, since the ultimate effectiveness of any criminal justice system depends on the capacity of each component (Dandurand, 2007b:246).

In terms of what brings the stakeholders together, according to the literature, international police and judicial cooperation occurs through the process of networking, which evolves in stages (Tichy et al., 1979 as cited in Soeters et al., 1995:10, 11). The first stage is *expressive*, meaning that the parties discover that they share common interests, while developing trust and showing respect for one another (e.g., agreements/Memorandums of Understanding are drafted) (Soeters et al., 1995:10). The second stage is *cognitive*, wherein the parties begin to exchange information and ideas with one another (Soeters et al., 1995:10). The third stage involves the “production and distribution of goods or services” (e.g., joint ventures) (Soeters et al., 1995:10). The final stage is *integration*, whereby the parties amalgamate and merge into a single unit (Soeters et al., 1995:10). This process is quite comparable to a courtship between two people that results in a committed partnership, such as marriage—complete with “winning and dining” and getting to know each other (in the context of both formal and informal gatherings)—but (usually) without romance.

The literature also speaks to the “formal versus informal” dichotomy in the field of police and judicial cooperation. Interestingly, the formal/official networking channels for international police and judicial cooperation are reported as *inefficient* due to “checks and
balances,” which result in major time delays, and in some cases, the loss of evidence. For these reasons, and the added benefits of increased ease, freedom, and straightforwardness, many police officers prefer informal/direct cooperation (Alain, 2001:117; den Boer, Hillebrand, & Nölke, 2008:101; Gallagher, 2003:131). Ironically, however, informal cooperation may ultimately be costly because it can weaken the potential, accountability, and legitimacy of the formal structures established for international police and judicial cooperation (den Boer et al., 2008:101). Informal cooperation may also render the evidence obtained through such processes as inadmissible in court.

In sum, the study of international police and judicial cooperation requires an examination of not only how police services work together, but also how judicial services work together with the police. The subsections below continue to lay the foundation for an in-depth examination of international police and judicial cooperation by: (1) introducing readers to the tactical approaches employed by police and justice organizations when engaged in international cooperation; and (2) reviewing some of the surrounding obstacles and issues, as gleaned from previous research studies.

**3.3.1. International Police Cooperation**

International police cooperation manifests at the front-line level in the form of tactical/investigative approaches such as: information exchange, the use of liaison officers, Joint Investigation Teams, cross-border supervision and surveillance, hot pursuit, and controlled delivery (Dandurand et al., 2007:280, 283; El Zein, 1997 as cited in Das & Kratcoski, 1999:234; Joutsen, 2006a:13). These forms of international police cooperation are discussed below.

**3.3.1.1. Information and Intelligence**

Information is the life-blood of policing. In the context of law enforcement, the term *information* refers to facts that may assist with leading to a criminal conviction (see Martens, 1990:3). In contrast, the term *criminal intelligence* refers to information that has gained “added value” through rigorous analysis (see Martens, 1990:3). Many law enforcement officials prefer to use the term “information” instead of “intelligence” when discussing matters of international police cooperation because the former term is broader
in scope than the latter term. Below, a discussion of issues surrounding “information” precedes a discussion of issues surrounding “criminal intelligence.”

3.3.1.1.1. Information Exchange

Since individual police forces do not have the capacity to address the widespread and complex nature of transnational organized crime on their own, the best practices of joint policing efforts and inter-agency information exchange are strongly encouraged as a response to transnational crime (Hunt, 1997:48; McFarlane, 2001:17; RCMP, 2002:7, 9; Rodriguez, 1989:90–91). Ideally, information should flow freely from agency to agency, and between all levels of law enforcement, because the dissemination of information is crucial to successful policing efforts (see Hunt, 1997:47; see McFarlane, 2001:17). Law enforcement units and agencies should share information and updates with their counterparts because such information: alerts officers to threats with respect to their personal safety, and also renders officers capable of delivering an immediate law enforcement response if the opportunity presents itself (International Association of Chiefs of Police, 1985:43). Therefore, as Stewart urged almost 50 years ago: regional, national, and international information exchange networks should be established (Stewart, 1976:34, 35). This “call to action” remains relevant and pressing today.

3.3.1.1.2. Obstacles to Information Exchange

Unfortunately, numerous obstacles thwart information exchange efforts across the EU’s internal borders (Vermeulen, Vander Beken, Van Puyenbroeck, & Van Malderen, 2005:17–23). Vermeulen et al. (2005) identify six such obstacles. First, there is no obligation for law enforcement agencies to share information with their counterparts (Vermeulen et al., 2005:17, 22). This is problematic because some law enforcement officials choose not to disseminate critical information, due to its “sensitive” nature.

Second, information exchange usually occurs indirectly between organizations through the assistance of a liaison (e.g., Europol), making the process less convenient and more time-consuming for everyone involved (Vermeulen et al., 2005:17–18, 22). When time is of the essence, it is paradoxical—but not surprising—that information sharing may not occur.
Third, information exchange in Europe does not occur by way of a standardized protocol (Vermeulen et al., 2005:18, 22). The lack of a procedure may make information more difficult and slower to share because law enforcement officials may not know what their international counterparts require to fulfill a request for assistance.

Fourth, there is no way for foreign colleagues to determine on their own what information is available in a different country (Vermeulen et al., 2005:18, 22). Without knowing what information is available, law enforcement officials operate below their potential. Such a situation is similar to a student writing an essay without realizing that many books have been written on the subject of interest. Clearly, a lack of vital information places law enforcement officials at a disadvantage.

Fifth, “conditions of access” differ across the EU (i.e., some nations require law enforcement officials to obtain judicial authorization before they obtain certain law enforcement information, while other nations do not impose such a requirement) (Vermeulen et al., 2005:20, 22). Considering the trend toward law harmonization, obstacles in this area should diminish.

Sixth, law enforcement agencies classify/protect their information in different ways (Vermeulen et al., 2005:20, 23). Differences in the classification/designation22 of law enforcement information between agencies can make the sharing of information difficult (Vermeulen et al., 2005:23).

Finally, there are no mechanisms to control the information after it is shared to allow the information’s origin to be traced, or to ensure it is used in a legitimate manner (Vermeulen, 2005:21, 23). Inter-agency information sharing may increase with the imposition of accountability measures.

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22 To illustrate, Canada’s Royal Canadian Mounted Police (RCMP) classify or designate their information (Clupp & Leach, 2008). Classifed information is police information that relates to the national interest. The classification scheme is: “Confidential,” “Secret,” and “Top Secret.” In contrast, designated information is police information that does not concern the national interest, but rather persons or entities. The designation scheme for this type of information is: “Unclassified,” “Protected A,” “Protected B,” and “Protected C.” Other agencies may follow different classification schemes and/or use different operational definitions.
Other obstacles include a lack of trust between the law enforcement agencies sharing the information, due in some cases to a perception of corruption, and/or foreign police bodies that do not support international investigations (Crawshaw, 1989:121; “National Criminal Intelligence,” 2003:2; Ryan, 2006). Even internal factors operate to limit information flows within agencies (see Herbert, 1996:52), which is unfortunately a reality in many police departments. Perhaps the primary obstacle to information exchange “…is the value of information to the ‘owner’” (i.e., the investigator who discovered the information); this, along with security issues and other aspects of police culture, discourages many police officers from exchanging information with one another (Lee, 1995 as cited in Gill, 1998:351). Indeed, the dominant view among many police officers is he who has the information has the power—which is why many police officers do not submit all of their investigative information to shared police databases. Although this orientation is slowly dissipating, uninhibited information sharing will require a change in the organizational value of secrecy, which is an extremely pronounced characteristic of police culture.

Numerous independent databases pose another issue. Consider the number of law enforcement databases in the EU alone. It is problematic when law enforcement information is fragmented among unconnected information silos, because it slows down and prevents the formation of the full intelligence picture on any given crime or criminal organization.

3.3.1.1.3. Criminal Intelligence

Criminal intelligence poses additional issues for international police and judicial cooperation. For decades, the definition of criminal intelligence has remained undisputed by members of the international law enforcement community. Building on the definition provided above, criminal intelligence refers to “…evaluated knowledge that assists in the arrest of criminals for committed or contemplated crime” [emphasis added] (Stewart, 1976:31). Criminal intelligence is vital to law enforcement and is relied upon ever-increasingly as a tool to combat organized crime, including terrorism.

There are two main types of criminal intelligence: tactical and strategic. Tactical intelligence pertains to pressing and/or short-term law enforcement needs (Gill, 1998:355; International Association of Chiefs of Police, 1985:6; Interpol, 2004:1; Vohryzek-Bolden, Olson-Raymer & Jeffrey, 2001:222). In contrast, strategic intelligence

3.3.1.1.4. Criminal Intelligence Analysis

While the definition of criminal intelligence is widely agreed upon, the meaning of the term “criminal intelligence analysis” varies internationally (Interpol, 2004:1). The purpose of criminal intelligence analysis is to help law enforcement officials plan tactical and strategic operations, through the development of knowledge (Andrews, 1990:39; Interpol, 2004:1).

Criminal intelligence is the product of the criminal intelligence analysis cycle, which involves the evaluation of all available information relating to people or activities known or suspected to be involved in criminal activity (Vohryzek-Bolden et al., 2001:221; International Association of Chiefs of Police, 1985:5). The intelligence cycle transforms information into intelligence by adding value to the information (Ratcliffe, 2003:3). Generally, the intelligence cycle consists of a five-step process, namely: “…planning and direction, collection, processing, production and analysis, and dissemination” (Johnson, 1986 as cited in Andrews, 1990:39; Martens, 1990:3). Much can be said about these particular phases of the intelligence cycle, the discussion of which may begin with an examination of the initial “data collection” phase of the cycle.

Significantly, data collection should involve both reactive and proactive intelligence gathering (Vohryzek-Bolden et al., 2001:228–9). Criminal intelligence units gather their information from a number of sources, including: (1) police databases; (2) “open sources” (i.e., sources that can be accessed by the public, such as newspapers and other public records); and (3) covert operations, including the use of informants/sources, surveillance, and technological interceptions (Gill, 1998:349–350). Personal data, including that found in criminal records, bank statements, and telephone records, are also gathered from respective governing agencies (Vohryzek-Bolden et al., 2001:221).
The “collection plan” and “analytical plan” are crucial parts of the intelligence-gathering process; the plans guide the direction of intelligence resources, the collection of information, and determine whether the intelligence process meets its goal of producing knowledge, all while adding focus, objectivity, and rigor to the analytical process (Andrews, 1990:39). Analogous to road maps, the plans respectively set out the information to be gathered and the analytical operations to be performed (Andrews, 1990:40).

The intelligence product garners its usefulness from the evaluation process to which the raw data/information is subjected (Vohryzek-Bolden et al., 2001:235). Just as law enforcement investigators carefully gather reliable and valid data, criminal intelligence analysts should carefully select information from sources with a history of accuracy (Vohryzek-Bolden et al., 2001: 235, 236, 237, 238). Accuracy is important given the possibility of counter-intelligence.

The analysis phase is another important part of the intelligence analysis cycle. The criminal intelligence cycle potentially prevents terrorism and organized crime, assesses threats, and facilitates intelligence-led policing (Vohryzek-Bolden et al., 2001:222). Such intelligence gathering and analysis, however, should be thorough and complete.

The dissemination of criminal intelligence is the last, and arguably most important, stage of the intelligence process (Gill, 1998:356). The dissemination of valuable intelligence helps build respect and cooperation from other agencies, and encourage intelligence sharing.

3.3.1.1.5. Toward Enhancing the Exchange of Information and Intelligence

Information exchange between law enforcement agencies, and the subsequent criminal intelligence analysis that should ensue, have both improved significantly in recent years. Indeed, the value of information as a policing tool is being recognized by law enforcement agencies around the world, and the intelligence-led policing model is becoming more popular. This shift in policing has raised the need for information exchange among agencies at the local, national, and international levels. Some protocols facilitate such goals, but the present state of affairs leaves much to be desired.
In attempt to address these shortcomings, two countries have developed their own intelligence-sharing protocols: (1) the United States’ *National Criminal Intelligence Sharing Plan* facilitates the sharing of criminal intelligence between agencies at the local, national, and international levels; and (2) the United Kingdom’s *National Intelligence Model* focuses on the intelligence management structure in that nation. Notably, however, the United Kingdom’s plan focuses on the coordination of intelligence resources among the varying levels of law enforcement agencies in the United Kingdom, as opposed to the sharing of criminal intelligence. At the present time, it appears that no other countries (conspicuously, *e.g.*, other EU member states) have developed any such plan. Significantly, though, the development of more information sharing plans seems to be looming on the horizon.

The lack of information sharing among law enforcement agencies may have spawned one research study. In 2005, researchers Vermeulen, Vander Beken, Van Puyenbroeck, and Van Malderen produced a report for the European Commission titled: *Availability of Law Enforcement Information in the European Union: Between Mutual Recognition and Equivalent Right of Access*. The researchers set out to determine the availability of law enforcement information for authorities, both within and outside of the EU member states, and the obstacles to accessing such information (Vermeulen et al., 2005:10). They employed a mixed methods research approach that consisted of: (1) a literature review, (2) a legal and policy analysis of EU documents, and (3) a questionnaire submitted to EU member states inquiring about their views on the “right of equivalent access” to information and the accessibility of law enforcement information from agencies within and outside of their own nation (Vermeulen et al., 2005:11).

The study conducted by Vermeulen et al. (2005) revealed that law enforcement information is not as accessible as it could be, due to “[t]echnical obstacles, time-consuming procedures and differences in legislation…” (Vermeulen et al., 2005:11). The researchers concluded that law enforcement information should be made available between EU member states and beyond, according to “the principle of availability,” which The Hague Programme of 2004 endorsed. As such, the researchers advanced two proposals. The first proposal was for: “improving [the] cross-border exchange of relevant law enforcement information in the EU through the principle of availability” (Vermeulen et al., 2005:24). The group’s second proposal was to: “facilitate [the] cross-border
exchange of relevant law enforcement information in the EU by means of a European Law Enforcement Services Index System (ELESIS)” (Vermeulen et al., 2005:49). These two proposals provide the basis for recent developments in the area of law enforcement information sharing across borders in the EU (Vermeulen et al., 2005:12).

Other developments are occurring to encourage information sharing between law enforcement agencies. In July 2008, a group of high-level policy makers in the EU known as “The Future Group”—composed of the Ministers of Justice and Ministers of the Interior for six European countries, along with senior representatives from the European Commission—submitted a confidential 53 page “security blueprint” report (i.e., a five-year strategic plan for justice and security in Europe) to EU governments. Among other things, the report argued for the: (1) sharing of “vast amounts” of biometric data from the EU with the United States of America for the purpose of fighting terrorism across the transatlantic; (2) sharing of intelligence between the EU member states; and (3) empowering of international law enforcement agencies in the EU, such as Europol and Eurojust (Traynor, 2008). The Future Group reasoned that law enforcement functions should be coordinated and integrated within the EU, and abroad, such as with the United States of America, if transnational organized crime is to be controlled and reduced (Martin, 2008; Traynor, 2008).

Importantly, some of these initiatives are already occurring in practice, but not as systematically as the Future Group envisioned. For example, officials from Washington and Berlin signed an agreement in March 2008, which directs German law enforcement officials to share biometric, DNA, and other identifying information with American law enforcement officials as necessary (Traynor, 2008). The lack of trust, however, continues to pose an obstacle to complete and effective information exchange (Walsh, 2006). As Erkki Tuomioja, the Foreign Minister of Finland, said:

> [f]or a long time it has been known that, within an hour after being distributed to the member states, all EU documents concerning the Middle East have already reached Tel Aviv, and probably Washington and Moscow. (Tuomioja, 2006 as cited in Martin, 2008)

If information is disseminated to unauthorized parties, future information exchange becomes unlikely. In 2008, one goal was to have an international agreement in place by 2010, between the Homeland Security Department of the United States of America and
the European Commission, with respect to the sharing of intelligence and information for the purpose of law enforcement (Traynor, 2008). Work toward achieving this goal is still in progress (see European Commission, 2010). Another goal is to create inter-operable criminal intelligence databases across Europe (Dandurand et al., 2007:285).

### 3.3.1.1.6. Intelligence-led Policing

Captured under the “community policing” umbrella, and similar to the strategy of “problem-oriented policing,” intelligence-led policing is meant to reduce and prevent crime through the proactive use of criminal intelligence (Ratcliffe, 2003:2, 3, 5). Intelligence-led policing became a policing strategy in the 1990s, as the demand for police service increased while budgets decreased (Ratcliffe, 2003:1–2). The model’s popularity grew as it became clear that traditional policing practices were incapable of addressing transnational organized crime (Ratcliffe, 2003:2). Now, intelligence-led initiatives are crucial to policing, especially with respect to the policing of organized crime (Hunt, 1997:46).

The unprecedented success that the police have had targeting the transnational criminal activity of Outlaw Motorcycle Gangs in recent years is partly attributed to improved coordination and cooperation between police forces, including intelligence-sharing (RCMP, 2002:7). Such practices not only address crime, but also strengthen the union of law enforcement agencies in the fight against transnational crime (Hunt, 1997:46). With these developments in transnational and intelligence-led policing strategies, the police are becoming more interested in intelligence and its potential (Gill, 1998:339–340).

### 3.3.1.2. Liaison Officers

Liaison officers are mid-ranking police officers who specialize in providing a liaison function to their police force in international criminal cases. These officers typically speak two or more languages, and have an excellent understanding of foreign criminal justice systems—in addition to their own. Often times, liaison officers work a limited term (e.g., three months to one year) in a foreign agency on a work exchange program, to develop fluency in the foreign language(s) they have studied, and also to develop an intimate working knowledge of the foreign jurisdiction’s justice system. Liaison officers facilitate international law enforcement cooperation by: (1) establishing personal contacts in foreign agencies, (2) ensuring that requests for information or mutual legal assistance
meet the requirements of the foreign agencies, and (3) traveling to foreign agencies as necessary to expedite and ease the process of cooperation (Block, 2008:77).

3.3.1.3. International Investigation Styles

With respect to international police cooperation, there are two main investigation styles, namely: (1) Joint Investigation Teams (JITs), and (2) parallel investigations (also known as “mirror investigations”). Each of these international police cooperation styles is discussed briefly below.

3.3.1.3.1. Joint Investigation Teams

Joint Investigation Teams (JITs) are a relatively new option in international police and judicial cooperation (Plachta, 2005:284). Essentially, JITs are established on an *ad hoc* basis, by virtue of a formal “JIT agreement” between the countries concerned, to ease information exchange in complicated cases (Block, 2012:88; Europol, 2007b). Specifically, by establishing a JIT, information/evidence can be exchanged directly/informally (but officially) between different countries—without having to engage in the traditional and cumbersome process of mutual legal assistance consisting of multiple letters rogatory (Block, 2012:89, 97; De Buck, 2007:255; De Wree, 2006:60; Rijken, 2006b:102, 103, 112). In this way, JITs facilitate judicial cooperation (Rijken, 2006a: 229).

Theoretically, JITs provide “added value” over the traditional and often time-consuming process of mutual legal assistance (*i.e.*, letters rogatory), since JITs are designed to facilitate closeness and speed in international police and judicial cooperation (Block, 2012:96, 102; De Busser, 2006:141; Rijken & Vermeulen, 2006:50–51). Evaluative research on JITs, however, is required to reveal whether or not they indeed possess “added value” over the traditional process of mutual legal assistance (see Block, 2012:92–93).

When a JIT is established, an official of the country within which the team is based leads the team (Schalken & Pronk, 2002:71). JITs are primarily composed of police officers, but the composition of the team is often complemented by the addition of prosecutors, judges, and other officials from the countries affected by the transnational crimes being investigated (Gualtieri, 2007:235; Schalken & Pronk, 2002:71). The police and justice officials assigned to a JIT work closely together to help bridge the gaps that
may otherwise exist when it comes to navigating the cultural and legal subtleties of the countries involved in specific investigations (Block, 2008:79).

Despite their clear benefits, JITs are rarely used in international police and judicial cooperation. One scholar set out the facts concerning the use of JITs:

Joint teams that could include police from more than two member states were believed to be the perfect solution for the perceived inadequacy of existing police cooperation between the member states. But more than a decade later the strategy does not seem to have found much popularity with police and less than 40 JITs have so far been operational. This number represents an almost negligible percentage of all cross-border criminal investigations in the EU. In comparison, the Europol liaison officers, who as [of] yet do not have a central place in European police cooperation, already facilitate over 8300 cases a year (see Europol 2008). (Block, 2012:87)

Of the 40 JITs established in Europe between 2004 and 2009, only four concerned the Meuse–Rhine Euregion. These JITs are listed in Table 3.2 below.

Table 3.2. The JITs Established in the Meuse–Rhine Euregion from 2004 to 2012

<table>
<thead>
<tr>
<th>Year Established</th>
<th>Contracting Parties</th>
<th>Crime Type</th>
</tr>
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<tbody>
<tr>
<td>2004</td>
<td>-</td>
<td>-</td>
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<tr>
<td>2005</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2006</td>
<td>Belgium &amp; The Netherlands</td>
<td>Motorcycle Theft</td>
</tr>
<tr>
<td>2007</td>
<td>Belgium &amp; The Netherlands</td>
<td>Drug Trafficking</td>
</tr>
<tr>
<td>2008</td>
<td>The Netherlands &amp; Belgium</td>
<td>Human Trafficking</td>
</tr>
<tr>
<td>2008</td>
<td>The Netherlands &amp; Germany</td>
<td>Heroin Trafficking</td>
</tr>
<tr>
<td>2009</td>
<td>Belgium &amp; The Netherlands</td>
<td>Car Theft</td>
</tr>
<tr>
<td>2010</td>
<td>The Netherlands &amp; Germany</td>
<td>Cargo Theft from Trucks</td>
</tr>
<tr>
<td>2011</td>
<td>Belgium &amp; The Netherlands</td>
<td>Human Trafficking and Money Laundering</td>
</tr>
<tr>
<td>2012</td>
<td>Belgium, The Netherlands &amp; Germany</td>
<td>Car Theft</td>
</tr>
<tr>
<td>2012</td>
<td>Belgium &amp; The Netherlands</td>
<td>Drugs</td>
</tr>
</tbody>
</table>

Source: Data for the years 2004 to 2009 were obtained from Block (2012:99). Data for the years 2010 and 2012 were obtained by the present researcher via personal communications with police and justice officials from the Meuse–Rhine Euregion. Notably, Block (2012:99) stated that there was a JIT in 2008 between The Netherlands and Germany with respect to heroin trafficking. In personal communications with officials from the Meuse–Rhine Euregion, however, this fact was refuted by one Dutch prosecutor, but confirmed by one Dutch police commander and one German police commander. As such, this datum was included in Table 3.2 above.
Considering the extent of cross-border crime and international cooperation in the Meuse–Rhine Euregion, it is remarkable that there have not been more JITs since 2004. The literature, however, advances several general reasons for the lack of JITs. To begin, scholars observe that JITs were originally dysfunctional and plagued with problems due to political, legal, and organizational issues (Plachta, 2005:284). Interestingly, some member states of the EU remain reluctant to use JITs for various reasons, such as uncertainty about the legislation governing their use, not knowing that JITs are an option, and a lack of monetary support to fund such ventures (Europol, 2008). Moreover, some complain that the rules governing JITs are cumbersome and amount to “judicial spaghetti” (Den Boer, 2010:43). Yet, others argue that JITs are not used more often simply because there are no suitable cases with which to employ the legal instrument (see Rijken, 2006b:115). Finally, the “leading assumption” among many practitioners is that JITs lack the “added value” that they are theoretically purported to have (Block, 2012:87).

Significantly, opinions about JITs differ widely—depending on the country and occupation of the practitioner. For example, Block (2012:101) revealed the differences in views between German police officers and German prosecutors with respect to JITs, by presenting information from a case study:

The first [Dutch]–Belgian JIT started in 2006 and targeted an organised crime group suspected of large-scale motorcycle thefts. In this particular case, the same organised crime group stole motorcycles not only in The Netherlands and Belgium but in Germany as well. Therefore, the German authorities were also invited to participate in the JIT. However, as the German police felt that their interests could similarly be served by cooperation based on [international letters of request] they finally decided not to participate (Van Daele, Spapens, and Fijnaut, 2008:255). Another reason for their refusal to participate might have been the significant administrative burden that falls upon German prosecutors who participate in a JIT. While a German police officer closely involved in a JIT with France in 2007 praised the efficiency of the JIT in swift and easy information sharing and operational measures in an interview, he also noted that the German prosecutor running an international JIT… carries a significant administrative burden of weekly reports and loss of discretionary power. The officer concluded therefore that German prosecutors are generally reluctant to start a JIT (Personal Communication, 2009). (Block, 2012:101)

It is important to stress that, on the one hand, German police officers find JITs to be extremely efficient. On the other hand, however, German prosecutors are left with an “administrative burden” imposed by their own country’s rules and regulations (i.e., as per
the chain of command). This is an example of how different roles in the criminal justice system clearly offer different vantage points, perspectives, perceptions, and experiences with respect to the same item of discussion. This phenomenon will be discussed in greater detail in Chapter 4 (Conceptual Framework), and in the findings chapters of this dissertation.

Supportive governments developed a number of national and international legal instruments to help JITs survive (Plachta, 2005:284). Among the international legal instruments that regulate the establishment and use of JITs are: (1) the Naples II Convention (1997); (2) the United Nations Convention against Transnational Organized Crime (2000); (3) the Convention on Mutual Legal Assistance in Criminal Matters (2000); (4) the Council of Europe’s Second Additional Protocol to the 1959 European Convention on Mutual Assistance in Criminal Matters (2001); (5) the Council of the European Union Framework Decision of June 13, 2002 on Joint Investigation Teams; and (6) the Agreement on Mutual Legal Assistance between the European Union and the United States of America (2003) (Plachta, 2005; Rijken, 2006b; Rijken & Vermeulen, 2006:2, 10–11).

In response to calls to create a group of experts to help encourage and facilitate the creation of JITs, the Network of National Experts on Joint Investigation Teams was established, and met for the first time in November 2005 (Europol, 2007b; Europol, 2008). To further facilitate the use of JITs, Europol and Eurojust published a legal guide (Europol, 2008; Horvatits & de Buck, 2007:239). Considering the benefits of JITs, the use of JITs will likely become increasingly widespread, and affect other types of police and judicial cooperation efforts positively.

3.3.1.3.2. Parallel / “Mirror” Investigations and MLA Requests

Since JITs are a relatively rare phenomenon in international police cooperation, yet cross-border police colleagues often see the value in coordinating their efforts to at least some degree, the more common option is to simply conduct a mirror investigation (also known as a “parallel investigation”). In other words, each respective police force conducts their own investigation, in their own country, at the same time as their cross-border colleagues, but focusing only on the targets in their own country, and without forming a JIT. Block (2012:93) explains this option in greater detail:
For real-time close cooperation police can set up a so-called ‘parallel investigation.’ This means that two (or more) investigation teams simultaneously target the same criminal activities or structures under international coordination in the participating countries. The information-exchange and coordination of investigative efforts are detailed in [international letters of request], which are being sent back and forth between the participating countries (Block, 2008:76; Harfield, 2005:119–153).

In its most elaborate form, a parallel investigation is based on mutually-exchanged ‘open-ended’ generic [international letters of request] (Harfield, 2005:128, Personal Communication 2005a). The participating law enforcement agencies establish—by sending open-ended [international letters of request] to each other—a legal basis for the direct and immediate exchange of intelligence in case such intelligence becomes available during the investigation. To that end, the open-ended [international letters of request] contain a request to take any preliminary measure that might become necessary in the course of the investigation and other coordinating arrangements. If and when, in a later phase of the investigation, particular tactical measures ([e.g.,] interception of communication, controlled deliveries) become necessary or evidential requirements ([e.g.,] searches, interrogations, confiscation of documents) are identified, additional [international letters of request] can be issued for the specific purposes.

The mirror investigation option is, therefore, similar to the typical mutual legal assistance option (which will be discussed further below), except that the countries have individual police investigations occurring simultaneously (as opposed to jointly), and they are supported/facilitated by MLA requests (De Busser, 2006:121–122).

3.3.1.4. Investigation Tactics

3.3.1.4.1. Cross-Border Supervision and Surveillance

Cross-border crime often requires police forces from two or more separate jurisdictions to work together—to supervise and monitor the behavior of suspects and offenders. Teamwork may take the form of simply advising a foreign police force that supervision or surveillance activities are planned in their jurisdiction, or such activities may require assistance and the pooling of resources ([e.g.,] JITs).

3.3.1.4.2. Hot Pursuit

Hot pursuit occurs when the police in one jurisdiction chase a suspect across the border into another jurisdiction. Common law permits the police to cross borders in hot pursuit and arrest a suspect in another jurisdiction (Black, Nolan, Nolan-Haley, Connolly, Hicks, & Alibrandi, 1991:460). Different countries, however, impose different limits on the
distances that foreign police officers may travel in hot pursuit to arrest a suspect. For instance, Belgian police officers may only travel up to 5 kilometres across the border into France in hot pursuit, whereas French police officers may travel up to 15 kilometres across the border into Belgium in hot pursuit (Alain, 2001:121). Coincidentally, it seems that a number of agreements with other countries, such as Spain and Germany, favour France in such circumstances (Brammertz, 1991:55–58 as cited in Alain, 2001:121). International police cooperation may benefit from increased legislative coordination, equality, and breadth governing the use of hot pursuit.

3.3.1.4.3. Controlled Delivery

Controlled delivery is an investigative policing tactic that requires the knowledge and assistance of cross-border law enforcement contacts. Controlled delivery occurs when a shipment of contraband is permitted to reach its destination, under the covert watch of the police, so as to identify the offenders involved and their modus operandi (Joutsen, 2006a:13). In the context of serious transnational organized crime, controlled deliveries cross national borders, and as such, cross-border police colleagues work together to ensure that the delivery is under proper police surveillance at all times, even as it passes national borders.

3.3.2. The Relationship between Public Prosecutors and the Police

The interplay between public prosecutors and the police varies by country. Some prosecution services are separate from the police, and simply provide advice to the police when necessary. In contrast, other prosecution services are amalgamated with the police, which results in a close working relationship between the two service providers. Still, additional prosecution services may provide leadership to the police, by supervising police investigations. These different types of working arrangements influence the types of relationships that flourish between police and public prosecution services (Dandurand, 2007b:227).

Notably, in May 2005, the sixth session of the Conference of Prosecutors General of Europe was held in Budapest, Hungary. The theme of the conference was “The Relationship between Public Prosecutors and the Police in the member states of the Council of Europe.” A total of 14 questions prepared by Professor Dr. Peter Tak from the School of Law at Radboud University Nijmegen in The Netherlands were posed to the
delegates from 46 different European countries, of which 34 responded (see Council of Europe, 2005a; Council of Europe, 2005b:2). Dr. Tak analyzed the findings of this comparative research and generally concluded that, by virtue of the design of their legal systems, European public prosecution services are empowered to monitor the lawfulness of the police (Council of Europe, 2005b:2).²³

3.3.3. **International Judicial Cooperation**

The term *judicial cooperation* means “...cooperation between judicial authorities, in the framework of a criminal investigation or a trial” (Van Den Wyngaert & Stessens, 1996:142). To be clear, judicial cooperation includes cooperation between prosecutors and judges for the purpose of advancing a criminal investigation. In contrast, police cooperation can occur before a criminal investigation begins, and can be both proactive and preventative (Van Den Wyngaert & Stessens, 1996:145). Forms of judicial cooperation include: (1) mutual legal assistance and (2) mutual recognition of decisions/judgments (*e.g.*, European Arrest Warrant, European Evidence Warrant) (Van Den Wyngaert & Stessens, 1996:138, 142). These forms of judicial cooperation are discussed briefly below.

3.3.3.1. **Mutual Legal Assistance**

As discussed in Chapter 2, a number of international legal instruments allow police agencies to exchange information across national borders. When the police/justice agencies want to use such information in court as evidence, however, the police/justice agencies must ask for formal permission and obtain the information from the country in question through the formal process of mutual legal assistance. *Mutual Legal Assistance (MLA)* refers to the formal answering of a foreign justice agency’s request(s) for information/evidence/assistance in the investigation/prosecution of a crime, with the understanding/expectation of future reciprocation. The process of mutual legal assistance is characterized by formal documents. In common law countries, these formal documents are properly called “letters of request,” while in civil law countries these formal documents are properly called “letters rogatory”—although the terms are often used interchangeably (MLA Guidelines, App M3:757 as cited in Nicholls, Montgomery, & Knowles, 2007:300–

²³ The conference also resulted in the approval of the *European Guidelines on Ethics and Conduct for Public Prosecutors* (see Council of Europe, 2005c).
301). To illustrate, when police and justice officials from one country require evidence, a house search, witness(es), telephone tapping, or surveillance to be obtained/conducted in another country, those requests for legal assistance are made through official letters rogatory, and the receiving country normally carries out those requests on behalf of the inquiring country, in anticipation of future reciprocity (see Nicholls, Montgomery, & Knowles, 2007). It is important to note that the term *mutual legal assistance* is often used interchangeably with the term *judicial cooperation*, and even subsumes the term *police cooperation* in some cases as well (see Nilsson, 2005:39; see also Plachta, 2005:286; Van Den Wyngaert & Stessens, 1996:145).

A number of international legal instruments provide insight into the instances within which the process of mutual legal assistance would be invoked. The *United Nations Convention against Transnational Organized Crime* (2000) is one such instrument. Specifically, Article 18(3) of this convention states:

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

(a) Taking evidence or statements from persons;

(b) Effective service of judicial documents;

(c) Executing searches and seizures, and freezing;

(d) Examining objects and sites;

(e) Providing information, evidentiary items and expert evaluations;

(f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;

(g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;

(h) Facilitating the voluntary appearance of persons in the requesting State Party;

(i) Any other type of assistance that is not contrary to the domestic law of the requested State Party.

Clearly, prosecutors play an important role in international cooperation through mutual legal assistance, since they help facilitate investigations and information exchange between organizations.
3.3.3.2. Mutual Recognition of Decisions and Judgments

There has been a movement in the EU beyond mere mutual assistance to the more powerful principle of mutual recognition, whereby every member state will recognize the decisions passed in other member states’ courts of law (Joutsen, 2006a:18, 23; see also Kaiafa-Gbandi, 2005:494). In other words, a judgment passed in one EU member state will add to the common law of all other EU member states. Mutual recognition is already occurring via the European Arrest Warrant and the European Evidence Warrant—both of which are discussed further below. Interestingly, there has been less advancement toward harmonizing codified law among the EU member states since the principle of mutual recognition has entered into force in these ways (Joutsen, 2006b:84).

3.3.3.2.1. European Arrest Warrant

Enacted in 2004, the European Arrest Warrant facilitates the process of extradition between EU member states, as compared to previous extradition agreements (Lewis, 2007:184; Wright, 2006:286). Indeed, a European police officer may execute the European Arrest Warrant anywhere within the EU, such that it is no longer an extradition, but merely the execution of a warrant as though the warrant was issued by a national authority. Among other things, the European Arrest Warrant: (1) abolishes the requirement of “double criminality” in certain cases, (2) abolishes the “political offence exception,” (3) abolishes the nationality exception, (4) places the process of surrender within the realm of the judiciary, and (5) results in quicker judgments (Dandurand et al., 2007:264–265). Thus, the process of executing a European Arrest Warrant does not demand the traditional mutual legal assistance approach, since this is an example of mutual recognition.

3.3.3.2.2. European Evidence Warrant

Created in 2006, the European Evidence Warrant was designed to “…replace mutual legal assistance in the same way that the European Arrest Warrant has replaced extradition” (Lewis, 2007:186). Like the European Arrest Warrant, the European Evidence Warrant is enforceable anywhere in the EU.
3.4. Some Challenges

Despite great advancements in the field of international police and judicial cooperation over the past two decades, obstacles continue to impede cooperation. The literature to date identifies the factors/variables impeding effective international police and judicial cooperation as including: the complexity and large size of the enterprise; politics (i.e., issues surrounding lack of trust); language barriers; cultural differences; resource deficiencies (e.g., funding, recruitment, training, education); accountability deficiencies; witness cooperation issues; and corruption (see Archick, 2002; Benyon, 1996:373–374; Kumar, 1998; Roth, 2005:240). Other problems on the “laundry list” revolve around:

- sovereignty issues, the diversity of law enforcement structures, the absence of enabling legislation, the absence of channels of communication for the exchange of information, and divergences in approaches and priorities. These problems are often compounded by difficulties in dealing with the varied procedural requirements of each jurisdiction, the competitive attitude that often exists between the agencies involved, language, and human rights and privacy issues (Dandurand et al., 2007:288; see also Tak, 2000:343).

Unfortunately, these challenges not only make international police cooperation difficult, but also often undermine the effectiveness of the agreements meant to facilitate and encourage international police and judicial cooperation in the first place (Das & Kratcoski, 1999:225). Clearly, numerous issues should be addressed to achieve highly efficient and effective international police and judicial cooperation. Some of these issues are discussed briefly below.

3.4.1. National Sovereignty

Despite the ratification of numerous treaties, and the development of numerous structures to help facilitate international police and judicial cooperation, countries remain sovereign—meaning that each country is autonomous, and may choose to enter into cooperative efforts, or not. National sovereignty, and particularly traditional/restrictive ideas about sovereignty, continue to impede international cooperation (Roth, 2005:240; Williams, 2001:58).
3.4.2. Politics

Politics color the landscape upon which social interactions at work take place. The New Oxford Dictionary of English (2001) defines the term politics in the social context as: “…activities within an organization which are aimed at improving someone’s status or position and are typically considered to be devious or divisive” (Pearsall, 2001:1435). The meaning of the term extends to the personalities, egos, personal agendas, friendships, strategic professional alliances, nepotism, vendettas, and background intimidation tied to the personal shortcomings of particular employees, that also play a role in how workplace cooperation unfolds—for better or for worse.

Although police and justice organizations are staffed with employees who ultimately work toward the common goal of crime fighting, such agencies are not immune from the negative effects often caused by workplace politics. Indeed, the: “…[l]ack of information and communication, rivalries and jealousies between and within agencies, and different approaches and perceptions, are factors which may cause inefficiency and ineffectiveness in any organization” (Benyon, 1997:120). These politics operate in the background and determine what can, cannot, should, and should not be done by employees. Clearly, politics should be considered in the development of any strategy for enhancing international police and judicial cooperation.

3.4.3. Trust

Trust is at the very core of all cooperative efforts (see Rijken, 2006b:99, 117; see also Six, 2005:1). In the context of international cooperation, trust may be defined as: “…an actor’s willingness to place its interest under the control of others based on the belief that those actors will honour their obligation to avoid using their discretion in a harmful manner” (Hoffman, 2002:394). Some argue that trust and respect are the results of an intentional choice (The Group of Lisbon, 1995 as cited in Das & Kratcoski, 1999:236). Indeed, research has shown how trust in the organizational context, in general, may be built and/or eroded (for example see Six, 2005). Naturally, distrust makes international cooperation very difficult or impossible (Das & Kratcoski, 1999:225–227).
3.4.4. **Personal Contacts**

The importance of personal contacts in international police and judicial cooperation cannot be underestimated. To illustrate, in Bain’s (2004) study of international law enforcement cooperation efforts aimed at addressing money laundering, a police officer explained that:

> the best thing to do, in those early, early stages is to send an investigator over to meet with the police to understand what they can get, lawfully, over the table on a police-to-police relationship and what is going to require an official request… [i]t’s so, so important to do that… So basically, someone has to step up to the plate, get on the plane, and go over there. If it’s that important to your case, someone has to go…

Ninety-nine percent of this [i.e., international law enforcement cooperation] boils down to the investigator’s ability to get along with the investigating officers over there and to get them motivated and gung-ho about doing the investigation and just sort of having a good time with them. It’s just so, so important. Cause, if you’re sort of cold-ice to these people, it’s not going to happen. But if you’re there, and you’re a player and you’re working and sort of making this thing happen, and they see that it’s making you happy, then they’ll work with you. It’s just amazing. Like some guys have gone on these road trips, and it’s just brick walls everywhere they turn—they sent the wrong guy. You can send somebody else over there and they’ll just schmooze their way through all of the little roadblocks. Take the guys out for supper, and do those types of things—it’s so, so important. ‘Cause you’re a foreign agent, a foreign alien in their country trying to get something done. (Interview with an RCMP officer, as cited in Bain, 2004:121–2)

Establishing personal contacts in foreign law enforcement agencies may be the best way of facilitating international cooperation (see Bain, 2004:138).

3.4.5. **Language Barriers**

Language barriers complicate efforts at achieving effective international police and judicial cooperation (Das & Kratoski, 1999:225–227; Hufnagel, 2009:2; Kumar, 1998:156; Thibault, Lynch, & McBride, 2007:475). As Johnson (2003:89) explains, “[c]ooperation is not just a matter of the will and the permission to cooperate. Without the means to communicate confidently and reliably, it cannot take place.” Accordingly, considerable research has been conducted on how to overcome the language barriers that police officers face when cooperating with their international counterparts (Johnson, 2003:88). This research was spurred by the construction of the Channel Tunnel,
which connects the United Kingdom to France and consequently demands intense international law enforcement cooperation between the nations’ officials (Johnson, 2003:88). The researchers set out to develop a clear, standard, and reliable lexicon for use by international law enforcement personnel, to overcome communication problems such as the ambiguity, imprecision, polysemy, and resulting confusion that pose problems in any one language, and are amplified in bi- and multilingual contexts (Johnson, 2003:90, 93).

The initial projects—PoliceSpeak and Intacom—were conducted between 1988 and 1994, when the Channel Tunnel was under construction. The PoliceSpeak Project resulted in a communication standard, which essentially was a bilingual dictionary of the most commonly used law enforcement terms, for police officials in the United Kingdom and France (Johnson, 2003:93). The Intacom (Inter Agency Communications) Project expanded the PoliceSpeak Project for use with all emergency services (police, fire, ambulance) providing service to the Channel Tunnel (Johnson, 2003:97).

Between 1994 and 1998, the LinguaNet Project was operative, which created an electronic police communications system to enhance text messages with the ability to attach pictures and sound (Johnson, 2003:92). In 2003, the languages of the LinguaNet system were: “…Danish, Dutch, English, French, German, Italian, Portuguese, and Spanish” (Johnson, 2003:105). This project enhanced cross-border cooperation, and continues to be of value today, with 50 systems installed as of the year 2003 (Johnson, 2003:102, 103, 106). Until at least 2003, researchers working on the Suremind Project investigated methods to facilitate communication between the emergency services of the United Kingdom, France, Belgium, and The Netherlands, in the event of a major incident (Johnson, 2003:106).

These developments recognize and follow formal international agreements, such as Schengen, that prescribe and specify how international law enforcement cooperation should occur (Johnson, 2003:108). Furthermore, these advancements translate the directives of the international treaties and conventions into practical operation. Despite these advancements, however, language barriers still impede international police and judicial cooperation efforts.
3.4.6. **Cultures**

Differing cultures also hinder international police and judicial cooperation. Specifically, the distinct cultures of some nations and organizations may unintentionally cultivate misunderstandings in the process of international cooperation. Naturally, a lack of cultural understanding and sensitivity among the officials who work in the field of international cooperation can complicate matters (Das & Kratcoski, 1999:225–227).

3.4.7. **Legal Systems**

Despite efforts toward law harmonization, distinct differences still remain between countries with respect to their laws and legal systems. Specifically, differing information technologies, different procedures, disparate laws and legal systems among organizations and countries also complicate international cooperation (Das & Kratcoski, 1999:225–227; see Hufnagel, 2009:2).

3.4.8. **Resources: Personnel, Funding, Recruitment, Education, Training, and Equipment**

Solving criminal cases with an international dimension can prove very costly (Dandurand, 2007b:233). Considering the fiscal cutbacks of the present era, a lack of resources such as personnel, funding, recruitment, education, training, and equipment continue to impede progress toward highly effective international police and judicial cooperation in many parts of the world (Das & Kratcoski, 1999:225–227; Kumar, 1998:157). Several scholars urge that continued advancements in these areas should be made (see Frost, 1996; Koch, 1996; Pagon, 1996).

3.4.9. **Police Accountability**

A concern regarding a “legitimacy deficit” is rising to the forefront of discussions concerning international police and judicial cooperation, due to the perception among critics that several international police and judicial organizations—such as Europol, Eurojust, and the European Judicial Network—seem to be redundant, secretive, and may be operating in a manner that may violate human rights (Joutsen, 2006a:36; McDonald, 2005:142). Therefore, some scholars argue that law enforcement organizations should be taking steps to increase their legitimacy and accountability, so as to increase public confidence and support in their activities (see Benyon, 1993:305).
3.5. Improving International Cooperation

While many improvements have already been made, particularly in the macro realm, many opportunities remain for international police and judicial cooperation to become even more effective (Dandurand et al., 2007:263). Yet, it is somewhat surprising that improving international police and judicial cooperation remains a never-ending and largely elusive goal, with additional legal instruments and research studies being added to the archives each year. Indeed, a number of research studies have been conducted on the subject of international police and judicial cooperation in Europe over the past two decades—some of which have precisely set out to determine how to improve international cooperation ($n = 5/22$). These studies focus largely on Europe and its cross-border regions, such as the Meuse–Rhine Euregion. To further contextualize the present study amidst the literature, the relevant research studies are discussed below.

3.6. The Meuse–Rhine Euregion: A Case of Intense International Police and Judicial Cooperation

For many years, international police and judicial cooperation has been particularly intense in the Meuse–Rhine $^{24}$ Euregion—a cross-border region shared by Belgium, The Netherlands, and Germany (von Malchus, 1973 as cited in O'Dowd, 2003:18). Notably, the police and justice officials in the Meuse–Rhine Euregion are recognized as “the pioneers” of routine cross-border police cooperation (Aden, 2001:102; O'Dowd, 2003:18). By way of explanation, a Euregion (also known as Euroregion) is a “…transfrontier cooperation structure between two or more European countries” (“Encyclopedia—Euroregion,” 2005). Founded in 1976 to encourage cross-border cooperation, the Meuse–Rhine Euregion is one of the EU’s oldest Euregions (“Euregion Meuse–Rhine,” 2007; Knippenberg, 2004:609, 622; Nuessler, 2005). Figure 3.1 below locates the Meuse–Rhine Euregion among the other cross-border regions in Europe (see “Box 73”). Figure 3.2 below provides a closer look at the Meuse–Rhine Euregion in particular.

$^{24}$ This Euregion is also referred to as Euregio Maas–Rijn (in Dutch), Euregio Maas–Rhein (in German), and Eurégion Meuse–Rhin (in French). For short, many police and justice officials in the Meuse–Rhine Euregion refer to the area simply as their “Euregio.”
As Figure 3.2 below illustrates, the Meuse–Rhine Euregion is composed of five main areas: the Province of Limburg (the Dutch-speaking community in Belgium), the Province of Liège (the French-speaking community in Belgium), the Ostkantons (“East Cantons”—the German-speaking community in Belgium), the Province of South–Limburg (a Dutch-speaking community in The Netherlands), and the Region of Aachen (which is a German-speaking community in Germany, composed of four districts, namely Aachen, Euskirchen, Düren, and Heinsberg) (Fijnaut & Spapens, 2010:102; Nuessler, 2005; Soeters et al., 1995:2; Spapens, 2008b:225; Spapens, 2010:81–82; Twuyver & Soeters, 1995). As Knippenberg (2004:621) observes, this Euregion involves: “the European Union as a whole, the national states of Germany, Belgium and The Netherlands, and the [Meuse–Rhine Euregion].” Moreover, the region encapsulates multiple languages, cultures, legal systems, and political traditions (O'Dowd, 2003:25).

The Meuse–Rhine Euregion has an interesting history. Knippenberg (2004) explains the history as follows:

Despite all the ideology about the unity of the [Meuse–Rhine Euregion] in the past, there were in fact only two relatively short historical periods during which the region was united politically, legally and economically, namely during the reign of Charlemagne (750–820) and under the French occupation (1794–1814). Between these periods, the region was divided over many principalities, earldoms, duchies, seigniories, etc...

The arrival of the French in 1794 brought political unity. The region became part of France but was divided between three départements...

After the defeat of the French, the region was divided between two states, namely the United Kingdom of The Netherlands (1815–1830) and Prussia. The newly constituted province of Limburg in The Netherlands encompassed the territories of the present Dutch and Belgian provinces of Limburg.... The province of Liège in The Netherlands encompassed the present Belgian province with the same name. The territory of the later (Belgian) Ostkantons Eupen, Sankt Vith and Malmédy became part of Prussia, which also encompassed the area of the present German Regierungsbezirk Aachen...

The 1830 Belgian revolt against the Dutch government brought the whole province of Limburg under Belgian administration, with the important exception of the city of Maastricht, which remained in the hands of the Dutch troops. The settlement of the border in this region between the new Belgian state and the now reduced Netherlands was very problematic.
Figure 3.1. “Cross-Border Cooperation Areas/Structures 2011”

Figure 3.2. Map of the Meuse–Rhine Euregion’s Administrative Divisions

However, in 1839 a compromise between the great powers (Great Britain, Prussia, Austria, Russia and France) led to the province of Limburg being divided into a Belgian and a Dutch part... this complex political situation ended in 1866 when Prussia reorganised the German League and accepted Limburg's withdrawal from it.

The German part of the present [Meuse–Rhine Euregion] and the German-speaking Belgian Ostkantons remained part of Prussia until the First World War reshaped the political map of Europe. Germany ceded the Eupen, Malmédy and Sankt Vith cantons to Belgium as compensation for the devastation along the IJzerfront (Markusse, 2000:38–40). During the Second World War these areas became German again. In 1944 they were returned to Belgium. After the war, the territory of the present Regierungsbezirk Aachen became part of Nordrhein-Westfalen, one of the Länder of the Federal Republic of Germany that was constituted in 1949. [Emphases in original] (Knippenberg, 2004:612–613)

This above-noted excerpt from Knippenberg (2004) provides a sufficient overview of the evolution of the Euregion over time for the purposes of this dissertation.

Spapens (2002:52) focuses on recounting the history of one part of the Euregion in particular—the Ostkantons (i.e., the German-speaking community of Belgium):

Border regions have often been the subject of rivalry between nation-states. The Euroregion Meuse-Rhein has had a particularly turbulent history, as the borders between the sub-regions have shifted regularly over the years. For example, the Eupen-Malmédy area belonged to Germany until the end of the First World War. The region became part of Belgium following the Treaty of Versailles in 1918. During the German occupation of Belgium in the Second World War, the region was once again annexed to Germany. This meant that male inhabitants of the region were obliged to serve in the German army. After 1945, the Eupen-Malmédy area was once again part of Belgium. Between 1816 and 1919, even a fourth sovereign state existed in the region: Neutral Moresnet [today, this is the Belgian city of Kelmis]. This very small 'independent' area was situated just south of the place where the countries of The Netherlands, Belgium, and Germany meet [i.e., Vaals]. [Emphasis added]

In some respects, the shared history in this Euregion has served to unite its inhabitants.

In addition, Spapens (2002) explains how the multiple languages, and different organizational cultures, serve to both facilitate and impede international cooperation in this Euregion:

Furthermore, the language differences between Germany and The Netherlands pose no problem, because most Dutch people who live in this region are able to understand, speak, and read the German language.
People who live close to the border even share the same dialect. Cooperation between The Netherlands and the Flemish-speaking parts of Belgium is also favoured by the fact that the same language is spoken… However, relations between the Dutch police and judicial authorities in Belgium aren’t always easy, mainly because the Dutch are inclined to pay little attention to protocol…

In this particular Euregion, the largest ‘cultural distance’ is in cooperation between The Netherlands and the French-speaking parts of Belgium. The main reason for this is the fact that most Dutch people do not speak French, and most French-speaking Belgians do not speak or understand Dutch, German, or English well enough to allow for easy communication. Secondly, the rather informal attitude of the Dutch police, as well as the judicial authorities, do not combine well with the working methods of the Belgian judicial authorities, particularly in the French-speaking parts of the Euroregion. (Spapens, 2002:54–55)

This is just the “tip of the ice-berg” with respect to the factors that influence international police and judicial cooperation in the Meuse–Rhine Euregion.

For many reasons, some scholars assert that this Euregion is likely “…the most complex [internal] border region within the whole European Union!” (Chatterton, 2001:329; see also Soeters, Hofstede, & van Twuyver, 1995:2). Because cross-border crime in this Euregion is “the order of the day,” and police and justice officials in this international region have accordingly been cooperating for decades, it is not surprising to learn that cooperation in this Euregion is “very advanced,” and also, this Euregion has been referred to as “…a laboratory for European integration” and “an excellent ‘laboratory’ for police and judicial cooperation” (Fijnaut & Spapens, 2010:101; Hufnagel, 2009:3; Knippenberg, 2004; Spapens, 2008b:225). As such, this Euregion has been the subject of a few key research studies to date.

### 3.6.1. **International Police and Judicial Organizations in the Meuse–Rhine Euregion**

A number of organizations were established in the Meuse–Rhine Euregion to help facilitate international police and judicial cooperation. It is appropriate to briefly introduce these entities here, so as to prepare readers for the literature review that follows. It should be noted, however, that a more in-depth review of each of these entities will be provided in Chapter 6 of this dissertation.
3.6.1.1. **NeBeDeAgPol**

In 1969, the police chiefs of the Euregion—namely the Dutch Police Chief of South Limburg, the Belgian Police Chief of Eupen, and the German Police Chief of Aachen—decided to form a working group to facilitate and coordinate international police cooperation efforts in the Euregion. This group was named “NeBeDeAgPol” (*Niederländisch–Belgisch–Deutsche Arbeitsgemeinschaft der Polizei*), which translates from German into English as: “Dutch–Belgian–German Working Group of Police.”

3.6.1.2. **European Police Information and Coordination Centre (EPICC)**

In 2008, NeBeDeAgPol established the European Police Information and Coordination Centre (EPICC) in Heerlen, The Netherlands. It is interesting to note that, “EPICC was not the first joint police station. Comparable stations (“CCPDs”) were set up several years ago in the border areas of Germany, Luxembourg, and France; France and Belgium; and France and Spain” (Spapens, 2010:82). Nevertheless, this centre is staffed by senior police investigators from the three countries in the Euregion, who work together side-by-side under one roof, to answer requests for information posed to them by front-line police officers from the three countries (Spapens, 2010:82). This arrangement of close cooperation helps facilitate information sharing (Fijnaut & De Ruyver, 2008:115).

3.6.1.3. **Joint Hit Teams (JHTs)**

To address the need for close police cooperation at the patrol level, NeBeDeAgPol (by way of the Hazeldonk agreements of 2004) established two “Joint Hit Teams”—one based in Maastricht, The Netherlands, and one based in Heerlen, The Netherlands. These Joint Hit Teams are composed of front-line police officers from the three countries who work together side-by-side in patrol cars to target cross-border crime, in a quick “hit and run” style police intervention—hence the name “Joint Hit Team.” The Joint Hit Team is to be distinguished from a Joint Investigation Team, the latter of which is an *ad hoc* intervention designed to facilitate a specific, large-scale, cross-border investigation over a pre-determined/contractual period of (usually) 3 to 6 months.

3.6.1.4. **Bureau for Euregional Cooperation (BES)**

To streamline judicial cooperation, senior public prosecutors of the Public Prosecution Service in Maastricht, The Netherlands, established a “Bureau for Euregional Cooperation” in 2004. In Dutch, this bureau is called “*Bureau voor Euregionale
Samenwerking,” hence the acronym “BES.” The BES is staffed with Dutch prosecutors and lawyers, a Belgian jurist, a German magistrate, and key support staff, to help facilitate cases of international police and judicial cooperation in the Meuse–Rhine Euregion (Spapens, 2010:82).

### 3.6.1.5. International Mutual Legal Assistance Centre (IRC), South Limburg

To help streamline the processing of requests for mutual legal assistance received from other countries, the Dutch created six “International Mutual Legal Assistance Centres”—one of which is based in Heerlen, South Limburg (Spapens, 2010:81). In Dutch, this centre is called: “Internationaal Rechtshulp Centrum” (IRC). These Dutch centres are operated/staffed by Dutch police officers and legal experts from the Dutch public prosecution service (Spapens, 2010:81). While there are other IRCs in The Netherlands, it is significant to note that Belgium and Germany do not have an equivalent centre.

### 3.6.1.6. MAHHL

To facilitate international cooperation in the Meuse–Rhine Euregion from the civic/municipal level, the mayors of the key cities in the Euregion (i.e., Maastricht, Aachen, Hasselt, Heerlen and Liège) formed a working group/committee, which they named “MAHHL.” The acronym was formed using the first initial of each of the participating cities.

### 3.6.2. Studies of International Police and Judicial Cooperation in Europe and the Meuse–Rhine Euregion

A number of research studies have been conducted on the subject of international police and judicial cooperation in Europe. Notably, research activity on this subject began in the early 1990s—a time that coincides with the implementation of Schengen.

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25 The focus of the present dissertation is on the process of international police and judicial cooperation aimed at combating serious transnational organized crime. It is a very complex topic—the examination of which requires much space. Therefore, it is (very regrettably) beyond the scope of this study to review the nature of serious transnational organized crime in the Meuse–Rhine Euregion. Readers interested in learning more about the complex and multifaceted nature of the serious transnational organized crime problem in the Euregion (consisting of various crime types, such as organized drug trafficking, organized human trafficking, organized house burglaries, organized stolen vehicle trafficking, etc.) committed by various organized criminal groups (including offenders from Albania, Morocco, Turkey, and various Eastern European countries such as Poland and Lithuania) are encouraged to consult one of the Dutch books written on the topic (see Spapens & Fijnaut, 2005; see Fijnaut & De Ruyver, 2008; see Spapens, 2008a).
The literature search identified 21 relevant research studies. These studies are reviewed in chronological order to contextualize the present dissertation research amidst the literature (see Appendix B below). Of the studies reviewed, eight concern international police and judicial cooperation in Europe (in general), and 13 concern international police and judicial cooperation in the Meuse–Rhine Euregion specifically.

It should be noted that some of the key texts were written in French, Dutch, and/or German, and accordingly, efforts were made by the researcher to translate these texts into English using translation software. Regrettably, however, despite the use of translation software, information was especially difficult to extract from two Dutch texts in particular: (1) Van Daele, Spapens, & Fijnaut (2008); and (2) Bruinsma, Jacobs, Jans, Moors, Spapens, & Fijnaut (2010).

3.6.3. Gaps in the Literature

As will be apparent to astute readers upon reviewing Appendix B below, there is a need for social science research that focuses on the operational aspects of international police and judicial cooperation (Chatterton, 1997:4 as cited in Das & Kratcoski, 1999:224). As Chatterton (2001:324, 326) eloquently explains:

>[i]n the European context we know a great deal from this literature about the structures that have been established to achieve closer cooperation. In contrast, our knowledge of policing and police work “on the ground” is minimal. We have very limited information about the ways in which police forces in Europe operate in practice and even less about how they actually work together to investigate cross-border crime and prevent crime that has an international dimension…

Future research needs to go an important stage further by investigating police cooperation as activity and revealing to us how the various formal and informal arrangements work in practice…

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26 Although the researcher used translation software to translate these Dutch texts into English, the results were not “reader-friendly,” since machine translations translate word-for-word, and thereby produce lines of text that do not “flow” in the way that could be achieved if written by a native speaker of the target language. This issue is not very problematic when the translation is of “everyday” text (e.g., emails), or when the language pair is French to English, but it poses a significant problem when the text is academic/legal, and especially when the language pair is Dutch to English. Therefore, to preserve the meaning of the original text as much as possible, only a brief outline of each book is provided in Appendix B below, instead of a more thorough overview of the book’s findings, because such information could not be extracted accurately enough for the purpose of summarization.
Most of the existing guides to police cooperation in Europe provide a view which is similar to the one we would receive of a manufacturing plant if we inspected it at a time when the machinery was shut down. All the components that have been assembled to contribute to the production process are available for inspection. The history and function of each piece of machinery is carefully explained, when and by whom it was invented and when it was introduced into the plant. In some cases our guide also tells us what the people who operate certain pieces of machinery think about them. However, at the end of the tour, we have only a very general and vague notion of what this sophisticated and complex machinery is intended to produce and we are provided with no information about what it actually produces. Although the tour was interesting and informative, at the end of it we appreciate that it would have been even more instructive had we made the visit when the plant was in operation, for then we would have seen how it actually worked and what it produced. (Chatterton, 2001:324, 326)

Chatterton (2001) continues by suggesting research questions for this much needed research study of police and judicial cooperation in operation, with specific regard to the organizational variables that influence the process.27

With respect to processes, it is important to shed light on “what the police actually do” (Chatterton, 2001:326). To do this, Chatterton suggests that the researcher could analyze several cross-border cooperative efforts at the micro-level (Chatterton, 2001:343). The analysis would highlight “...how the various formal and informal arrangements work in practice” (Chatterton, 2001:326). As Chatterton further explains, the “…recommendations from these studies would be grounded in the experience of police work at the operational level,” and thus would carry great credence (Chatterton, 2001:343).

Importantly, however, the literature does not only need data about how international police and judicial cooperation manifests in practice. The larger question is “How can international police and judicial cooperation be improved?” The answer to this question can only be derived from a detailed examination of the process of international police and judicial cooperation in practice. In other words, by understanding the process of cooperation, and the variables that influence (facilitate/hinder) the process of cooperation, the answer as to how cooperation may be improved should become clear.

27 Incidentally, this is precisely what the researcher thought to do in approaching the main research question of how to improve cooperation (i.e., the researcher’s thoughts were validated upon reading Chatterton’s ideas).
As can be seen from the foregoing literature review (see Appendix B), a small number of scholars intentionally set out to answer the elusive question of how international police and judicial cooperation may be improved. Some of these scholars were able to offer some suggestions in this regard, while others were unfortunately left with inconclusive results. Other scholars did not explicitly set out to answer the question of how international police and judicial cooperation may be improved, but offered suggestions anyway. In general, the scholars who attempted to answer the question (either intentionally or unintentionally) did so by providing cursory lists of the factors/issues that negatively influence cooperation. Admittedly, international cooperation may be improved somewhat by examining each of these issues as outlined above, and then taking practical steps to improve each issue. Such an approach, however, would be fragmented, incomprehensive, and not grounded in any theoretical or conceptual framework.

In sum, the literature to date does not provide a thorough enough examination of the process of international police and judicial cooperation to reveal the many influential factors that both facilitate and hinder cooperation. Significantly, none of the 21 research studies reviewed above were grounded in any theoretical or conceptual framework, and none set out to study the process of international police and judicial cooperation in practice, so as to identify the many influential variables that facilitate/impede the process, and ultimately determine how cooperation may be improved on the basis of such data. The lack of such research leaves practitioners with an incomplete “road map” as to how to proceed. Therefore, to the extent possible, this study uses the Organizational Behavior (OB) approach to examine areas that have not been thoroughly and systematically examined before, such as: (1) the process of international police and judicial cooperation in practice, (2) the variables that affect (facilitate/impede) international police and judicial cooperation, and (3) the ways in which international police and judicial cooperation may be improved. These practical issues are of international importance, and the findings of such a study will be of interest to practitioners and academicians alike. Moreover, it is important to examine the initiatives currently underway in the Meuse–Rhine Euregion, since the police and justice officials in that area are acknowledged as the pioneers of cross-border police and judicial cooperation. As stated above, their efforts have been intense and longstanding. Accordingly, numerous countries may learn from the developments in the Meuse–Rhine Euregion. Therefore, the Meuse–Rhine Euregion frames the present case study of international police and judicial cooperation in practice.
3.6.4. **Quantitative Crime Data: Statistics**

As readers may have noticed during their examination of the 21 research studies reviewed in Appendix B, there are no published statistical data concerning the extent of serious transnational organized crime in Europe, let alone the Meuse–Rhine Euregion. Unfortunately, statistics regarding this phenomenon are simply not gathered by any organization. Notwithstanding the above, efforts are being made to improve this state of affairs (see Savona, Lewis, & Vettori, 2005).

It seems that the only way to shed some light on the extent of crime in Belgium, The Netherlands, and Germany is to examine national crime statistics. This is a risky undertaking, however, since the picture of criminality across the three countries will be painted with data that do not distinguish between transnational versus national crime.28 Moreover, this is a difficult undertaking, due to several factors that make it almost impossible to make a straight comparison between the national crime data sets. Tavares, Thomas, and Bulut (2012:2) succinctly explain that:

> [t]here are differences between countries in systems of legal and criminal justice; in definitions of crimes; methods of reporting, recording and counting crimes; and the proportion of reported to unreported crime. So it is not usually possible to make direct comparisons of crime types and levels between countries: a picture has to be built up by considering trends over time (assuming that background circumstances remain unchanged).

In other words, it is difficult to avoid a situation wherein a side-by-side comparison of crime data from different European countries amounts to a comparison of “apples and oranges.” Nevertheless, efforts are being made at the EU-level to standardize offence classifications and crime statistics in Europe for the purpose of facilitating more accurate comparisons (see Mennens, De Wever, Dalamanga, Kalamara, Kazlauskaité, Vermeulen, & De Bondt, 2009; Tavares *et al.*, 2012:1; see Vermeulen & De Bondt, 2009).

As of 2012, the most current published European crime data were presented in a “Eurostat” report concerning the years 2003 to 2009 (see Tavares *et al.*, 2012). Generally speaking, crime trends decreased in the European Union (overall) from the years 2003 to 2009—except for cases of drug trafficking and domestic burglary (Tavares *et al.*, 2012:1).

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28 Recall that there are no data documenting the extent of serious transnational organized crime in Europe or the Meuse–Rhine Euregion.
Figures 3.3 to 3.6 below set out the crime trends (using absolute figures, not crime rates) for the three countries of interest in this study, for the years 2003 to 2009.

**Figure 3.3. Total Crime in Belgium, The Netherlands, and Germany from 2003 to 2009**

![Graph showing total crime in Belgium, The Netherlands, and Germany from 2003 to 2009](image)

Source: Statistics adapted from Tavares et al. (2012).

**Figure 3.4. Crime Trends in Belgium from 2003 to 2009**

![Graph showing crime trends in Belgium from 2003 to 2009](image)

Source: Statistics adapted from Tavares et al. (2012).
These published crime statistics provide some idea as to the prevalence of certain crime types in the countries of interest, but they do not provide a close look as to what is happening in the Meuse–Rhine Euregion.
3.6.5. **Qualitative Crime Data: Threat Assessments**

Europol’s *Organised Crime Threat Assessment* ("OCTA") provides a picture of the extent of organized crime in Europe (as a whole). In keeping with the principle behind intelligence-led policing, *Threat Assessments* are essentially qualitative research reports produced by police personnel based on intelligence, to shed light on crime problems and strategically guide future policing efforts. Due to its wide scope, a review of Europol’s OCTA 2011 is beyond the scope of this study (readers interested in learning more are encouraged to see Europol, 2011).

Of more relevance to the present study is the “TRIAS Project”—the final report of which was titled: *Organized Crime in the Common Criminal-Geographical Area of Belgium, The Netherlands and North Rhine–Westphalia—A European Interdisciplinary Analysis Project: Final Results* (Landeskriminalamt Nordrhein–Westfalen, 2009). For this project, multiple police and academic organizations from Belgium, The Netherlands, North Rhine–Westphalia collaboratively undertook an interdisciplinary study (quantitative and qualitative) to predict the trend/trajectory of cross-border organized crime in the region shared by Belgium, The Netherlands, and North Rhine–Westphalia, for the years 2008 to 2015 (Landeskriminalamt Nordrhein–Westfalen, 2009:5, 11, 14). To this end, the report offers a multi-disciplinary threat assessment. Generally speaking, the report predicts that, among other things, the serious transnational organized crimes of drug trafficking, property crime, and human smuggling/trafficking will all “likely” increase over the next few years (Landeskriminalamt Nordrhein–Westfalen, 2009:42). This report advised Belgium, The Netherlands, and North Rhine–Westphalia to: (1) set common priorities in the fight against serious transnational organized crime; (2) identify experts/trainers; (3) improve “information sharing and analysis”; and (4) develop “common case management” (Landeskriminalamt Nordrhein–Westfalen, 2009:47–51).

3.7. **Summary**

This chapter examined the different dimensions of international police and judicial cooperation, as well as the challenges facing the practitioners who work in this field. A review of the 21 published research studies to date on the subject of international police and judicial cooperation in Europe and/or the Meuse–Rhine Euregion revealed that none
of the previously conducted studies drew upon any theoretical or conceptual framework, and none examined the process of international cooperation in practice so as to identify the influential variables and ultimately determine how cooperation may be improved. Moreover, no published crime data currently exist to document the extent of serious transnational organized crime in Europe or the Meuse–Rhine Euregion. Although international police and judicial cooperation is very advanced in the Meuse–Rhine Euregion, the questions of “What is the process of cooperation in practice?” and “How can cooperation be improved?” remain unanswered. To answer these research questions, this dissertation draws upon the Organizational Behavior approach and will: (1) establish the status quo, (2) describe the process of international police and judicial cooperation in practice, (3) identify the variables that affect (facilitate/hinder) cooperation, and (4) determine how cooperation may be improved.

Chapter 4 introduces readers to the Organizational Behavior approach, which provides the conceptual framework for the present study. Chapter 5 discusses the present study’s research method in detail.
4. Conceptual Framework: The Organizational Behavior Approach

This chapter presents the conceptual framework that helps ground, inform, and guide the present study of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. As will be discussed in detail below, the Organizational Behavior (OB) approach offers insight into the various reasons why organizations behave in certain ways. Significantly, much of the organizational behavior literature is rooted in the study of corporate organizations, such as engineering firms. There is, however, a small specialist sub-field that focuses on the study of organizational behavior within the context of police organizations specifically (for example, see Cordner, 2010; More, Wegener, Vito, & Walsh, 2006; Roberg, 1979; Swanson, Territo, & Taylor, 2008). Accordingly, the specialist sub-field literature concerning organizational behavior within police organizations is drawn upon where relevant to help contribute to the conceptual framework for the present study. Notably, this study is the first ever to use the Organizational Behavior approach to guide and inform the examination of international police and judicial cooperation in the Meuse–Rhine Euregion.

Since the general organizational behavior literature is both vast and redundant (i.e., there are many textbooks on the subject that discuss the exact same concepts at a descriptive/introductory level), the intent here is not to “represent” (i.e., replicate) this wide body of work within one dissertation chapter, because it cannot be done due to a lack of available space. Moreover, such an exercise is beyond the scope of this study. Rather, this chapter presents a concise explanation of organizational behavior, and provides a brief overview of the influential variables/dynamics, so as to introduce readers to the Organizational Behavior approach, and build the foundation upon which this study will extend the literature with respect to both organizational behavior and the subject of international police and judicial cooperation. This chapter concludes with a brief overview and comment on the published studies that concern organizational dynamics in criminal justice.
4.1. Definition and Purpose

To begin, it is important to define two key terms: “organization” and “organizational behavior.” The term organization refers to “…a system of two or more people, engaged in cooperative action, trying to reach an agreed-upon purpose” (Sims, 2002:1; see also Roberg, 1979:82). By extension, Organizational Behavior may be defined as: “…the study of the many factors that have an impact on how individuals and groups respond to and act in organizations and how organizations manage their environments” (George & Jones, 2000:1; see also Schermerhorn, Hunt, & Osborn, 1997:3 as cited in More et al., 2006:45; see also Robbins, 2000:2). Essentially, researchers study organizational behavior to understand and explain what is happening and why (i.e., to determine “cause and effect”), so as to predict and ultimately control employee behavior within organizations (Luthans, 1985:7, 21; Milton, 1981:1, 13; Robbins, 2000:2, 5–6; Robbins, 2003:5; Thompson, 2003:2). Although the field of organizational behavior originated in the United States of America, and most of the research continues to be American, the rise of International Organizational Behavior (i.e., “the study of behavior in organizations around the world”) is helping to internationalize this area of inquiry (Francesco & Gold, 2005:3, 14, 40).

4.2. Disciplines and Subject Matter

The field of organizational behavior is multi-disciplinary, stemming from “…psychology, sociology, anthropology, economics, and political science” (More et al., 2000:45; Robbins, 2000:3–5; Sims, 2002:2; Thompson, 2003:12). Each of these disciplines contributes approaches, concepts, and research findings to inform the study of organizational behavior. In fact, virtually all of the books on the subject of organizational behavior address the exact same concepts/themes/variables/dynamics, specifically: values, attitudes, beliefs, personalities, perceptions, motivation, learning, training, trust, power, authority, intraorganizational politics, leadership, decision-making, creativity, planning, goals, groups, teams, communication, stress, conflict, negotiation, organizational structure, organizational culture, organizational change, organizational resistance to change, and organizational development (for example, see Bowditch & Buono, 2005.ix-xiii; Cordner, 2010; Favreau & Gillespie, 1978:vii-x; Francesco & Gold, 2005:vii-xiii; George & Jones, 2000:v-xi; Jablin & Putnam, 2000:ii-iv; Milton, 1981:iii-iv; Robbins, 2000:iv-xiii; Rollinson & Broadfield, 2002.ix-xii; Sims, 2002; Staw & Cummings,
In addition, the International Organizational Behavior approach builds upon the traditional organizational behavior literature by offering national culture as an additional explanatory variable (Francesco & Gold, 2005:14). Significantly, these multiple themes are the variables that influence and explain organizational behavior (Milton, 1981:3; Steers & Black, 1994:20).

4.3. Levels of Organizational Behavior

Organizational behavior can be studied at three different levels: (1) the micro/individual-level, (2) the micro/interpersonal/group-level, and (3) the macro/organizational-level (Baum & Rowley, 2002:7; Milton, 1981:3–6; More et al., 2000:45–47; Robbins, 2000:12; Indik, 1968:52 as cited in Roberg, 1979:36; Rollinson & Broadfield, 2002:15; Sims, 2002:2; Steers & Black, 1994:20, 21; Thompson, 2003:1). A brief explanation of each of these levels of organizational behavior is provided below.

4.3.1. Micro/Individual-level Variables

Individual-level variables in the study of organizational behavior stem from the discipline of psychology and include: values, attitudes, beliefs, motivation, perceptions, personalities, and learning (see Luthans, 1985:xviii, 664; Luthans, 2011:125; Milton, 1981:3, 10; Sims, 2002:2; Robbins, 2000:4). Various scholars purport different conceptual models to depict the interaction between these individual-level variables (for example, see Robbins, 2003:27, Exhibit 2-5).

As the saying goes, “organizations are people,” and as such, organizational behavior may be traced to the behavior of one or more people (see Luthans, 1985:560; Perrow, 1970:2; Thompson, 2003:12). The implication is that organizational behavior may be changed by one or more people as well (Thompson, 2003:13). Yet, despite these truisms, organizations amount to more than just the people within them. Therefore, controlling variables solely at the individual-level is not the panacea (Perrow, 1970:3).
4.3.2. **Micro/Interpersonal/Group-level Variables**

Originating from the discipline of sociology and the related field of social psychology, interpersonal/group-level variables in the study of organizational behavior include: trust, power, authority, intraorganizational politics, leadership, decision-making, creativity, planning, goals, groups, teams, communication, stress, conflict, and negotiation (Luthans, 1985:664; Milton, 1981:4, 10; Robbins, 2000:4; Sims, 2002:2). Notably, most of the variables that influence organizational behavior are found at the individual and interpersonal/group-levels. The literature groups these two levels together, categorizing them at the **micro-level** (see Steers & Black, 1994:21). It is significant to note that the literature does not make reference to a meso-level in the study of organizational behavior; the division in the organizational behavior literature is binary (see Rollinson & Broadfield, 2002:15; see also Thompson, 2003:1, 12).

4.3.3. **Macro/Organizational-level Variables**

Organizational-level variables in the study of organizational behavior stem from the disciplines of anthropology, political science, and sociology. These variables include: values, power, conflict, intraorganizational politics, organizational structure, organizational culture, organizational change, and organizational resistance to change (Luthans, 1985:xviii, 664; Milton, 1981:10; Robbins, 2000:4; Sims, 2002:2).

4.3.3.1. **Organizational Theory**

Within the field of organizational behavior is a sub-field of study called Organizational Theory. Although it is surprisingly very difficult to find a concise definition of this term in the vast literature, *Organizational Theory* simply refers to the study of the macro-level variables in organizational behavior. As Steers & Black (1994:21) explain, “*macro-*organizational behavior (also referred to as organization theory) is concerned with organization-wide issues, such as organization design and the relations between an organization and its environment” [emphasis in original]. The following explanation further distinguishes organizational behavior from organizational theory:

The distinction is based on two differences: unit of analysis and focus of dependent variables. OB [Organizational Behavior] is defined as the study of individual and group behavior within organizations and the application of such knowledge. OT [Organizational Theory] is the study of structure, processes, and outcomes of the organization per se. The distinction is
neither that OB is atheoretical and concerned only with behavior nor that OT is unique or exclusive in its attention to theory. Alternatively, the distinction can be conceived as between micro and macro perspectives on OB. (Cummings, 1978:92 as cited in Luthans, 1985:7)

To reiterate, organizational theory frames studies of organizations at the macro-level (structures/processes), whereas organizational behavior frames studies of organizations at the micro-level (individual/group behavior) (Gerloff, 1985:11, 15; Rollinson & Broadfield, 2002:7). Table 4.1 below further distinguishes between these two concepts using a matrix.

<table>
<thead>
<tr>
<th>Theory</th>
<th>Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Macro</td>
<td>Organizational Theory (i.e., macro-level variables)</td>
</tr>
<tr>
<td>Micro</td>
<td>Organizational Behavior (i.e., micro-level variables)</td>
</tr>
</tbody>
</table>

Source: Adapted from Luthans (2011:20, Figure 1.2) and Rollinson & Broadfield (2002:20, Figure 1.6).

Significantly, the present study draws upon both organizational theory and organizational behavior—especially the latter—to create the conceptual framework. It should be noted that, in some texts, the more narrow term “organizational theory” is used interchangeably with the broader term “organizational behavior.” Therefore, this dissertation uses the all-encompassing term “organizational behavior.”

4.4. Recapitulation: The Foundations of the Field of Organizational Behavior

The foregoing discussion delineated the foundations of the field of organizational behavior. To help facilitate readers’ understanding, and for ease of reference, this information can be presented in the form of a table (see Table 4.2 below).
Table 4.2. The Foundations of the Field of Organizational Behavior

<table>
<thead>
<tr>
<th>Behavioral Science Discipline</th>
<th>Topic / Variable</th>
<th>Level of Behavior / Unit of Analysis</th>
<th>Level of Analysis</th>
<th>Field of Study</th>
<th>Output</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political Science</td>
<td>Power</td>
<td>Organization</td>
<td>Macro</td>
<td>Organizational Theory</td>
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<td></td>
<td>Intraorganizational Politics</td>
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<td>Conflict</td>
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<tr>
<td>Anthropology</td>
<td>Values</td>
<td>Organization</td>
<td>Macro</td>
<td>Organizational Theory</td>
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<td></td>
<td>Organizational Culture</td>
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<tr>
<td>Sociology</td>
<td>Organizational Structure</td>
<td>Group / Interpersonal</td>
<td>Micro</td>
<td>Organizational Behavior</td>
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<td></td>
<td>Organizational Culture</td>
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<td>Organizational Change</td>
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<td>Organizational Resistance to Change</td>
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<td>Anthropology</td>
<td>Cross-cultural Differences</td>
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<td>Attitudes</td>
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<td></td>
<td>Values</td>
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<tr>
<td>Sociology</td>
<td>Leadership</td>
<td>Group / Interpersonal</td>
<td>Micro</td>
<td>Organizational Behavior</td>
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<td>Management</td>
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<td>Supervision</td>
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<td>Groups</td>
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<td>Teams</td>
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<td>Networks</td>
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<td>Communication/Language</td>
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<td>Goals</td>
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<td>Decision-making</td>
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<td>Politics</td>
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<td>Power</td>
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<td>Conflict</td>
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<td>Social Psychology</td>
<td>Behavioral/Attitude Change</td>
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<td></td>
<td>Group Processes (e.g., Groupthink)</td>
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<tr>
<td>Psychology</td>
<td>Values</td>
<td>Individual</td>
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<td>Attitudes</td>
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<td>Personality</td>
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<td>Motives</td>
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<td>Motivation</td>
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<td>Trust</td>
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<td>Perceptions</td>
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<td>Learning</td>
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<td>Training</td>
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</table>

Table 4.2 above summarizes and depicts the relationships between the key concepts discussed thus far. Clearly, the study of organizational behavior is straightforward and well-suited to inform the study of international police and judicial cooperation.

4.5. Approaches to Studying Organizational Behavior

There are five different approaches to the study of organizational behavior, namely: (1) Traditional Organizational Theory, (2) Open Systems Theory, (3) Bridging Theory, (4) Positive Organizational Behavior, and (5) Contemporary Organizational Behavior (Luthans, 2011; Rollinson & Broadfield, 2002; Swanson et al., 2008). Since a detailed discussion of each of these approaches is beyond the scope of this study, only the gist of each approach is discussed here and presented in Table 4.3 below to help orient readers to the Contingency Approach in particular, which is categorized under Bridging Theory.

4.5.1. The Traditional Organizational Theory Approach

By way of some background, the Traditional Organizational Theory approach in the study of organizational behavior was developed during the late years of the industrial revolution (see Roberg, 1979:22; Swanson et al., 2008:217). This approach led to three sub-approaches: “(1) scientific management, (2) the bureaucratic model, and (3) administrative or management theory” (Swanson et al., 2008:164). All of these approaches focused on the formal/bureaucratic/macro-level aspects of organizations, and their effect on organizational behavior. Due to the rigidity of the Traditional Organizational Theory approach, however, other approaches in the study of organizational behavior came into existence, namely: Open Systems Theory,

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29 It should be noted that the term “Organizational Theory” is used in the literature in two ways, and can therefore be regarded as a sort of homonym. First, Organizational Theory (now fashionably called “Organizational Analysis” by some authors) is used to refer to the study of the macro-level variables in organizational behavior (Gerloff, 1985:11, 15; Cummings, 1978:92 as cited in Luthans, 1985:7; Daft, 1996:26 as cited in Rollinson, 2002:7; Steers & Black (1994:21). Second, the term is also used to refer to an approach in the study of organizational behavior that originated during the late 19th Century that focused specifically on the formal/bureaucratic aspects of organizations.
Modern/Bridging Theory, Positive Organizational Behavior, and Contemporary Organizational Behavior. Each of these approaches is discussed briefly below.

**Table 4.3. The Main Approaches in the Study of Organizational Behavior**

<table>
<thead>
<tr>
<th>Approach and Theorist(s)</th>
<th>Brief Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traditional Organizational/Management Theory</strong></td>
<td>Traditional Organizational Theory gave rise to “…organizations described as mechanistic, closed systems, bureaucratic, and stable” (Swanson et al., 2008:163, 217). The majority of police organizations are based on Traditional Organizational Theory (Swanson et al., 2008:163).</td>
</tr>
<tr>
<td>Scientific Management (Frederick Taylor) (Era: Late 19th to Early 20th Centuries)</td>
<td>Scientific Management Theory was focused on “…finding the one best way to do a job” (Roberg, 1979:23; Sims, 2002:4; Swanson et al., 2008:211, 217).</td>
</tr>
<tr>
<td>The Bureaucratic Model (Max Weber) (Era: Early 20th Century)</td>
<td>The Bureaucratic Model posited that bureaucratic organizations function most efficiently, as compared to non-bureaucratic organizations (More et al., 2006:2; Swanson et al., 2008:168, 211). Notably, most police organizations are bureaucratic (More et al., 2006:3; Roberg, 1979:29; Swanson et al., 2008:210).</td>
</tr>
<tr>
<td>Administrative Management Theory (Fayol, Mooney &amp; Reiley; Gulick; Urwick) (Era: 20th Century)</td>
<td>Administrative Theory was focused on determining “…generic or universal methods of administration” (Swanson et al., 2008:170, 211, 215).</td>
</tr>
<tr>
<td>Open Systems Theory</td>
<td>Open Systems Theory views “…organizations as open systems” (i.e., systems that respond to internal and external variables), as opposed to closed systems (i.e., systems that function independently, without being affected by any outside influences) (Milton, 1981:7–9; Swanson et al., 2008:195). Systems feature inputs that produce outputs (More et al., 2006:10–11; Roberg, 1979:40).</td>
</tr>
<tr>
<td>Human Relations School (Mayo; Hawthorne Experiments)</td>
<td>The Human Relations School contrasts against the Bureaucratic model, since it acknowledges the effect of the human condition (e.g., motivation, attitudes) on Organizational Behavior (Roberg, 1979:48; see Sims, 2002:6; see Swanson et al., 2008:216).</td>
</tr>
<tr>
<td>Behavioral Systems Theory</td>
<td>The Behavioral Systems approach is essentially sketched in Table 4.1 above. This approach uses the body of knowledge compiled from multiple behavioral science disciplines to explain that organizational behavior is the result of many factors (Milton, 1981:10–11; see also Swanson et al., 2008:215).</td>
</tr>
<tr>
<td>Modern/Bridging Theory</td>
<td>Bridging Theories possess characteristics of both Traditional Organizational Theories and Open Systems Theories (Swanson et al., 2008:163, 206).</td>
</tr>
</tbody>
</table>
### Approach and Theorist(s) | Brief Description
--- | ---
Contingency/Situational Theory  
(Burns & Stalker; Woodward, Sherman, & Lawrence; Lorsch)  
(Era: Mid 20th Century) | Contingency/Situational Theory posits that "...there is no single best way to manage behavior"; the identification and subsequent management/manipulation of the key internal/external variables affecting organizational behavior depends on the specific organization/situation (Luthans, 1985:561; Milton, 1981:11; More et al., 2006:13; Roberg, 1979:viii, 15, 23, 43; Rollinson & Broadfield, 2002:20; Sims, 2002:8; Swanson et al., 2008:208). In other words, "...by understanding which variable(s) are important in certain situations... [managers can] choose the most appropriate action(s) under specific conditions (Indik, 1968:56–57 as cited in Roberg, 1979:37). Contingency Theory attempts to combine the modern approaches (Luthans, 1985:561).

Theory Z  
(Ouchi) | Theory Z (also known as the “Japanese Management Style”) posits that organizational success depends on both employees and managers (Swanson et al., 2008:208, 217).

Positive Organizational Behavior  
(Seligman; Luthans)  
(Era: End of the 20th Century and beginning of the 21st Century) | Developed in response to the focus on negative variables in organizational behavior, the Positive Organizational Behavior approach is very new, and studies the influence of positive variables (i.e., "self-efficacy, optimism, hope, resiliency") on organizational behavior (Seligman, 1998 as cited in Luthans, 2011:199).

Contemporary Organizational Behavior  
(Era: End of the 20th Century and beginning of the 21st Century) | Globalization has encouraged the study of organizational behavior in the international/comparative context (Rollinson & Broadfield, 2002:8). In addition, scholars are now integrating organizational behavior (i.e., the study of the individual-level variables) with organizational theory (i.e., the study of the macro-level variables) (Rollinson & Broadfield, 2002:8).

Source: Adapted primarily from Swanson et al. (2008:ix, 163–210), with additional contributions from Luthans (2011), Milton (1981), Roberg (1979), Rollinson & Broadfield (2002:8), and Sims (2002), as noted above.

#### 4.5.2. The Open Systems Theory Approach

Open Systems Theory was developed in response to Traditional Organization Theory, and sought to bring attention to the more “informal” effects of the human condition on organizational behavior (Roberg, 1979:29, 48; Swanson et al., 2008:176). Like Traditional Organizational Theory, the Open Systems Theory approach is not widely used in the study of organizational behavior because it is not comprehensive enough.

#### 4.5.3. The Modern/Bridging Theory Approach

Modern/Bridging Theory developed in response to the limitations of both Traditional Organization Theory and Open Systems Theory. Theorists sought to create a middle-ground type of approach in the study of organizational behavior, featuring the best aspects of the two prior approaches (Roberg, 1979:34; Swanson et al., 2008:206).
Of special note here is the Contingency Theory approach in the study of organizational behavior.

4.5.3.1. The Contingency Approach

The Contingency Approach builds upon both the Traditional Organization Theory and Systems Theory approaches, and “…is regarded as the premier method for the study and prediction of police organizational behavior” (Roberg, 1979:viii, 17, 18, 49; see also Swanson et al., 2008:210). Therefore, the present study uses the Contingency Approach to examine organizational behavior within the context of international police and judicial cooperation in the Meuse–Rhine Euregion. Specifically, the Organizational Behavior approach is generally quite clear about which variables typically influence organizational behavior in corporate organizations. Since there is a paucity of organizational behavior literature with specific regard to police and judicial organizations, and since this is the first study to apply the Organizational Behavior approach in the examination of international police and judicial cooperation, and since the Contingency Approach suggests that the list of variables identified by the Behavioral Systems approach may not be exhaustive, therefore, this study approaches the examination of international police and judicial cooperation in the Meuse–Rhine Euregion using the variables identified by the organizational behavior literature (hereinafter referred to as “deductive variables”) and leaves open the possibility of identifying additional relevant variables (hereinafter referred to as “inductive variables”).

4.5.4. The Positive Organizational Behavior Approach

One of the recent movements in the study of organizational behavior concerns “positive variables.” This movement is called the Positive Organizational Behavior approach, and is defined as: “the study and application of positive oriented human resource strengths and psychological capacities that can be measured, developed, and effectively managed for performance improvement in today’s workplace” (Luthans, 2002:59 as cited in Luthans, 2011:199). More information about these positive variables is provided below in the discussion concerning “Psychological Capital.”
4.6. Conceptual Models of Organizational Behavior

While all of the books on the subject of Organizational Behavior seem to address the same influential variables, they all also offer different conceptual models/frameworks as to how these variables interact and function to influence organizational behavior (for example, compare the following conceptual models of organizational behavior: Milton, 1981:6; Luthans, 1985:24; Luthans, 2011:23, 24; Steers & Black, 1994:22). Given the variety of conceptual models available within the organizational behavior literature, and the resulting divergence in applicability/suitability for particular studies, only one shall be mentioned here for the purpose of illustration, namely that proffered by Luthans (2011), which is likely the most current, comprehensive, and evidence-based conceptual model of organizational behavior to date (see Luthans, 2011:22).

To create his conceptual model, Luthans (2011:24, 25; see Figure 1.5) draws upon Social Cognitive Theory, which posits “…that the person, the environment, and the behavior itself are in constant interaction with one another and reciprocally determine one another.” To elaborate upon the diagram, Luthans explains that, among other things, what he refers to as “organizational dynamics” (e.g., variables such as communication, conflict, politics, power) may or may not represent the actual outcomes of the process of organizational behavior (Luthans, 2011:24, 25). Therefore, Luthans represents this assertion pictorially in his diagram by using lines instead of double-ended arrows.

Despite its robust explanatory power, it should be stressed that, like all other models of organizational behavior reviewed in the literature, Luthans’ model of organizational behavior was developed in reference to corporate organizations—not police or justice organizations in particular. Therefore, Luthans’ (2011) model is discussed here as a starting point, to provide a preliminary conceptual framework for the concepts discussed below, and to prime readers as to what can be done through the study of organizational behavior.30

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30 The very limited body of organizational behavior literature written with specific regard to law enforcement organizations does not proffer any such theoretical model as to how the variables work together to influence organizational behavior. Therefore, a theoretical model was cited from the general organizational behavior literature (i.e., Luthans, 2011), for the purpose of illustration, and to provide a foundation upon which to build and extend this field of study.
The present research study builds on the organizational behavior literature to fill a gap in the literature, by revealing the deductive and inductive variables that influence (facilitate or hinder) international police and judicial cooperation in the Meuse–Rhine Euregion. As such, a new model of organizational behavior is created to identify and explain the variables influencing the process of international police and judicial cooperation in the Meuse–Rhine Euregion (see Chapters 7 and 8 below).

4.7. The Variables that Influence Organizational Behavior

As discussed at the beginning of this chapter, many text books have been written to describe the variables that influence organizational behavior. While a detailed representation of this body of work is outside the scope of this study, a brief overview of these variables is provided below. The present study acknowledges the influence of these deductive variables on organizational behavior within the context of international police and judicial cooperation, and endeavours to break new ground by using the Organizational Behavior approach as a springboard to also identify the inductive variables that affect international police and judicial cooperation in the Meuse–Rhine Euregion, to determine what is happening in the process of cooperation, and the ways in which these variables may be controlled, so as to determine how to improve cooperation in practice.

4.7.1. Micro / Individual-level Variables

4.7.1.1. Culture

Culture is a key explanatory variable in the context of international organizational behavior (Francesco & Gold, 2005:41). Culture refers to: “…the shared language, events, symbols, rituals, and values indigenous to a particular group” (More et al., 2006:76; see also Francesco & Gold, 2005:109, 121). Naturally, culture is socially constructed and influences human behavior (Francesco & Gold, 2005:18).

There are different dimensions along which culture and cultural values differ. For example, Kluckhohn and Strodtebeck (1961) identified six basic cultural values found across cultures, briefly: relation to nature (whether a culture believes in an internal vs. external locus of control); time orientation (past, present, or future); beliefs about basic human nature (good vs. evil); activity orientation (working vs. enjoying life); relationships
among people (individual vs. group vs. hierarchy); and space ownership orientation (public vs. private) (DiStefano & Maznevski, 1997 as cited in Francesco & Gold, 2005:20–23).

To extend the literature, in his study of 72 countries, Hofstede (2001) identified four work-related values: individualism/collectivism; “power distance” (i.e., the extent to which a culture accepts power differentials among people); “uncertainty avoidance” (i.e., the extent to which a culture prefers structured vs. unstructured situations); and masculinity/femininity (i.e., the extent to which a culture prefers masculine vs. feminine values) (Hofstede, 2001 as cited in Francesco & Gold, 2005:20–27). Notably, among other things, Hofstede (2001) found that Belgian, German, and Dutch cultures all value individualism (Hofstede, 2001:152 as cited in Francesco & Gold, 2005:25). Moreover, Belgians generally value a large power distance/hierarchy, unlike the Germans and the Dutch, who prefer more egalitarian social structures (Hofstede, 2001:217 as cited in Francesco & Gold, 2005:25). As well, Belgians and Germans prefer uncertainty avoidance, meaning that they prefer highly structured environments, whereas the Dutch are more comfortable with unstructured situations and uncertainty (Hofstede, 2001:217 as cited in Francesco & Gold, 2005:25). Finally, Belgians and Germans generally favour “masculine values,” such as status, money, and power acquisition, whereas the Dutch generally favour “feminine values,” and accordingly place more emphasis on friendships, cooperation, and decision-making by consensus (Hofstede, 2001:334 as cited in Francesco & Gold, 2005:26–27). Additional cultural values have been identified by other researchers (see Francesco & Gold, 2005:29–37).

Culture exists at the individual-level (i.e., national culture) and also at the organizational-level (i.e., organizational culture). In the case of international police and judicial cooperation, which is a phenomenon that spans across different countries, agencies, and professions, multiple sub-cultures are involved (French-speaking Belgian Judicial Police sub-culture, Dutch Public Prosecution Service sub-culture, German Police sub-culture, etc.).

4.7.1.2. Beliefs

Beliefs form the foundation for understanding. A belief is: “...an assumption that something exists and that it has certain characteristics” (Rollinson & Broadfield, 2002:135). Specifically:
Beliefs are ideas accepted as good or true (whether they are or not) and acted on as an article of faith. Since the person involved makes an emotional commitment, beliefs take on an existence of their own. Selective perception is used to confirm and reinforce them. Consequently, they can withstand virtually any challenge. Facts become irrelevant! Logic becomes irrelevant! (More et al., 2006:82)

Individuals foster many beliefs. For example, one belief is that an almighty God exists, and that heaven and hell also exist (see Rollinson & Broadfield, 2002:135). Beliefs do not generally influence behavior—unlike values (Rollinson & Broadfield, 2002:135).

4.7.1.3. Values

Values refer to “…abstract and general beliefs about what is right, good, and desirable” (More et al., 2006:196; see also Rokeach, 1973:5 as cited in Robbins, 2003:14; see also Rollinson & Broadfield, 2002:135). A more comprehensive definition of the term is as follows:

Values represent the ideas and beliefs through which we define our personal goals, choose particular courses of action, and judge our own behavior in relation to that of others… Values… have a direct influence on our perceptions, preferences, aspirations, and choices. (More et al., 2006:82)

Values also influence behavior (Rollinson & Broadfield, 2002:135). As such, values are one of the distinctly personal individual-level variables.

Rokeach (1973) distinguished between terminal values and instrumental values. Terminal values are the goals we work toward achieving, whereas instrumental values are the ways in which we wish to achieve our goals (Robbins, 2003:15). For example, terminal values that some people aspire to achieve/maintain include: equality, freedom, and happiness; whereas some corresponding instrumental values are courageousness, honesty, and creativity (Rokeach, 1973 as cited in Robbins, 2003:15). Significantly, values can vary across different cultures (Robbins, 2003:17).

4.7.1.4. Attitudes

Employee attitudes also affect organizational behavior. Attitudes begin with dispositions; people may have a positive personality disposition, or a negative personality disposition (Luthans, 2011:140; see also Sims, 2002:40). Employees with positive affectivity experience “…an overall sense of well-being… see themselves as plausibly
and effectively engaged, and... experience positive attitudes” (Luthans, 2011:140). Employees with negative affectivity generally “…feel nervous, tense, anxious, worried, upset, and distressed… they are more likely to have a negative attitude toward themselves, others, and the world around them” (Luthans, 2011:140). While everyone may experience mood swings from time to time, attitudes influence personal job satisfaction levels and organizational commitment levels, and by extension, employees with positive attitudes perform better at work than employees with negative attitudes (Luthans, 2011:140–150). Delving deeper into the meaning of the term:

Attitudes are evaluative statements—either favourable or unfavourable—concerning objects, people, or events. They reflect how one feels about something. [Organizational Behavior] focuses on a very limited number of job-related attitudes. These include job satisfaction, job involvement… and organizational commitment… (Robbins, 2003:19)

Attitudes are composed of three different elements: the cognitive element (i.e., thoughts), the affective element (i.e., feelings), and the behavioral element (i.e., actions) (Milton, 1981:28–29; Rollinson & Broadfield, 2002:136). To change an attitude, one of the components of an attitude must change (Milton, 1981:33–36).

4.7.1.5. Personality

The term personality stems from per soma—Latin words that mean “to speak through” (Luthans, 1985:97). Arguably, these two Latin words capture the essence of personality, which can be analogized to both the proverbial mask that a person wears in public, and the person behind the mask (see Luthans, 1985:97). More specifically, personality may be defined as “…how people affect others and how they understand and view themselves, as well as their pattern of inner and outer measurable traits in the person–situation interaction” (Luthans, 1985:98, 124; Luthans, 2011:126).

Personality is developed through a combination of variables, including: biological determinants (genetics/heredity), cultural factors, family environment (home/parents/siblings), socialization processes (family/school/friends), and situational determinants (different life experiences) (Luthans, 1985:105–117, 125; More et al., 2006:56–60; Rollinson & Broadfield, 2002:70–72). Essentially, personality is composed of the individual-level variables (e.g., values, attitudes, motivation, perception), and as such, “represents the whole person concept” (Luthans, 1985:124; Luthans, 2011:150).
Research shows that “…five basic personality dimensions underlie all others” (Robbins, 2003:31). These “Big Five” personality dimensions are: “[c]onscienstiousness, emotional stability, agreeableness, extroversion, and openness to experience” (Luthans, 2011:150; Digman, 1990:417–440 as cited in More et al., 2006:63–64; see also Robbins, 2003:31; Rollinson & Broadfield, 2002:89–90; see also Sims, 2002:47). Every personality consists of these dimensions, but to differing extents. Research suggests that these five core personality traits are correlated with job performance (Luthans, 2011:150, Robbins, 2003:32). For example, research has shown that job performance is a function of conscientiousness (Robbins, 2003:32). This finding holds true across European cultures as well (Salgado, 1997:30–43 as cited in Robbins, 2003:34).

4.7.1.6. Psychological Capital

The Positive Organizational Behavior approach is relatively new in the study of organizational behavior. This approach focuses on “positive variables,” especially: “…self-efficacy/confidence, optimism, hope, and resiliency” (Luthans, 2011:199, 200, 234). When these variables are considered together, they amount to what is called Psychological Capital (Luthans, 2011:199, 234). This is significant because Psychological Capital has a reciprocal impact on one’s health, relationships, and ultimate work output (Luthans, 2011:201).

It is worthwhile to examine each component of Psychological Capital individually. Self-efficacy refers to one’s confidence in their ability to successfully complete a task (Luthans, 2011:203, 204). As one may suspect, research has shown that higher levels of self-efficacy are positively correlated with higher task completion rates (Luthans, 2011:202). Naturally, lower levels of self-efficacy lead to a self-fulfilling prophecy of failure (Bandura, 2000 as cited in Luthans, 2011:205–206).

Optimism (i.e., viewing the proverbial glass as “half-full”) is another positive variable that influences organizational behavior. As Luthans explains:

Optimism is both motivated and motivating; has the desirable characteristics of perseverance, achievement, and health; makes external, unstable, and specific attributions of personal bad events; and is linked with positive outcomes such as occupational success. Obviously by extrapolating this profile, optimism could be a very positive force in the workplace. For example, optimists may be motivated to work harder; be more satisfied and have high morale; have high levels of aspiration and
set stretch goals; persevere in the face of obstacles and difficulties; make attributions of personal failures and setbacks as temporary, not as personal inadequacy, and view them as a one-time unique circumstance; and tend to feel good and invigorated both physically and mentally. (Luthans, 2011:214)

Optimism has a positive effect on health, relationships, happiness, and work output (Peterson, 1991:47 as cited in Luthans, 2011:212). Conversely, pessimism (i.e., viewing the proverbial glass as “half-empty”) “…is known to lead to passivity, failure, social estrangement, and, in its extreme, depression and mortality” (Luthans, 2011:212).

The proverb “where there’s a will, there’s a way” captures the essence of hope as a variable in the study of organizational behavior (see Luthans, 2011:217). A more specific definition is as follows: “…having hope means that one will not give in to overwhelming anxiety, a defeatist attitude, or depression in the face of difficult challenges or setbacks” (Goleman, 1995:87 as cited in Luthans, 2011:217). Clearly, hope can have a positive impact on individual behavior within organizations.

Related to the concept of hope is the concept of resiliency. Resiliency refers to “…the capacity to rebound or bounce back from adversity, conflict, failure or even positive events, progress and increased responsibility” (Luthans, 2002:695–706 as cited in Luthans, 2011:218). Like hope, resiliency is turning into an “indispensable” psychological resource for employees, especially given the challenges organizations face today (Ryff & Singer, 2003:15–36 as cited in Luthans, 2011:219).

Other potential variables rising to the forefront in this research include “happiness/subjective well-being and emotional intelligence” (Luthans, 2011:199, 200, 222–234). While the study of these constructs is rather new in the field of organizational behavior, their significance is confirmed by a growing body of supportive theory and research (Luthans, 2011:200).

4.7.1.7. Perceptions

Perceptions are perhaps the most important of all the variables in the study of organizational behavior, for two reasons. First, virtually all of the variables in the study of organizational behavior amount to perceptions (particularly when one uses interview data). In other words, the main “currency”/unit of analysis in the study of organizational
behavior can be boiled down to perceptions. Second, humans behave according to their perceptions (Roberg, 1979:108). *Perception* may be defined as:

> a unique interpretation of the situation, not an exact recording of it. In short, perception is a very complex cognitive process that yields a unique picture of the world, a picture that may be quite different from reality. Applied to organizational behavior, an employee’s perception can be thought of as a filter... every employee has a unique filter, and the same situations/stimuli may produce very different reactions and behaviors. [Emphasis in original] (Luthans, 2011:135)

This explains why two people may see the exact same stimulus differently (Milton, 1981:22, 46; More et al., 2006:99; Robbins, 2003:23; Sims, 2002:29). The processes by which perceptions are formed are complex. Indeed, book chapters have been written to explain the subject. To establish a foundation for the following discussion, Figure 4.1 below orients readers to the complex process by which perceptions are created.

**Figure 4.1. The Process by which Perceptions are Formed**

![Flow-chart of the perception-forming process](source)

*Source: This flow-chart was created on the basis of the textual description of the process as provided by Luthans (1985:178–179).*

Although a more elaborate explanation of the perception-forming process is beyond the scope of this study, and readers are encouraged to consult the many excellent texts that thoroughly discuss this subject (e.g., Luthans, 1985; Rollinson & Broadfield, 2002),
it is perhaps prudent to focus on the role of the *internal selectivity factor* of learning/priming in the formation of perceptions for the purpose of this study. Essentially, when we are presented with stimuli—whether it be an image or a situation—we make sense of it by drawing upon our previous knowledge of all similar situations, and in particular, we selectively perceive what matches (or is compatible with) our understanding of the world (Luthans, 1985:162; More *et al.*, 2006:95). This concept is called “set.” As Luthans explains:

> learning affects set by creating an *expectancy* to perceive in a certain manner... such expectancies are a vital element in the cognitive explanations of behavior. This view states simply that people see and hear what they expect to see and hear. [Emphasis in original] (Luthans, 1985:163)

The world-famous ambiguous drawing of the old/young woman\(^{31}\) illustrates that one stimulus can be perceived totally differently depending upon the frame of mind with which the stimulus is approached (Luthans, 1985:163, 166; see Robbins, 2003:23). Specifically, on the one hand, if a person approaches this ambiguous illustration with a negative frame of mind and with the expectation of seeing something ugly, then they will see the old woman. On the other hand, if a person approaches the illustration with a positive frame of mind and expects to see something beautiful, then they will see the beautiful young woman (Luthans, 1985:163–164, 166).

Moreover, individuals use “short-cuts” to help them make sense of information quickly. These shortcuts include: *stereotyping*, *first impressions*, the “*Halo Effect*” (i.e., assuming that one quality/characteristic of a person accurately represents the entire person—such as, if a person is good at one task, then they must be good at all tasks), *projection* (e.g., when a person projects a view of him/herself onto another person and concludes that he/she and the other person are similar), *contrast effects* (i.e., our judgments/perceptions are relative), and *selective perception* (i.e., to match our preconceptions) (Milton, 1981:25–28; More *et al.*, 2006:98; Rollinson & Broadfield, 2002:121–123; Sims, 2002:31–33). These shortcuts, however, may create

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misperceptions (Sims, 2002:31). The complex process by which perceptions are formed illustrates the interaction between prior learning, expectancy, and perception.

In the organizational context, employees may have very different views of an organizational problem and how that organizational problem should be solved. Those differences in views are due to their differences in perceptions, which are shaped by their roles, vantage points in the organization/system, and their previous learning (Luthans, 1985:166–167). This partly explains why, for example, a police commander in Belgium may have different views about a situation than a Dutch prosecutor—they are approaching the situation from different vantage points and with different perceptual filters, which causes them to see the exact same matter/situation entirely differently.

4.7.1.8. Motives and Motivation

Motivation is another psychological variable that is examined to elucidate behavior within organizations (Luthans, 2011:156). Stemming from “…the Latin word movere, which means “to move”… motivation is a process that starts with a physiological or psychological deficiency or need that activates a behavior or a drive that is aimed at a goal or incentive” [italics in original] (Luthans, 2011:157; see also Robbins, 2003:43; see also Sims, 2002:55). A simple example illustrates the basic process of motivation: the need for food, leads to the drive of hunger, which leads to the goal/incentive of eating food, which satisfies both the need and the drive (Luthans, 1985:184; Luthans, 2011:157; Milton, 1981:60; Sims, 2002:55–56).

There are different theories of motivation. Maslow’s Hierarchy of Needs Theory is one of the most cited theories in scholarly discussions about motivation. This theory posits that there are different types of needs, and the most basic of these needs must be satisfied first before the more higher-level/sophisticated needs can be met (Milton, 1981:62; Robbins, 2003:43, 53; Maslow, 1943:370–396 as cited in Roberg, 1979:110; Sims, 2002:58). Starting with the most basic needs, and working up the hierarchy, these needs are: physiological needs (e.g., food, sleep, sex), safety needs (e.g., security), social needs (e.g., friendship), esteem needs (e.g., achievement, recognition), and self-actualization needs (e.g., fulfilling one’s personal potential) (Milton, 1981:62–63; More et al., 2006:123; Robbins, 2003:43–44, 53; Maslow, 1943:370–396 as cited in Roberg, 1979:110; Rollinson & Broadfield, 2002:203–204; Sims, 2002:58). Despite its intuitive appeal, this theory has been criticized on a number of levels, and lacks solid
Another way of distinguishing between these motives/needs is in terms of a dichotomy, based on whether they are physiological (i.e., not learned) or social (i.e., learned). **Primary motives** are physiological and necessary for survival (e.g., “...hunger, thirst, sleep, avoidance of pain, sex, and maternal concern”) (Luthans, 1985:185, 218; Luthans, 2011:158). In comparison to primary motives, **secondary motives** play the key role in organizational behavior (Luthans, 1985:219; Luthans, 2011:158). Secondary motives are learned and include: “…needs for power, achievement, affiliation, security, and status” (Luthans, 1985:187–188, 219; Luthans, 2011:160, 189). These secondary motives essentially amount to **McClelland’s Theory of Needs** (Francesco & Gold, 2005:128; Milton, 1981:68; McClelland, 1961 as cited in Robbins, 2003:47; Sims, 2002:59).

Finally, motives can be classified as either intrinsic or extrinsic. **Extrinsic motives** are those that are tangible and come from outside of the individual (e.g., pay/money), whereas **intrinsic motives** are those that originate from within the individual (e.g., a desire to learn) (Luthans, 2011:160–161, 189). Motives for involvement in police and justice work generally range from an intrinsic desire to “serve and protect,” to an extrinsic desire for pay, to secondary motives such as desires for security, status, affiliation, etcetera.

### 4.7.1.9. Learning

**Learning** refers to “...a relatively permanent change in behavior, or potential behavior, that results from experience” (Hulse *et al.*, 1980 as cited in Rollinson & Broadfield, 2002:172; see also Robbins, 2003:26; see also Roberg, 1979:253). In psychology, different theories explain the process of learning, such as: **behavioristic theories** (i.e., classical conditioning via stimulus/response, operant conditioning via response/stimulus), **cognitive theories**, and **social cognitive theories of learning** (Luthans, 1985:268–272; Luthans, 2011:379–384, 406; Roberg, 1979:254–259; Rollinson & Broadfield, 2002:175–184).
Of particular interest in the study of organizational behavior is operant conditioning, along with the related concepts of reinforcement and punishment—especially reinforcement (see Luthans, 1985:275, 297; Rollinson & Broadfield, 2002:176–178). Reinforcement refers to “…anything that both increases the strength and tends to induce repetitions of the behavior that preceded the reinforcement” (Luthans, 1985:277; Luthans, 2011:386; see also Rollinson & Broadfield, 2002:178). Reinforcement can be an effective way of inducing favourable behavior (Luthans, 2011:389). In contrast, “[p]unishment is anything that weakens behavior and tends to decrease its subsequent frequency” (Luthans, 1985:279, 295; Luthans, 2011:387; see also Rollinson & Broadfield, 2002:178). The study of learning processes is important because it not only helps explain some of the reasons for organizational behavior, but it also sets the foundation for a discussion about how to achieve “organizational behavior modification.”

4.7.1.10. Training

Training builds on the variable of learning (Roberg, 1979:253). Training may be defined as: “…those learning experiences, provided by the organization to its members, which lead to behavioral changes intended to further the organization’s goals and those of its members” (Roberg, 1979:250). While a discussion of the intense educational and training process that police officers and justice officials undergo is beyond the scope of this study, it suffices to say that employee training can influence organizational behavior.

4.7.2. Micro / Individual / Interpersonal / Group-level Variables

4.7.2.1. Trust

Trust is the most important variable in police and judicial organizations, due to the sensitive nature of criminal justice work. Moreover, trust is the nucleus around which interpersonal relationships are formed, and represents a key requirement in cooperative ventures. There are three different types of trust, namely: deterrence-based trust, knowledge-based trust, and identification-based trust (Robbins, 2003:146–147).

Deterrence-based trust is the foundation of many new relationships; it is a fragile form of trust, wherein “[o]ne violation or inconsistency can destroy the relationship” (Robbins, 2003:146). Therefore, trust is maintained through fear of the consequences of a mistake (hence the idea of deterrence), and participants are motivated to maintain trust
by upholding their promises (Robbins, 2003:146). This form of trust is operative in police and judicial organizations, since a breach of trust typically warrants job dismissal.

*Knowledge-based trust* is based on the participants’ knowledge of one another, as opposed to fear of one another. Relationships built on knowledge-based trust are ones wherein the participants know each other well enough to be able to predict each other’s behaviors, and on this basis, trust is established and maintained (Robbins, 2003:147). Since many organizations are composed of employees who have established lengthy working relationships with one another, knowledge-based trust is perhaps the most common type of working trust within organizations (Robbins, 2003:146).

*Identification-based trust* is “[t]he highest level of trust [and] is achieved when there is an emotional connection between the parties. It allows one party to act as an agent for the other and substitute for that person in interpersonal transactions” (Robbins, 2003:147). Identification-based trust characterizes relationships wherein the parties “…know each other inside and out… [and as a result]… are able to anticipate each other and freely act in each other’s absence” (Robbins, 2003:147). This type of trust is typical among married couples, but can also exist in organizations among team members who know each other very well (Robbins, 2003:147).

Research suggests that trust can be built in organizations by virtue of: openness, fairness, honesty, consistency, keeping promises, maintaining confidences, and demonstrating competence (Robbins, 2003:147–148). These findings extend to the law enforcement realm.

### 4.7.2.2. Intraorganizational Politics

*Intraorganizational politics* may be defined as: “…intentional acts of influence undertaken by individuals or groups to enhance or protect their self-interest when conflicting courses of action are possible” (Gray & Ariss, 1985:707 as cited in Luthans, 2011:327). Yet another definition for the term is: “…those activities that are not required as part of one’s formal role in the organization, but that influence, or attempt to influence, the distribution of advantages and disadvantages within the organization” (Farrell & Petersen, 1982:405 as cited in Robbins, 2003:158). Essentially, engaging in intra-organizational politics provides a way for employees to wield and even obtain power (Rollinson & Broadfield, 2002:418).
Employees from all levels of an organization may engage in intraorganizational politics. Examples of political/self-serving behaviors within organizations include: withholding/controlling information, engaging in the proliferation of rumors/gossip, whistle-blowing, and forming strategic alliances/coalitions (Robbins, 2003:158; Rollinson & Broadfield, 2002:424). Another way to acquire power is to engage in so called “reindeer games,”32 which amount to politically-oriented socializing opportunities typically limited to members of the “inner circle” that function to bless those very select chosen few invitees with increased access/opportunities (Bierman, 1997:92 as cited in Luthans, 2011:330–331). Clearly, intraorganizational politics represent an important variable in organizational behavior.

4.7.2.3. Leadership

Leadership is perhaps the one variable in the study of organizational behavior that ties all of the other variables together (see Luthans, 2011:413). Leadership can be defined in multiple ways, depending on which theoretical perspective of leadership is chosen (Luthans, 2011:414). One basic definition of leadership is: “…the ability to influence a group toward the achievement of goals” (Robbins, 2003:130). Another way of defining “leadership” is by contrasting it against the term “manager,” as per Bennis (1989). Accordingly, some of the key differences between managers and leaders are noted in Table 4.4 below.

Table 4.4. Bennis’ Typology to Distinguish Leaders from Managers

<table>
<thead>
<tr>
<th>Managers…</th>
<th>Leaders…</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administer</td>
<td>Innovate</td>
</tr>
<tr>
<td>Maintain</td>
<td>Develop</td>
</tr>
<tr>
<td>Control</td>
<td>Trust</td>
</tr>
<tr>
<td>See in the short-term</td>
<td>See in the long-term</td>
</tr>
<tr>
<td>Ask questions beginning with “how” and “when”</td>
<td>Ask questions beginning with “what” and “why”</td>
</tr>
<tr>
<td>Look at the bottom line</td>
<td>Look at the cutting-edge</td>
</tr>
<tr>
<td>Accept the status quo</td>
<td>Challenge the status quo</td>
</tr>
<tr>
<td>Do things right</td>
<td>Do the right things</td>
</tr>
</tbody>
</table>

Source: Adapted from Bennis (1989:7).

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Clearly, leaders differ from managers on several levels. Although a person may be a manager, he/she may not necessarily also be a leader.

As alluded to above, there are different theoretical perspectives regarding the subject of leadership. The different theories of leadership can be classified as either “traditional theories” or “modern theories” (Luthans, 2011:418–439). Essentially, each of these theories posit that leadership is best explained through the study of a different variable. To illustrate, Table 4.5 below sets out the different traditional and modern theories of leadership, and also briefly notes their different areas of focus.

**Table 4.5. Traditional versus Modern Theories of Leadership**

<table>
<thead>
<tr>
<th>Theories of Leadership</th>
<th>Focus/Foci</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traditional Theories</strong></td>
<td></td>
</tr>
<tr>
<td>Trait Theory</td>
<td>Leader personality, and other traits, such as intelligence</td>
</tr>
<tr>
<td>Group/Exchange Theory</td>
<td>Interactions/exchanges between the group being led and the leader</td>
</tr>
<tr>
<td>Contingency Theory</td>
<td>Situation/context in which the leadership is occurring</td>
</tr>
<tr>
<td>Path-Goal Theory</td>
<td>Various variables, such as motivation among group members</td>
</tr>
<tr>
<td><strong>Modern Theories of Leadership</strong></td>
<td></td>
</tr>
<tr>
<td>Charismatic Leadership Theory</td>
<td>Leader charisma</td>
</tr>
<tr>
<td>Transformational Leadership Theory</td>
<td>The leader’s ability to empower the group</td>
</tr>
<tr>
<td>Authentic Leadership</td>
<td>Positive psychological capital among leaders</td>
</tr>
</tbody>
</table>

*Source: Adapted from Luthans (2011:419–439) and Sims (2002:224–232).*

Researchers continue to study these areas to determine the effects of these variables on leadership processes, so as to determine the variables that contribute to excellence in leadership (Luthans, 2011:448).

### 4.7.2.3.1. Charismatic Leadership

Of all the theories discussed in the literature on the subject of leadership, perhaps the most interesting in the study of international police and judicial cooperation in particular is *Charismatic Leadership Theory*. The elusive “X Factor” that many people and organizations wish for, and arguably always melt for, both in a partner and a leader, may be charisma. Fundamentally, *charisma* consists of a synthesis of extreme charm and magnetic attractiveness, the combination of which powerfully results in profound leadership potential/abilities, simply through the admiration, excitement, and loyalty that the charismatic leader inspites in others (see Luthans, 2011:439; see also Pearsall,
Charismatic leaders are characterized by self-confidence, vision, strong convictions, extraordinary behavior, and they are viewed as agents of change (Conger & Kanungo, 1988:78–97 as cited in Robbins, 2003:141). This is a “funny but true” description of a charismatic leader:

He attended some middling college. Doesn’t have an MBA. But he has an aura. He persuades people—subordinates, peers, customers, even the S.O.B. you both work for—to do things they’d rather not. People charge over the hill for him. Run through fire. Walk barefoot on broken glass. He doesn’t demand attention, he commands it. (Sellers, 1996:68 as cited in Luthans, 2011:428)

As one would intuitively anticipate, some research has shown that charisma positively influences cooperation (De Cramer & Van Knippenberg, 2002:858–866 as cited in Luthans, 2011:428). In addition, one meta-analysis of studies concerning charismatic leadership found that there is a high probability (76%) that very charismatic leaders will create higher-performing organizations, as compared to leaders whose style is not as charismatic (Fuller, Patterson, & Stringer, 1996:271–287 as cited in Luthans, 2011:472; see also Robbins, 2003:141). Moreover, charismatic leadership can be especially helpful in situations that require extreme change, such as critical incidents (Pillai, 1996:543–562 as cited in Luthans, 2011:429). Given the power that charismatic leaders potentially possess, care should be taken to ensure that charismatic leaders behave ethically, and do not abuse their virtual “love spell”/hypnotizing effect (see Luthans, 2011:429). Clearly, charismatic leadership can be a strong driving force in organizational behavior.

4.7.2.3.2. Visionary Leadership

Another type of leadership is visionary leadership. Vision refers to “…clear and compelling imagery that offers an innovative way to improve, which recognizes and draws on traditions, and connects to actions that people can take to realize change. Vision taps people’s emotions and energy” (Nutt & Backoff, 1997:309 as cited in Robbins, 2003:142). By extension, Visionary Leadership manifests in a leader’s ability to advance a compelling vision for positive organizational change, and the concomitant enthusiasm and energy among followers necessary to bring the vision to fruition (Robbins, 2003:142). Visionary leaders are able to: (1) articulate their vision, (2) act to support their vision, and (3) apply their vision in different situations (Robbins, 2003:142).
4.7.2.4. Power

Power is a key variable in the study of organizational behavior that differs from the concept of authority (Luthans, 2011:312–314). Essentially, power is: “...the potential ability to influence behavior, to change the course of events, to overcome resistance, and to get people to do things that they would not otherwise do” (Pfeffer, 1992:30 as cited in Luthans, 2011:313; see also Robbins, 2003:150; see also Sims, 2002:221). Moreover, it is significant to note that power “…is a function of dependence. The greater B’s dependence on A, the greater is A’s power in the relationship” (Robbins, 2003:151, 154). When viewed in this way, it is easy to see how power struggles may arise.

There are five different types of power, each of which stem from a different source, namely: coercive power (i.e., gained through fear of reprisal; compliance prevents harm), reward power (i.e., compliance produces rewards), legitimate power (i.e., gained by virtue of one’s professional position/rank; compliance is generally viewed as mandatory), expert power (i.e., gained through knowledge; compliance is viewed as preferable/wise), and referent power (i.e., gained through admiration; compliance to please the powerful person) (French & Raven, 1959:150–167 as cited in Robbins, 2003:152–154; Rollinson & Broadfield, 2002:405–407; see also Sims, 2002:222).

4.7.2.5. Authority

The concept of power may be contrasted against the concept of authority. Specifically, “[w]hat legitimizes authority is the promotion or pursuit of collective goals that are associated with group consensus. The polar opposite, power, is the pursuit of individual or particularistic goals associated with group compliance” [emphases added] (Grimes, 1978:726 as cited in Luthans, 2011:314). There are three kinds of authority in police organizations: line authority (i.e., the chain of command is used to direct line officers), advisory authority (i.e., managers in charge of staff units can provide advice to line managers), and functional authority (i.e., a manager’s authority over his/her subordinates) (Dessler, 2004:140 as cited in More et al., 2006:277).

4.7.2.6. Decision-Making and Creativity

The most common definition for decision-making is: “choosing between alternatives” (Luthans, 1985:588, 618; Luthans, 2011:259, 271; see also More et al., 2006:239; see also Robbins, 2003:69; Rollinson & Broadfield, 2002:251; see also Sims,
The decision-making process, however, is more than just choosing between alternatives. According to the *Rational Decision-Making Model*, decision-making is a six-step process that involves: (1) determining the problem, (2) determining the criteria upon which the decision will be made, (3) assigning a weight to each decision criterion to reflect differing levels of importance among the criterion, (4) plotting alternatives, (5) determining how each alternative measures against each decision criterion, and (6) finally making a choice about the best alternative (Robbins, 2003:70–71; Sims, 2002:191–201). It is through this decision-making process that the best alternative may be chosen.

While the *Rational Decision-Making Model* carries intuitive appeal, in reality, organizational participants typically do not make decisions according to this systematic approach (Robbins, 2003:73). Rather, employees use shortcuts to make judgments about situations (*e.g.*, intuition, heuristics, biases), and often settle for satisfactory (as opposed to optimal) outcomes (More *et al.*, 2006:246; Robbins, 2003:73–80; Sims, 2002:201–203). Decision-making is also influenced by other variables, such as psychological level variables (*i.e.*, personality, values, decision-making styles, moral development), group-level variables (*e.g.*, peer pressure, groupthink), and organizational-level variables (*e.g.*, fiscal constraints, previous decisions) (see Luthans, 2011:261; see also More *et al.*, 2006:244–245; see also Robbins, 2003:77–81). In some cases, these variables function to cause poor decision-making. To complicate matters, in the event that a poor decision has been made, sometimes an “escalation of commitment” occurs, whereby the decision-maker feels that he/she must remain committed to his/her poor decision, due to various factors possibly related to the decision-maker’s psyche, the project’s characteristics, the social context, and/or even the organization itself (Luthans, 2011:261–262; Robbins, 2003:76–77; Sims, 2002:203).

### 4.7.2.6.1. Creativity

Creativity plays a role in decision-making. *Creativity* refers to “…the ability to produce novel and useful ideas” (Robbins, 2003:71). Research supports the *Three-Component Model of Creativity*, which posits that creativity demands “expertise, creative thinking skills, and intrinsic task motivation” (Amabile, 1997:42–43 as cited in Robbins, 2003:72). Creativity is important in decision-making, because it helps add breadth to each step of the rational decision-making process (see Robbins, 2003:71).
4.7.2.7. Strategic Planning

Originating at the group-level, strategic planning also plays a role in organizational behavior. *Strategy* refers to “…a plan or design to achieve aims, goals or objectives” (Rollinson & Broadfield, 2002:450). *Planning* refers to “…the specification of means necessary to achieve a prescribed end, before action toward the end takes place” (Filley, House, & Kerr as cited in Roberg, 1979:280). Strategic plans represent the primary goals and objectives of organizations over a five-year span, and provide the framework within which organizations operate.

The *planning process* consists of several steps, namely: establishing goals, implementing measurements, collecting data, analyzing the data, determining alternatives, mobilizing the plan, evaluating progress, gathering evaluative data, and improving the plan accordingly (Roberg, 1979:281–284). The four main types of plans in police organizations specifically are: administrative plans, procedural plans, operational plans, and tactical plans (Swanson *et al.*, 2005:644–645).

4.7.2.8. Goals

Goals are important in the study of organizational behavior because organizations are established to achieve goals (Rollinson & Broadfield, 2002:449). A *goal* refers to “…a desired state of affairs which an organization attempts to realize” (Etzioni, 1964:6 as cited in Rollinson & Broadfield, 2002:449). In contrast, the term *objective* refers to short-term goals that are necessary to reach a main goal (Rollinson & Broadfield, 2002:450). There are five main types of organizational goals: societal goals, output goals, system goals, product goals, and derived goals (*e.g.*, employee development or community service) (Perrow, 1972 as cited in Rollinson & Broadfield, 2002:453). In discussing organizational goals, the related issues of efficiency and effectiveness also arise, and are worthy of brief comment here. *Efficiency* concerns the process by which goals are achieved, whereas *effectiveness* refers to whether or not the output goal was achieved (Rollinson & Broadfield, 2002:468–469).

4.7.2.9. Groups

The examination of groups and group dynamics is significant in the study of organizational behavior (Luthans, 2011:339). A *group* refers to “…two or more individuals, interacting and interdependent, who come together to achieve particular objectives”
(Robbins, 2003:84, 101; see also Rollinson & Broadfield, 2002:319; see also Sims, 2002:187). There are different types of groups. Formal groups are those which relate to organizational structure and work to reach organizational goals, whereas informal groups develop to fulfill social needs (Francesco & Gold, 2005:106; Milton, 1981:228–229; More et al., 2006:183–185; Robbins, 2003:84–85; Roberg, 1979:84, 133; Rollinson & Broadfield, 2002:320–321; Sims, 2002:168–169). Other groups include: command groups (i.e., those concerning reporting structure), task groups (i.e., workgroups), interest groups, and friendship groups (Sayles, 1957 as cited in More et al., 2006:190–191; Robbins, 2003:85). Finally, the basic concepts that relate to groups include: roles, norms, conformity, cohesiveness, size, composition (i.e., diversity), and status (Francesco & Gold, 2005:104; More et al., 2006:203–207; Robbins, 2003:85–94; Sims, 2002:187).

Building on the definition of a group, group dynamics refer to “…the interactions and forces among group members in social situations” (Luthans, 2011:339). Indeed, once a group is established, it typically undergoes several phases in development, namely: forming, storming, norming, performing, and adjourning (Tuckman, 1965: 384–399 as cited in Luthans, 2011:342). Significantly, whether or not group/team members volunteer to be a part of the group/team also has an influence on the functioning of the group/team. Groups/teams that consist of volunteers are the most smooth-running and satisfying (Luthans, 2011:360).

### 4.7.2.10. Teams

Teams differ from groups in several ways. For the purpose of comparison, the characteristics of groups and teams are provided in Table 4.6 below.

**Table 4.6. Groups vs. Teams**

<table>
<thead>
<tr>
<th>Groups</th>
<th>Teams</th>
</tr>
</thead>
<tbody>
<tr>
<td>One leader</td>
<td>Distributive leadership</td>
</tr>
<tr>
<td>Accountability attributed to individuals</td>
<td>Accountability shared by the team</td>
</tr>
<tr>
<td>Organizational purpose</td>
<td>Task-driven purpose</td>
</tr>
<tr>
<td>Work produced by individuals</td>
<td>Work produced by the team</td>
</tr>
<tr>
<td>Meetings focused on efficiency</td>
<td>Meetings focused on problem-solving</td>
</tr>
<tr>
<td>Indirect measures of effectiveness</td>
<td>Direct measures of effectiveness</td>
</tr>
<tr>
<td>Neutral or negative synergy between group members</td>
<td>Positive synergy between group members</td>
</tr>
</tbody>
</table>

*Source: Adapted from Katzenbach & Smith (1993:113) and Robbins (2003:101–102).*
The different types of teams include: “...problem-solving teams, self-managed work teams, cross-functional teams, and virtual teams” (Robbins, 2003:102; see also Sims, 2002:181–182, 187). Teams become more effective by: “(1) teambuilding, (2) collaboration, (3) leadership, and (4) understanding... cultural issues in global situations” (Luthans, 2011:357). The strategic selection of members who “fit in” to the group/team can enhance effectiveness (Luthans, 2011:360).

### 4.7.2.11. Group Decision-Making

There are advantages and disadvantages in group decision-making (Swanson et al., 2005:665). The advantages of group decision-making include: more knowledge, more information, more creativity, increased acceptance of the decision due to increased participation, and better understanding (More et al., 2006:261; Swanson et al., 2005:665–666, 676). The disadvantages of group decision-making potentially include: peer pressure, the domination of the group by one individual, and the phenomenon of groupthink (Swanson et al., 2005:666–668, 676). Luthans (2011:350) provides a clear explanation of the term *groupthink*:

> Essentially, groupthink results from the pressures on individual members to conform and reach consensus. Groups and teams that are suffering from groupthink are so bent on reaching consensus that there is no realistic appraisal of alternative courses of action in a decision, and deviant, minority, or unpopular views are suppressed.

Although the phenomenon of groupthink carries intuitive appeal, the organizational behavior literature is more skeptical of this construct because it is difficult to test and currently lacks research support (see Luthans, 2011:351).

### 4.7.2.12. Communication/Language

Communication is a key variable in organizational behavior. *Communication* is defined as the: “...sharing of information between two or more individuals or groups to reach a common understanding” (Sims, 2002:138). There are several ways in which communication can occur. Communication can occur: verbally (*i.e.*, through direct statements), nonverbally (*i.e.*, through the use of body language, facial expressions), through *paralanguage* (*e.g.*, voice dynamics such as yelling, overt displays of emotion such as through laughter, non-words such as “um”), silence, or writing (Francesco & Gold,
The communication process is complex, but basically consists of the following actions: (1) a thought is transformed/encoded into a message; (2) the message is sent through a channel; (3) the message is received/decoded; and (4) understanding is confirmed through feedback (Francesco & Gold, 2005:70; Milton, 1981:328; More et al., 2006:282–285; see Robbins, 2003:114–115; Rollinson & Broadfield, 2002:615–618, 647; Sims, 2002:140–141; Swanson et al., 2005:309–311, 346).

Although the communication process seems straightforward, communication can become distorted by a number of different barriers including: filtering (e.g., saying what the other person wants to hear); selective perception; noise (e.g., due to cultural and perceptual differences); information overload; gender style differences (i.e., men speak to convey status, while women speak to establish closeness); emotions (i.e., the interpretation of messages will be influenced by our feelings); culture; and language (Francesco & Gold, 2005:70–71, 79–80; More et al., 2006:295; Robbins, 2003:123–124; Rollinson & Broadfield, 2002:621–624; see also Swanson et al., 2005:312–313, 330, 346). Other communication barriers include: inaccurate translations, withholding information, and jargon (Rainey, 1997 as cited in More et al., 2006:274). In the context of international police and judicial cooperation, wherein language, culture, and perceptual differences abound, the potential for miscommunication is high. Unfortunately, miscommunications in the context of policing may give rise to grave consequences, such as injury or loss of life (see More et al., 2006:273; Swanson et al., 2005:347).

4.7.2.13. Stress

The good or bad stress felt by individual employees, due to professional or personal factors, can either enhance or hinder performance (see Sims, 2002:110–111; see also Rollinson & Broadfield, 2002:278). Stress refers to “…an adaptive response to an external situation that results in physical, psychological, and/or behavioral deviations for organizational participants” (Luthans, 1985:130; Luthans, 2011:279, 305; see also Rollinson & Broadfield, 2002:277; see also Sims, 2002:110; see also Swanson et al., 2005:437). Factors that cause stress can originate at the individual-level, the group-level, the organizational-level, and even at the extra-organizational-level (Luthans, 1985:131–138; Luthans, 2011:280, 283, 305; Rollinson & Broadfield, 2002:283).
4.7.2.14. Conflict and Psychological Game Playing

While both stress and conflict can negatively impact health, behavior, relationships, job satisfaction, and work output, the concepts of stress and conflict can be distinguished from one another (see Luthans, 1985:386; see also Luthans, 2011:306). Scholars have defined and explained the concept of conflict in different ways, and these divergences have led to different ideas about the ways in which conflict can be mediated. The following passage illustrates these facts:

Conflict has been defined as the condition of objective incompatibility between values or goals, as the behavior of deliberately interfering with another’s goal achievement, and emotionally in terms of hostility. Descriptive theorists have explained conflict behavior in terms of objective conflict of interest, personal styles, reactions to threats, and cognitive distortions. Normative recommendations range over the establishment of superordinate goals, consciousness raising, selection of compatible individuals, and mediating the conflict. (Kilmann & Thomas, 1978:59–60 as cited in Luthans, 1985:386)

In spite of the various ways in which conflict may be defined, one standard definition of conflict is:

a process in which an effort is purposely made by A to offset the efforts of B by some form of blocking that will result in frustrating B in attaining his or her goals or furthering his or her interests. (Robbins, 2003:164)

There are three main schools of thought with respect to the conflict literature: (1) the traditional view (i.e., conflict is maladaptive; popular during the 1930s–1940s); (2) the human relations view (i.e., conflict is natural and should be accepted; popular from the 1940s–1970s); and (3) the interactionist view (i.e., some conflict is necessary for high performance and should be encouraged; this is the currently popular view) (More et al., 2006:371; Robbins, 2003:164–165). As alluded to above, conflict may be functional or dysfunctional (Milton, 1981:450; More et al., 2006:371–372, 375–376; Robbins, 2003:165; Roberg, 1979:139). Notwithstanding the above, conflict is normal within police organizations (More et al., 2006:372).

There is a general process by which conflict arises, gets handled, and ultimately affects group performance—for better or for worse (Robbins, 2003:165). First, certain variables create the situation within which conflict can arise. These variables are namely: communication (i.e., miscommunications, misunderstandings, semantics), structure, and
personal variables (e.g., values) (Robbins, 1974:31–55 as cited in Robbins, 2003:166–167). Additional conflict-inducing variables include: interdependence, power differentials, status differentials, cultural differences, organizational anomic, limited resources, and/or autonomy/sovereignty (More et al., 2006:372–375, 385). Second, with the stage set for problems due to these variables, employees within organizations either perceive conflict or feel conflict (e.g., frustration, anxiety) (Robbins, 2003:166, 168). Third, once conflict is felt internally in one of these ways, conflict then manifests outward and demands redress. Conflict may be addressed in various ways, including through: coercion (i.e., formal authority), competition (i.e., a win-lose battle), pacification (e.g., diplomacy), collaboration (i.e., problem-solving to create a win-win situation), avoidance (i.e., ignoring the conflict, stalling, suppression, withdrawal), accommodation (i.e., allowing the other person to win), compromise (i.e., concessions are made by each person to reach an agreement), and structural change (e.g., reorganizations, transferring problem employees into benign positions) (More et al., 2006:377–381; Robbins, 2003:168–169). Finally, once the conflict is handled, it results in either enhanced work performance or weakened work performance, with the implication being that the conflict was either functional/constructive or dysfunctional/destructive (Robbins, 2003:169–171).

Moreover, conflict may appear at a range of levels, including: the intra-individual (personal) level, interpersonal level, intergroup-level, and organizational-level (Luthans, 1985:386; Luthans, 2011:277, 281, 284, 288, 305; Milton, 1981:441–446; More et al., 2006:368–369; Sims, 2002:248–250). An overview of all these types of conflict is beyond the scope of this chapter, however, the type of conflict that is perhaps the most applicable/relevant to this study of international police and judicial cooperation is interpersonal level conflict, and one way to study this type of conflict is through “transactional analysis,” which is discussed immediately below (see Luthans, 1985:396–397, 415).

4.7.2.14.1. Psychological Game Playing

Interpersonal conflict may be created and exacerbated by psychological game playing within organizations by employees. Indeed, one focus of transactional analysis is “psychological games” (Luthans, 1985:397; Huse & Bowditch, 1977:146). The following passage orient readers to transactional analysis and psychological games:
Eric Berne, who is most closely associated with the games aspect of TA [transactional analysis] and who wrote the best-selling book *Games People Play*, which was pointed out as having started the TA movement, defines a game as “a recurring set of transactions, often repetitious, superficially plausible, with a concealed motivation; or more colloquially, a series of moves with a snare, or ‘gimmick’ [Berne, 1964:48]. Those involved in a game are usually not aware of it until the “snare” is drawing tight. The outcome of games is almost always a win-lose proposition. Straightforward as well as devious people commonly play games… Most [games] are dysfunctional for productive interpersonal relations and detract from organizational effectiveness. The goal should be to create an organizational climate that does not need or tolerate game playing. (Luthans, 1985:401)

One conflict-inducing psychological game played at the interpersonal level within organizations is called “Yes, but…” The essence of this game is as follows:

The boss responds with “Yes, but…” to every good answer or idea that the subordinate may have. By doing this, the boss can maintain a superior position and keep subordinates in their place. It represents a form of pseudo-participation; that is, the boss asks for participation but answers every suggestion with “Yes, but…” (Luthans & Martinko, 1979:386–387 as cited in Luthans, 1985:402)

On the surface, the response of “Yes, but…” is a polite and diplomatic way to disagree. On a deeper level, however, this type of psychological win-lose game can insidiously induce deep conflict and resentment within and between people/organizations. Moreover, the “Yes, but…” game can be an effective way for players to reclaim or establish a power-position as necessary, and as a result, this game can very effectively produce deadlock in cooperation. The ways to rise above this type of psychological game are to: (1) stop the game playing, and (2) focus on a win–win problem-solving strategy (see Luthans, 1985:405).

4.7.2.15. Negotiation/Bargaining

*Negotiation* refers to “…the process of bargaining between two or more parties to reach a solution that is mutually acceptable” (Francesco & Gold, 2005:87). Negotiators typically follow five steps when negotiating: “(1) preparation, (2) relationship building, (3) information exchange, (4) persuasion, and (5) agreement” (Adler, 1991 & Deresky, 1994 as cited in Francesco & Gold, 2005:88, 100). Moreover, there are “traditional

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33 “Negotiation” and “bargaining” are interchangeable terms (see Robbins, 2003:171).
negotiation approaches” and “contemporary negotiation approaches” from which to choose when negotiating (see for example Luthans, 2011:303–304). Each of these approaches is discussed briefly below.

With respect to traditional negotiation approaches, negotiators may choose to engage in distributive bargaining, positional bargaining, or integrative bargaining (Luthans, 2011:303; Robbins, 2003:173). The process of distributive bargaining centers on how the assets of a “fixed pie” are to be divided, with each party focused on obtaining a larger share for him or herself, and the result being a win-lose situation (see Luthans, 2011:303; Robbins, 2003:171–172; Sims, 2002:261). In contrast, the process of positional bargaining starts with each party setting out their position, and through negotiation, the parties compromise by finding a satisfactory middle-ground on how to divide the “fixed pie” (Luthans, 2011:303). Finally, integrative bargaining occurs when there is no “fixed pie,” but rather, the resources in question are variable, so as to accommodate multiple possibilities and facilitate a win-win outcome (Robbins, 2003:172–173; Sims, 2002:261).


4.7.3. Macro / Organizational-level Variables

4.7.3.1. Organizational Structure

Organizational structure refers to the methods by which “…job tasks are formally divided, grouped, and coordinated” (Robbins, 2003:178; see also Rollinson & Broadfield, 2002:481). The main elements of organizational structure are presented in Table 4.7 below. In general, police and justice organizations share similar organizational structures—except with respect to span of control. Specifically, jobs within police and justice organizations are usually highly specialized, departmentalized, decentralized, formalized, and follow a strict chain of command. Notably, police organizations follow a
paramilitary structure, characterized by a narrow span of control, which translates into a “tall” hierarchical structure. In contrast, justice organizations are characterized by a wide span of control, which translates into a comparably “flatter” organizational structure.

**Table 4.7. The Elements of Organizational Structure**

<table>
<thead>
<tr>
<th>Element</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Specialization</td>
<td><em>(i.e., breadth of an employee’s job description; it is an inverse relationship whereby the narrower the job description’s breadth, the more specialized the job becomes)</em></td>
</tr>
<tr>
<td>Departmentalization</td>
<td><em>(e.g., specialty units in an organization)</em></td>
</tr>
<tr>
<td>Chain of Command</td>
<td><em>(i.e., the extent to which it exists and can be enforced)</em></td>
</tr>
<tr>
<td>Span of Control</td>
<td><em>(i.e., the number of employees each manager oversees, which in turn determines how flat or tall an organization becomes)</em></td>
</tr>
<tr>
<td>Centralization</td>
<td><em>(i.e., the distribution of decision-making)</em></td>
</tr>
<tr>
<td>versus Decentralization</td>
<td></td>
</tr>
<tr>
<td>Formalization</td>
<td><em>(i.e., standardization of jobs)</em></td>
</tr>
</tbody>
</table>


### 4.7.3.1.1. Organizational Designs

With respect to organizational designs, there are common designs and modern designs. Among the *common designs* are the: simple (“flat”) structure, bureaucratic (standardized) structure, and matrix structure *(i.e., “dual chain of command”)* (Robbins, 2003:185–188). The *modern designs* include the: free-form structure, team structure *(i.e., work teams)*, virtual structure *(i.e., “outsourcing”), and “boundaryless” *(i.e., free-form/organic)* structure (Luthans, 1985:582–584; Robbins, 2003:188–191). Additional designs include multinational/transnational structures and networks (Francesco & Gold, 2005:246–250).

The common *bureaucratic model* is most applicable to the present study because police and justice organizations are traditionally bureaucratic. The bureaucratic model emphasizes the concept of bureaucracy, featuring “specialization, hierarchy, rules, and impersonal relationships,” for the purpose of efficiency (Luthans, 1985:556). International police and judicial cooperation is also carried out by virtue of multinational/transnational structures and networks.
With specific regard to police organizations, the subject of organizational design can be elaborated upon even further. There are four main types of organizational designs within police agencies: “…line, line and staff, functional, and matrix” (Swanson et al., 2005:241). Large police agencies are usually structured according to the “line and staff” design, which means that there is a distinct component of the organization dedicated to fulfilling traditional police work (i.e., the “line” is composed of patrol, investigation, and traffic units), and there are also additional “staff units” to support the line units (Swanson et al., 2005:243–244, 265).

4.7.3.2. Organizational Culture

Organizational culture refers to “…a pattern of basic assumptions that are taught to new personnel as the correct way to perceive, think, and act on a day-to-day basis” (Luthans, 2011:83; see also Rollinson & Broadfield, 2002:567; Schein, 1985:9 as cited in Francesco & Gold, 2005:255). Table 4.8 below lists some of the characteristics of organizational culture. The unique combination of these and other characteristics create an organization’s culture (see Robbins, 2003:231–232). Interestingly, national culture influences organizational behavior even more so than organizational culture (Adler, 2002:67–69 as cited in Robbins, 2003:246).

Table 4.8. The Characteristics of Organizational Culture

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Behaviors</td>
<td>(e.g., common language)</td>
</tr>
<tr>
<td>Norms</td>
<td>(e.g., “don’t work too hard”)</td>
</tr>
<tr>
<td>Values</td>
<td>(e.g., efficiency)</td>
</tr>
<tr>
<td>Philosophy</td>
<td>(e.g., “the customer comes first”)</td>
</tr>
<tr>
<td>Rules</td>
<td>(e.g., indoctrination)</td>
</tr>
<tr>
<td>Organizational Climate</td>
<td>(e.g., the “feel”)</td>
</tr>
<tr>
<td>Innovation</td>
<td>(i.e., conservative vs. risky)</td>
</tr>
<tr>
<td>Attention to Detail</td>
<td>(i.e., vague vs. precise)</td>
</tr>
<tr>
<td>Outcome Orientation</td>
<td>(i.e., process vs. outcomes)</td>
</tr>
<tr>
<td>Team Orientation</td>
<td>(i.e., individual work vs. team work vs. group work)</td>
</tr>
<tr>
<td>Aggressiveness</td>
<td>(i.e., easy-going vs. aggressive)</td>
</tr>
<tr>
<td>Stability</td>
<td>(i.e., status quo vs. growth)</td>
</tr>
</tbody>
</table>

Source: The contents of this table were adapted from multiple sources (Luthans, 2011:72, 83; O’Reilly, Chatman, & Caldwell, 1991:487–516 as cited in Robbins, 2003:231).
4.7.3.3. Organizational Change

Various factors may demand individuals, groups, and/or structures within organizations to change (see Francesco & Gold, 2005:276). In general, organizational change occurs because of forces in one or more of the following areas: the environment, economy, workforce, technology, and/or socio-political sphere (Robbins, 2003:248–249). In addition, police agencies in particular may experience organizational change for other reasons, such as: the appointment of a new mayor, inadequate policing/“crime-fighting,” poor relations between the police and the community, corruption, and/or low morale (Swanson et al., 2005:752, 781). Any or all of these factors may stimulate change.

There are different ways to intentionally change the behaviors of employees, so as to increase performance and achieve organizational change. Some of these ways relate to motivation, “…such as job design, appraisal, and goal setting,” while yet another way is the “Organizational Behavior Modification” approach (Luthans, 1985:303). The Organizational Behavior Modification approach is discussed in greater detail below.

4.7.3.3.1. Organizational Behavior Modification

The Organizational Behavior Modification approach (also known as “OB Mod”) was developed by Luthans, Kreitner, and Stajkovic (Luthans & Kreitner, 1975, 1985 and Stajkovic & Luthans, 1997:1123 and Luthans & Stajkovic, 1999:53 as cited in Luthans, 2011:395–397). This approach is rooted in theories of learning, particularly behaviorism, and specifically operant conditioning (Luthans, 1985:303). As one observer notes:

[a] company is always perfectly designed to produce what it is producing. If it has quality problems, cost problems, productivity problems, then the behaviors associated with those undesirable outcomes are being reinforced. This is not conjecture. This is the hard, cold reality of human behavior. (Daniels, 1995:27 as cited in Luthans, 2011:390)

Accordingly, Luthans (2011:390, 470) argues that “behavioral performance management” can be enhanced through the application of operant conditioning—by isolating the behaviors that the organization wishes to change, removing the reinforcers, and reinforcing the favourable behaviors through the use of financial or nonfinancial reward systems (see also Robbins, 2003:60). Notably, nonfinancial rewards, such as instant recognition and praise, can be very effective in reinforcing favourable behaviors (see Luthans, 2011:391).
Organizational behavior can be changed through the application of a systematic process. Indeed, the “Organizational Behavior Modification Approach to Behavioral Performance Management” involves several steps, which essentially amount to an evaluative study of the behaviors in question (see Luthans, 2011:397). These five steps are:

1. identify the performance-related behavior; 2. measure it to determine the baseline frequency; 3. functionally analyze both the antecedents and the consequences of the behavior (A-B-C); 4. intervene through a positive reinforcement strategy to accelerate the critical performance behaviors; and 5. evaluate to make sure the intervention is, in fact, increasing performance. (Luthans, 2011:406)

Research has shown support for the organizational behavior modification program in various types of organizations (Luthans, 1985:318; Luthans, 2011:406).

4.7.3.4. Organizational Resistance to Change

Organizational resistance to change is a phenomenon that is well-documented in the literature (Robbins, 2003:253; Sims, 2002:338). On the one hand, organizational resistance to change can be functional, serving to generate performance-enhancing conflict (Robbins, 2003:253). On the other hand, it can also be dysfunctional, in that it may impede progress (Robbins, 2003:253). Organizational resistance to change arises from both the individual-level (i.e., employees or managers) and the organizational-level (More et al., 2006:346, 358; Robbins, 2003:253–255; Rollinson & Broadfield, 2002:659–662; Swanson et al., 2005:782).

4.7.3.4.1. Individual-level Resistance to Change

As discussed above, every person is influenced by a number of individual-level variables (e.g., culture, values, attitudes, beliefs, personality, psychological capital, perceptions, motivation). These variables influence how employees within organizations operate (e.g., habit(s) and/or “selective information processing”) (Robbins, 2003:254; Sims, 2002:339, 341). The individual-level variables also help define what employees value, such as job security, maintaining or increasing their income, and predictability/stability (Robbins, 2003:254; Sims, 2002:340, 342). Therefore, employees will generally resist change when the change signals that it may threaten their routines of habit, perceptions, values/ideals, job security, status/power, income, and overall stability (More et al., 2006:358–359; Robbins, 2003:253–254).
Another way of viewing organizational resistance to change is by examining the national culture-related variables of: individualism/collectivism, power distance, and uncertainty avoidance. Considering how Belgium, The Netherlands, and Germany scored along these constructs (as discussed above), research suggests that the Belgians would be the most resistant to change (since Belgian culture is individualistic, characterized by high power distance, and high uncertainty avoidance), followed by the Germans who would be somewhat amenable to change (since German culture is individualistic, characterized by medium power distance, and medium uncertainty avoidance), followed by the Dutch who would be the most amenable to change (since Dutch culture is individualistic, but characterized by low power distance, and low uncertainty avoidance) (Harzing & Hofstede, 1996:315, 316, 327 as cited in Francesco & Gold, 2005:283).

More et al. (2006:346) provide some insight into the phenomenon of individual-level resistance to change among police administrators:

Unfortunately, most substantive organizational change occurs only when managers find themselves under intense pressure to act. The hard fact is that most individuals and organizations resist change. Reactive police administrators try to keep their departments on a fairly steady course. They are wedded to the past and glorify the status quo. They rely on cosmetic changes as they attempt to adjust to new conditions. The problem is that change is synergistic and cumulative. A series of small incremental changes can accumulate to cause a significant alteration in the operation of the organization [Dessler, 2004:195–196 as cited in More et al., 2006:346].

Proactive managers, in contrast to their reactive counterparts, are future oriented and much more inclined to embark on a program of planned change. They believe in the systematic approach to initiating and managing organizational change. Planned change involves deliberate actions to alter the status quo. Proactive police administrators set out to change things, to chart new courses rather than maintain the current ones. They want to anticipate changes in the environment and to develop ways of dealing with predicted conditions. (More et al., 2006:346)

Clearly, another factor that may cause individual resistance to change is the fear associated with the amount of work required to effect a large-scale organizational change.
4.7.3.4.2. Organizational-level Resistance to Change

As Robbins (2003:254) attests, organizations “…actively resist change.” The main causes of organizational resistance to change include: “structural inertia” (i.e., organizational structures that perpetuate steadiness), “limited focus of changes” (i.e., the fact that changes are usually limited in scope, which makes it difficult for the change to affect the entire organization), “group inertia” (e.g., union rules), “threat[s] to expertise” (e.g., outsourcing), “threat[s] to established power relationships,” and “threat[s] to established resource allocations” (More et al., 2006:359–360; Hall, 1987:29 as cited in Robbins, 2003:254–255; Katz & Kahn, 1978 as cited in Rollinson & Broadfield, 2002:660). Additional reasons why organizations may resist change include: “sunk costs” (i.e., the time and money already invested into programs), lack of understanding concerning the proposed changes, and “group norms” (Kerr & Kerr, 1972:4–6 as cited in Roberg, 1979:287–288). Stability is deeply entrenched into many large organizations. As the maxim goes, “it takes a long time to turn a big ship around.”

4.7.3.5. Reducing Organizational Resistance to Change

Organizational resistance to change can be overcome by: communicating the rationale for the change, encouraging participative decision-making among all employees, providing support/training, and encouraging/rewarding those who accept the change (Robbins, 2003:255–256; Roberg, 1979:288–289; Swanson et al., 2005:774–778, 782). Additional techniques for overcoming resistance to change include: negotiation, manipulation, and coercion (Kotter et al., 1986 as cited in Rollinson & Broadfield, 2002:663).

The differing levels of resistance to change among Belgian, Dutch, and German culture suggest that different strategies should be used to implement change in those countries. Specifically, because Belgian culture is highly resistant to change, manipulation and persuasion would be the best strategies to achieve change in Belgium (Harzing & Hofstede, 1996:327 as cited in Francesco & Gold, 2005:283). Since Germany is of medium-level resistance to change, the strategies of manipulation, persuasion, and consultation would be appropriate to implement change in Germany (Harzing & Hofstede, 1996:327 as cited in Francesco & Gold, 2005:283). Finally, because Dutch culture is quite amenable to change, the basic strategies of consultation and participation are well-suited
to effect change in The Netherlands (Harzing & Hofstede, 1996:327 as cited in Francesco & Gold, 2005:283).

A safe way to implement change is on a trial/pilot basis (Roberg, 1979:289). Perhaps the best way to decrease resistance to change is to create a “learning organization,” which is an organization that is committed to continuous improvement (see Robbins, 2003:256; see also Rollinson & Broadfield, 2002:685).

4.7.3.6. Organizational Development

Organizational Development refers to “…a collection of planned-change interventions built on humanistic-democratic values that seek to improve organizational effectiveness and employee well-being” (Robbins, 2003:257; see also Beckhard, 1969 as cited in Roberg, 1979:300; see also Cummings & Worley, 1993:2 as cited in Swanson et al., 2005:759; see also French & Bell, 1999:1 as cited in Rollinson & Broadfield, 2002:673). Some of these interventions include: sensitivity training, survey feedback, process consultation (i.e., a consultant assists with the process by which organizational change occurs), team building, and intergroup development (i.e., overcoming dysfunctional inter-group conflict by examining and changing the “…attitudes, stereotypes, and perceptions that groups have of each other” through problem-solving techniques) (More et al., 2006:397–403; Robbins, 2003:257–260; Rollinson & Broadfield, 2002:679–680). These interventions help facilitate the process of organizational change (Robbins, 2003:257). Moreover, there are several “levels of interventions,” specifically: “(1) operations analysis, (2) evaluating and controlling of individual performance, (3) concern with work style, (4) interpersonal relationships, and (5) intrapersonal analysis” (Harrison, 1970:184–187 as cited in Roberg, 1979:302–307, 311). Organizational development is typically facilitated by an external “change agent” (i.e., a consultant who specializes in stimulating, implementing, overseeing, and stabilizing organizational change) (Francesco & Gold, 2005:285; More et al., 2006:404; Swanson et al., 2005:760).
4.8. Studies of Organizational Behavior in Criminal Justice

As the foregoing discussion suggests, the organizational behavior literature with specific regard to police and justice organizations is limited. A literature search of academic journal articles yielded six studies that have applied the Organizational Behavior approach to the study of “police behavior” (e.g., arrest decisions, patrol style) (see Chappell, MacDonald, & Manz, 2006; Galliher, 1971; Mastrofski, Ritti, & Hoffmaster, 1987; Sherman, 1980; Smith, 1984; Worden, 1989). No studies were found that apply the Organizational Behavior approach to the study of international police and judicial cooperation specifically.

To further contextualize the present study amidst the literature, two studies are worthy of mention here, namely: (1) Emerson’s (1969) Judging Delinquents: Context and Process in Juvenile Court; and (2) Eisenstein and Jacob’s (1977) Felony Justice: An Organizational Analysis of Criminal Courts. While these studies did not use the Organizational Behavior approach to explain and predict the outcomes of judicial case processing concerning delinquents and felons, respectively, they nonetheless each provided a study of the dynamics (i.e., inductive influential variables) surrounding judicial case processing.

To extend this literature, the present study is well-grounded in the Organizational Behavior approach, so as to provide a solid point of departure (i.e., a list of possible deductive influential variables) in the study of the factors that influence the process of international police and judicial cooperation. The present study will also identify the influential inductive variables in the process of international police and judicial cooperation—in the tradition of the two studies mentioned above. In so doing, the present study attempts to provide as complete of an organizational behavior analysis as possible with respect to the process of international police and judicial cooperation.
4.9. Summary

The Organizational Behavior approach can be used to help inform the study of international police and judicial cooperation. In this chapter, the Organizational Behavior approach was defined as the study of the variables that influence the behavior of employees within organizations (George & Jones, 2000:1; see also Schermerhorn, Hunt, & Osborn, 1997:3 as cited in More et al., 2006:45; see also Robbins, 2000:2). Organizational behavior is influenced by many variables—at the individual-level, group-level, and organizational-level. Researchers study organizational behavior to explain, predict, and control organizational behavior (Luthans, 1985:7, 21; Milton, 1981:1, 13; Robbins, 2000:2, 5–6; Robbins, 2003:5; Thompson, 2003:2). The Organizational Behavior approach is well-suited to inform the present study, since the process of international police and judicial cooperation is influenced by many different variables. Therefore, the present study will extend the organizational behavior literature (i.e., both the private and public sector literatures), and the literature on international police and judicial cooperation. The next chapter presents this study’s research method.
5. Research Method

The sphere of police and judicial cooperation in Europe has experienced huge growth in the last 20 years. There has been considerable research looking at structures for transnational cooperation and the legal dimension of the instruments involved in this domain, as well as many speculations on how it would work in the future. However, very little research has been undertaken on what happens in practice and showing how the instruments are working at present. Moreover, almost nothing has been written from the perspective of the practitioners who have to use these instruments. (Guille, 2010:25)

A large amount of the extensive literatures related to the subject of international police and judicial cooperation was examined in the previous chapters—including the overarching legal framework regulating the enterprise, and the 21 previously conducted research studies on the topic. This was done to contextualize the present study amidst a global landscape, and to identify the core issues in need of further examination. In addition, the extensive literature on the Organizational Behavior (OB) approach was reviewed to establish the conceptual framework for the present study. Among other things, the literature review revealed the need for social science research that examines international police and judicial cooperation in practice, so as to answer the elusive question of how the enterprise may be improved. Moreover, the literature review revealed that the Organizational Behavior approach is especially well-suited to guide such a study, and that the Meuse–Rhine Euregion is the ideal “laboratory” for a case study of international cooperation—yet no such research has been conducted to date.

This study, therefore, uses a fresh and strategic social science approach to examine the complex field of international police and judicial cooperation aimed at combating serious transnational organized crime—in a way that has never been done before. Rooted in the Organizational Behavior approach, and using the Meuse–Rhine Euregion as the “laboratory” to frame this multi-site case study, this dissertation examines: (1) the status quo for international police and judicial cooperation in the Meuse–Rhine Euregion, (2) the process of such cooperation in practice, (3) the variables that facilitate/impede such cooperation, and (4) how such cooperation may be improved. This chapter presents this study’s research method in detail.
5.1. Research Questions

[T]here is a gap between agreements and regulations on the one hand, and the daily practice of cooperation on the other… It is thus very interesting to see what practical police cooperation is all about.

(Knippenberg, 2004:617)

To begin to answer the question of how international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion may be improved, one should first determine the status quo in this regard—to establish a “base line” as to what is currently happening. Then, one should also determine how international police and judicial cooperation presently occurs in practice, and what variables affect (facilitate/impede) cooperation. As discussed at length above, international police and judicial cooperation aimed at combating serious transnational organized crime is especially well-established and intense in the Meuse–Rhine Euregion, which provides for an excellent case study opportunity to examine the state of the art. Therefore, the four main research questions guiding the present study were:

1. What is the status quo with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?

2. How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice, according to police and justice officials?

3. What variables affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?

4. How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion be improved?

These research questions provide a logical and graduated structure (i.e., each question builds on the previous questions) for the present dissertation. As aforementioned, the literature lacks operational and evaluative research in the area of international police and judicial cooperation. Moreover, the phenomenon has never before been studied using the Organizational Behavior approach. Such research is important because it: (1) would make significant contributions to the literature; (2) may help improve international police
and judicial cooperation in the Meuse–Rhine Euregion; and (3) may help inspire/guide similar efforts elsewhere.

5.1.1. Operational Definitions

According to standard social science research protocol, the terms used in research questions should be operationally defined for the purpose of clarity, and to enhance both the reliability and validity of the study. The two key terms that should be operationally defined were already defined in the literature review chapters, but the definitions are briefly re-stated here for ease of reference.

*International police and judicial cooperation* is defined in this dissertation as the process by which cases of serious transnational organized crime are addressed by the police of different countries, and subsequently put through one country’s legal system for judicial case processing with the goal of achieving criminal convictions. The process of international police and judicial cooperation is composed of: *international police cooperation* and *international judicial cooperation* (*e.g.*, *mutual legal assistance*) (see Chapter 3 above).

Following the guidance offered by the *United Nations Convention against Transnational Organized Crime* (2000) (as discussed in Chapter 2 above), the operational definition for the term *serious transnational organized crime* in this dissertation shall be: an offence punishable by at least four years of imprisonment, that involves various nations (in terms of its planning, execution, or effects), and is perpetrated by a structured criminal group of at least three people for the purpose of direct/indirect gain or benefit. This type of crime includes offences such as: human smuggling, human trafficking, human body part trafficking, animal body part trafficking, stolen vehicle trafficking, illicit firearms trafficking, drug trafficking, money laundering, cybercrime, corruption, and terrorism (Maich, 2005:40; Mueller, 2001:14).

Finally, although not used in the main research questions, two additional terms should also be operationally defined: *efficient* and *effective*. The definition of the term *efficient*, as provided by Soanes (2002:262), will be used here: “working productively with no waste of money or effort.” In contrast, the term *effective* shall be defined as the extent to which the intended goals of a regime are achieved (Levy *et al.*, 1995:269, 291–292;
The main goal of international police and judicial cooperation is, of course, to address serious transnational organized crime.

5.2. Research Goals, Objectives, and Purposes

A research study may be classified according to its research objectives, which can be: (1) exploratory, (2) descriptive, (3) correlational, and/or (4) explanatory (Selltiz, Wrightsman, & Cook, 1976 as cited in Palys, 1997:77). To be clear, the research objectives of the present dissertation are to conduct exploratory, descriptive, and explanatory research into the process of, and the variables that affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. In other words, the present study is not simply exploratory; it is also descriptive and explanatory. This study was designed to achieve these multiple objectives since this is the first study of its kind; the research questions necessarily demand “thick descriptions” and explanations as to which variables affect international police and judicial cooperation, and in what ways.

Meanwhile, the purposes of this research are to: (1) extend the knowledge-base/scholarly social science literature in the areas of international police and judicial cooperation and organizational behavior; (2) identify the variables that affect (facilitate/impede) the process of international police and judicial cooperation; and (3) determine how international police and judicial cooperation in the Meuse–Rhine Euregion may be improved, so as to increase justice and decrease the opportunity for offenders to commit serious transnational organized crime.

In the words of Dandurand et al. (2007:262), it is “more important than ever” to share information—i.e., operational experiences, lessons learned, and best practices—so as to fine-tune cooperative strategies and determine the circumstances under which particular strategies are best-suited. It is also necessary to gather data on the efficiency and effectiveness of international police and judicial cooperation, since such data may be needed to support a “business case” requesting the allocation of resources.

In completing this study, therefore, the researcher sought to meet the twin (but not opposing) goals of appealing to both the international academic audience, and the international practitioner audience (i.e., especially the police and justice officials
in the Meuse–Rhine Euregion), by aiming to produce a dissertation that not only meets the highest academic standards, but also carries practical value.

5.3. Research Design

The building of the new world order of criminal justice cooperation is in the hands of a very slim, unrepresentative, and unelected number of government officials—many of whom are white, male lawyers trained in the Western tradition. Policies, strategies, goals, programs, and assessments of programs are being set, evaluated and reset by these officials… Much of the wisdom, knowledge, and insight they accumulate, as well as the ethical or problematic practices in which they engage, is lost to institutional memory as soon as they move on. They are walking historical archives waiting to be read, but they do not have the time or incentive to transcribe their daily activities or hold them up to critical reflection… In addition, independent researchers must get to those frontiers, take their own readings, write their own accounts, and make their own judgments. The building of the global system of formal social control is the twentieth century’s equivalent to the nineteenth century’s birth of the prison and the modern police. Much will be lost if criminologists wait until the twenty-first century to begin trying to excavate the reasoning and experience by which the iron cage of global law enforcement was built.

(McDonald, 1997:10–11)

A qualitative research design was used to answer the four main research questions guiding the present study. The main feature (i.e., the “research type”) of this research design is the multi-site case study (i.e., also known as a collective case study). By way of explanation, the multi-site case study coordinates the study of multiple cases to examine a phenomenon of interest (Silverman, 2005:127). Indeed, the case study is the dominant research method used to study international regimes (Levy et al., 1995:320).

There are several reasons why the multi-site case study is the most suitable research type for this dissertation. First, it allows for an in-depth study of the process of international police and judicial cooperation in practice, according to police and justice officials. Second, it facilitates triangulation by allowing the use of multiple and varied research methods, such as interviews and document analysis (McNabb, 2004:365; see Punch, 1998:150 as cited in Silverman, 2005:126; Yin, 1993:67). Third, it allows one to compare data “…between different actors within a single case, between cases, and between groups of participants across cases” (Lewis, 2003:52). Finally, the multi-site case study allows for a holistic analysis of all cases, which will contribute to an increased understanding of the phenomenon of interest (McNabb, 2004:369).
The **phenomenon of interest** in the present multi-site case study is notably: international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. To be clear, the focus of this study is on the international police and justice response to crime, and not crime itself. The phenomenon of interest represents the Dependent Variable (DV) under study.

The literature defines a **case** as “…a phenomenon for which we report and interpret only a single measure on any pertinent variable” (Eckstein, 1975:85 as cited in Mitchell & Bernauer, 1998:5). Accordingly, the cases in this study are the interviews with the police and justice officials. Moreover, cases should be selected to manipulate the main independent variable (Mitchell & Bernauer, 1998:5). This requirement is satisfied because the main Independent Variable (IV) in this study is the country, and accordingly, a stratified sampling scheme was used to compose the data sample, as discussed further below. The other IVs are the deductive variables (as dictated by the organizational behavior literature reviewed above in Chapter 4), and the inductive variables (that emerged from the interviews, as will be discussed in the findings chapters of this dissertation below).

To be clear, there are different units of analysis in the present study. The **macro-level unit of analysis** in this study is the regime of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion (N = 1). The **meso-level units of analysis** are the various individual police and justice organizations in the Meuse–Rhine Euregion that participate in international police and judicial cooperation aimed at combating serious transnational organized crime (n = 21). Embedded within the meso-level are the **primary (micro-level) units of analysis**, which are the perceptions of the Belgian, Dutch, and German police and justice officials involved in the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion (n = 44) (see Yin, 1993:73). This study focuses on the micro-level units of analysis.

A total of 30 in-depth personal interviews were conducted with 44 police officers, prosecutors and examining magistrates in the Meuse–Rhine Euregion over a period of three weeks—March 15, 2010 to April 2, 2010 inclusive—after the necessary formal approvals and permissions to conduct the research were obtained in both Canada and Europe. The data sources, sampling techniques, data collection instruments, and data analyses used in this study are detailed in the subsections that follow. To aid readers in
digesting this information, Table 5.1 below contains a one-page summary of this study’s research design.

### Table 5.1. Research Plumb Line for the Present Multi-Site Case Study

<table>
<thead>
<tr>
<th>Research Questions</th>
<th>Data Collected</th>
<th>Data Analyses</th>
</tr>
</thead>
</table>
| 1.) What is the *status quo* with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials? | Past research studies and discussion papers  
- Treaties, conventions, etc.  
- Multi-site case study consisting of in-depth personal interviews with police officers, prosecutors, and examining magistrates involved in international police and judicial cooperation in the Meuse–Rhine Euregion to determine what is currently happening in the Meuse–Rhine Euregion. | Literature Review  
- Legal Review  
- Comparative Analysis  
- Cross-Sectional Qualitative Analysis of Interview Data |
| 2.) How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion *operate in practice*, according to police and justice officials? | Multi-site case study consisting of in-depth personal interviews with police officers, prosecutors, and examining magistrates involved in international police and judicial cooperation in the Meuse–Rhine Euregion to determine how international police and judicial cooperation in the Meuse–Rhine Euregion operates in practice. | Comparative Analysis  
- Cross-Sectional Qualitative Analysis of Interview Data  
- Flow Charts will reveal how international police and judicial cooperation operates in practice. |
| 3.) What *variables* affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials? | Multi-site case study consisting of in-depth personal interviews with police officers, prosecutors, and examining magistrates involved in international police and judicial cooperation in the Meuse–Rhine Euregion to determine which variables affect (facilitate/impede) cooperation, and in which ways. | Comparative Analysis  
- Cross-Sectional Qualitative Analysis of Interview Data |
| 4.) How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion *be improved*? | Multi-site case study consisting of in-depth personal interviews with police officers, prosecutors, and examining magistrates involved in international police and judicial cooperation in the Meuse–Rhine Euregion to determine how cooperation may be improved.  
- All gathered data | Comparative Analysis  
- Cross-Sectional Qualitative Analysis of Interview Data  
- Holistic Qualitative Analysis |

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5.3.1. **Research Question #1: Determining the Status Quo**

To answer the research questions numbered 2 to 4 above, the *status quo* of international police and judicial cooperation in the Meuse–Rhine Euregion should be examined first. In other words, the current state of affairs should be understood before one may be in a position to: analyze international police and judicial cooperation in practice, identify the variables that affect such cooperation, and suggest the ways in which such cooperation may be improved. Granted, the comprehensive literature review and legal analysis presented above provided readers with an understanding of the landscape within which international police and judicial cooperation is occurring. Yet, the literature did not reveal detailed background information about *what is currently happening* in the Meuse–Rhine Euregion specifically. Such information is needed to answer the other research questions. Therefore, this dissertation employs a multi-site comparative case study featuring interviews with police and justice officials in the Meuse–Rhine Euregion, to shed greater light on this subject, and to set the foundation for the core research questions (numbered 2 to 4).

5.3.1.1. **Gaining Access to Data Sources**

Prior to conducting the field research in Europe, a letter was sent to each relevant organization, requesting formal written permission to interview a select number of their police and/or justice officials for this dissertation research (see Appendix C). Formal written letters of approval were obtained from each organization and filed with Simon Fraser University’s Department of Research Ethics according to university protocol.

5.3.1.2. **Data Sources**

The data sources for the in-depth interviews were 44 Belgian, Dutch, and German police officers, prosecutors, and examining magistrates in the Meuse–Rhine Euregion. At the time the field research was conducted (March to April 2010), each research participant satisfied the following “criteria for inclusion” in this study: (1) a current police or justice official; (2) who speaks/understands English; (3) has been engaged in international police and judicial cooperation in the Meuse–Rhine Euregion (preferably for at least ten years, but not necessarily); and (4) was willing to participate voluntarily in the present study. Table 5.2 below presents the stratified purposive sample of police and justice officials from the key police and justice agencies in the Meuse–Rhine Euregion who participated in this study.
Table 5.2: Stratified Purposive Sample of Interviewees

<table>
<thead>
<tr>
<th>Agency</th>
<th>Maastricht</th>
<th>Aachen</th>
<th>Hasselt</th>
<th>Genk</th>
<th>Lüttich</th>
<th>Verviers</th>
<th>Eupen</th>
<th>Heerlen</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dutch Police Service</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>German Police Service</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>Belgian Judicial Police Service</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>6</td>
<td>7</td>
<td>6</td>
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<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
<td>15</td>
<td>44</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
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<th>Maastricht</th>
<th>Aachen</th>
<th>Hasselt</th>
<th>Genk</th>
<th>Lüttich</th>
<th>Verviers</th>
<th>Eupen</th>
<th>Heerlen</th>
<th>Brussels</th>
<th>BES</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
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<td>1</td>
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<td>1</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>German</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>Belgian</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>6</td>
<td>7</td>
<td>6</td>
<td>8</td>
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<td>Total</td>
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<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
<td>15</td>
<td>23</td>
<td>18</td>
<td>142</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Organizations</th>
<th>Maastricht</th>
<th>Aachen</th>
<th>Hasselt</th>
<th>Genk</th>
<th>Lüttich</th>
<th>Verviers</th>
<th>Eupen</th>
<th>Heerlen</th>
<th>Brussels</th>
<th>BES</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dutch</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>German</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>Belgian</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>6</td>
<td>7</td>
<td>6</td>
<td>8</td>
<td>10</td>
<td>8</td>
<td>60</td>
</tr>
<tr>
<td>Total</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
<td>15</td>
<td>23</td>
<td>18</td>
<td>142</td>
</tr>
</tbody>
</table>
It should be noted that Interpol, Europol, and Eurojust were not included in the present study because those organizations generally reserve their resources for transnational cases involving multiple countries and therefore do not typically facilitate international police and judicial cooperation in the Meuse–Rhine Euregion. Moreover, the police and justice agencies listed in Table 5.2 are located within about 30 kilometres from each other, which means that the police and justice officials in the Euregion have formed close working relationships with one another and have found their own ways to cooperate—largely without the assistance of liaison organizations such as Europol or Eurojust. Such circumstances set the stage for an interesting study.

As can be seen from Table 5.2 above, a large number of the interviewees (n = 22) were police officers, which is in consonance with the literature's recommendations for such a research study. Tables 5.3 and 5.4 below provide further background information with respect to the interviewees (n = 44) and interviews (n = 30), respectively.

Notably, due to the nature of this quota sample, Belgium received strong representation (n = 29/44) in this study. This is because there are five Belgian arrondissements (i.e., the French term for districts) in the Meuse–Rhine Euregion (i.e., Hasselt, Tongeren, Liège, Verviers, and Eupen). In contrast, the Meuse–Rhine Euregion only contains a relatively small part of The Netherlands (i.e., South Limburg) and Germany (i.e., the region of Aachen) (see Table 5.3 below).

With respect to the police and justice officials’ overall career length, the average was 26 years (with the range spanning between 3 and 43 years). Only two officials had under five years of experience in their career, whereas everyone else had at least nine or more years of experience in their career (see Table 5.3 below).

In contrast, with regard to the officials' total number of years working in the field of international police and judicial cooperation specifically, on average, the officials had 15 years of experience at the time of the interview (with the range spanning between 1.5 years and 41 years). A total of eight interviewees had under five years of experience in this particular field of work (see Table 5.3 below).
Table 5.3: Background Information Regarding the Interviewees

<table>
<thead>
<tr>
<th>Variable</th>
<th>Frequency</th>
<th>$n^{35}$</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location of the Interviewees (By City)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brussels</td>
<td>1</td>
<td>44</td>
<td>2%</td>
</tr>
<tr>
<td>Genk</td>
<td>2</td>
<td>44</td>
<td>5%</td>
</tr>
<tr>
<td>Hasselt</td>
<td>4</td>
<td>44</td>
<td>9%</td>
</tr>
<tr>
<td>Tongeren</td>
<td>2</td>
<td>44</td>
<td>5%</td>
</tr>
<tr>
<td>Liège</td>
<td>7</td>
<td>44</td>
<td>16%</td>
</tr>
<tr>
<td>Verviers</td>
<td>3</td>
<td>44</td>
<td>7%</td>
</tr>
<tr>
<td>Eupen</td>
<td>4</td>
<td>44</td>
<td>9%</td>
</tr>
<tr>
<td>Maastricht</td>
<td>5</td>
<td>44</td>
<td>11%</td>
</tr>
<tr>
<td>Aachen</td>
<td>4</td>
<td>44</td>
<td>9%</td>
</tr>
<tr>
<td><strong>Gender of the Interviewees</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>36</td>
<td>44</td>
<td>82%</td>
</tr>
<tr>
<td>Female</td>
<td>8</td>
<td>44</td>
<td>18%</td>
</tr>
<tr>
<td><strong>Nationality of the Interviewees</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belgian</td>
<td>25</td>
<td>43*</td>
<td>58%</td>
</tr>
<tr>
<td>Dutch</td>
<td>12</td>
<td>43*</td>
<td>28%</td>
</tr>
<tr>
<td>German</td>
<td>6</td>
<td>43*</td>
<td>14%</td>
</tr>
<tr>
<td><strong>“Mother Tongue” of the Interviewees</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dutch</td>
<td>22</td>
<td>44</td>
<td>50%</td>
</tr>
<tr>
<td>German</td>
<td>9</td>
<td>44</td>
<td>20%</td>
</tr>
<tr>
<td>French</td>
<td>13</td>
<td>44</td>
<td>30%</td>
</tr>
<tr>
<td><strong>Profession of the Interviewees</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Detective</td>
<td>5</td>
<td>44</td>
<td>11%</td>
</tr>
<tr>
<td>Senior Police Commander</td>
<td>17</td>
<td>44</td>
<td>39%</td>
</tr>
<tr>
<td>Prosecutor</td>
<td>17</td>
<td>44</td>
<td>39%</td>
</tr>
<tr>
<td>Examining Magistrate</td>
<td>5</td>
<td>44</td>
<td>11%</td>
</tr>
<tr>
<td><strong>Interviewees' Years of Experience in Police/Justice Career Overall</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 10 Years</td>
<td>7</td>
<td>42*</td>
<td>17%</td>
</tr>
<tr>
<td>11 to 20 Years</td>
<td>4</td>
<td>42*</td>
<td>9%</td>
</tr>
<tr>
<td>21 to 30 Years</td>
<td>12</td>
<td>42*</td>
<td>29%</td>
</tr>
<tr>
<td>Over 31 Years</td>
<td>19</td>
<td>42*</td>
<td>45%</td>
</tr>
<tr>
<td><strong>Interviewees' Years of Experience in International Police and Judicial Cooperation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 10 Years</td>
<td>19</td>
<td>42*</td>
<td>45%</td>
</tr>
<tr>
<td>11 to 20 Years</td>
<td>11</td>
<td>42*</td>
<td>26%</td>
</tr>
<tr>
<td>21 to 30 Years</td>
<td>6</td>
<td>42*</td>
<td>14%</td>
</tr>
<tr>
<td>Over 31 Years</td>
<td>6</td>
<td>42*</td>
<td>14%</td>
</tr>
</tbody>
</table>

The asterisks in this column denote that $n < 44$ due to missing data.
Table 5.4 below presents information concerning the interviews. Most of the interviews were of the “one-on-one” variety. In some cases, however, the interviewees asked the researcher if it would be possible for two or more of the interviewees from the same organization to “pair up” or “triple up” for the interview, due to time/scheduling considerations, or their desire for a group approach/team work. In such cases, the researcher always agreed with such requests, but made sure to: (1) distinguish between the different interviewees in the interview notes (for the sole purpose of presenting the findings by “interviewee number”36 as opposed to “interview number”); and (2) ensure that each interviewee had an opportunity to answer each question, if they so desired.

Table 5.4: Background Information Regarding the Interviews

<table>
<thead>
<tr>
<th>Variable</th>
<th>Frequency</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of the Interview (By Country)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Netherlands</td>
<td>10</td>
<td>30</td>
<td>33%</td>
</tr>
<tr>
<td>Belgium</td>
<td>16</td>
<td>30</td>
<td>53%</td>
</tr>
<tr>
<td>Germany</td>
<td>4</td>
<td>30</td>
<td>13%</td>
</tr>
<tr>
<td>Interview Format</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One Interviewee</td>
<td>18</td>
<td>30</td>
<td>60%</td>
</tr>
<tr>
<td>Two Interviewees (i.e., “paired interview”)</td>
<td>10</td>
<td>30</td>
<td>33%</td>
</tr>
<tr>
<td>Three Interviewees (i.e., “triad interview”)</td>
<td>2</td>
<td>30</td>
<td>7%</td>
</tr>
<tr>
<td>Interpreter Used During the Interview</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>5</td>
<td>30</td>
<td>17%</td>
</tr>
<tr>
<td>No</td>
<td>25</td>
<td>30</td>
<td>83%</td>
</tr>
<tr>
<td>Interview Length</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 1 Hour</td>
<td>2</td>
<td>30</td>
<td>7%</td>
</tr>
<tr>
<td>Between 1 and 2 Hours</td>
<td>18</td>
<td>30</td>
<td>60%</td>
</tr>
<tr>
<td>Between 2 and 3 Hours</td>
<td>8</td>
<td>30</td>
<td>26%</td>
</tr>
<tr>
<td>Between 3 and 4 Hours</td>
<td>2</td>
<td>30</td>
<td>7%</td>
</tr>
</tbody>
</table>

Although every interviewee could speak and understand English, some were less confident (i.e., very modest/shy) about their English language skills than others. Accordingly, at the request of those modest/shy interviewees, five interviews were conducted with the aid of an interpreter who was either: (1) a police or justice official also involved in international judicial cooperation, or (2) a professional court interpreter.

36 The numbers attributed to the interviews and interviewees during the field work and in this dissertation were purely random and arbitrary, and only used as “codes” (i.e., distinguishing devices) to help the researcher (and readers) keep track of “who said what” (e.g., “Interviewee 44”).
The involvement of the interpreters naturally lengthened the interview times, since virtually every question asked and every concomitant answer given by the interviewees had to be interpreted into/from the target languages for both parties to understand. For coding purposes, all responses provided by an interpreter on behalf of an interviewee were attributed to the interviewee who initially made the statement.37

As a final note concerning the interviews, on average, the interviews lasted for one hour and 45 minutes in length. The shortest interview lasted for only 15 minutes because the official involved in that one particular interview was called to another meeting.38 The longest interview lasted for exactly four hours total.39

5.3.1.3. Sampling

Since the target population is a very specialized group of people that is generally “hard to access,” assistance from a member of this group was needed to generate the sample. Specifically, one official from the Meuse–Rhine Euregion announced the idea of the present research to the group of officials at a meeting. The meeting attendees were then asked to identify suitable officials from their respective organizations for potential inclusion in this study, according to the “criteria for inclusion” (as discussed above). Using a quota to guide the development of this sample, at least one police/justice official from each of the 21 organizations of interest was identified for potential inclusion in this study. Once the suitable potential interviewees were identified, they were then asked by their superiors (if applicable) if they would be willing to participate in this study voluntarily, and they agreed. Accordingly, the purposive sample of English-speaking Belgian, Dutch, and German police and justice officials involved in international police and judicial cooperation in the Meuse–Rhine Euregion was formed (n = 44) (see Table 5.2 above).

37 No attributions were made to the interpreters in this dissertation (i.e., the interpreters were neither cited nor were they counted as research participants in this study—unless they had already served as a research participant in the study and were providing commentary over and above the statement they interpreted, in which case their involvement in the study was only counted once).

38 Admittedly, the researcher had never experienced a research interview ending early before (in her entire research career spanning over a decade to date), but, of course, she understood that the research interview was being ended early because the police official was being called to official duty, and she was thankful for the 15 minutes of this interviewee’s time in any event.

39 This, on the other hand, is a normal occurrence for the researcher. While working on other research projects, the researcher has conducted interviews that have lasted for up to six hours.
It should be noted that this sample is not only *purposive*. Since it was necessary to speak with key informants who possess expert knowledge and experience for this study, the sample generated herein may also be called an *intensity sample*, which is a type of purposive sample (see Palys, 1997:138). Moreover, the fact that a quota guided the development of this sample renders this sample a *theoretical sample*, since it attempts to reflect international police and judicial cooperation in action by placing the most emphasis on the role of the police, and by including virtually all of the organizations that may be involved in any given case of international police and judicial cooperation in the Meuse–Rhine Euregion (see Silverman, 2005:130).

### 5.3.1.4. Data Collection Instruments

An “interview schedule” (*i.e.*, list of questions) guided the in-depth personal interviews (see Appendices E, F, G, and H for the interview schedules for police detectives, senior police commanders, prosecutors, and examining magistrates, respectively). The interview schedule was informed by the Organizational Behavior approach, and was composed of seven parts designed to gather data with respect to: (1) the interviewees’ background information (as discussed above), (2) the *status quo* of international police and judicial cooperation in the Meuse–Rhine Euregion, (3) the process of such cooperation in practice, (4) the variables that influence the process of cooperation, (5) the critical challenges in cooperation, (6) the efficiency/effectiveness of cooperation, and (7) how to improve such cooperation.

Considering that the main unit of analysis under study here was the *perceptions* of police and justice officials, the semi-structured taped interview was selected as the best-suited research method to address the research questions of interest. Indeed, the in-depth interview was particularly well-suited to work with such data sources, since it provides the opportunity to collect information from individuals in a structured, flexible, and interactive fashion (see Legard, Keegan, & Ward:141). The personal interview format also allowed for the immediate clarification of any interview questions, which was an important benefit due to the language barriers that became apparent in some interviews. Accordingly, both content-mapping questions and content-mining questions guided the interviews (see Legard *et al.*, 2004).
5.3.1.5. Data Analysis

A typed interview transcript was produced for every interview using the digital voice recordings.40 In turn, the typed interview transcripts were imported into NVivo 9 (a qualitative research analysis software program), which was configured according to the deductive themes present in the interview schedule. The interview transcripts were analyzed line-by-line, and case-by-case, using the Cross-Sectional “Code and Retrieve” Analysis Technique (see Mason, 2002 as cited in Spencer, Ritchie, & O’Connor, 2004:203), to sort the data by theme/concept within the context of the Analytic Hierarchy (see Spencer et al., 2004:212). As the interview transcripts were coded in NVivo, additional inductive themes were identified/recorded as they emerged. Thus, a complete list of themes (both deductive and inductive) present in the data was generated in NVivo (i.e., “open coding”) (see Corbin & Strauss, 2008:160, 195; see Faubert, 2006c). The transcripts were read/“mined” a final time to account for all the data, given the newly identified themes. Examining each case on its own, each case across cases, and the sample as a whole (see Faubert, 2006b), patterns and associations were detected in the data, and explanations were developed.

In the four findings chapters of this dissertation, the data are presented by country41 (as appropriate), to reveal the similarities, differences, advantages, disadvantages, best practices, and areas in need of further development (see Benyon et al., 1993:116–117). In addition, the findings from the literature review and legal analysis are briefly revisited to help answer Research Question #1 in a holistic manner.

40 Due to the language differences among the interviewees, there were some grammatical errors, non-gender neutral terms (e.g., “police man”), and variations in the way they referred to certain items (e.g., Meuse–Rhine in French vs. Maas-Rijn in Dutch; Euregion vs. Euregio; police man vs. police officer). To enhance the readability of this study, the researcher decided to correct the grammatical errors in the interview transcripts and standardize the terms used in this dissertation (e.g., opting for the English term “Meuse–Rhine Euregion” and the gender-neutral term “police officer”). Therefore, some terminology in the interview transcripts was adjusted accordingly, as denoted through the use of square brackets (i.e., [ ]).

41 Due to the small sample size, the researcher decided that, in most cases, it would be best not to note the agency/city of each research participant, so as to further preserve their anonymity. In some rare cases, however, the researcher concluded that the agency of the research participant had to be noted in order for their interview statements to “make sense” within the context of this research.
5.3.2. **Research Question #2: Determining How Cooperation Occurs in Practice**

The second overarching research question guiding the present study was: how does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice, according to police and justice officials? To answer this research question, the researcher asked the interviewees to describe how international police and judicial cooperation in the Meuse–Rhine Euregion operates in practice, from start to finish.

The data sources, sampling, data collection instruments, and data analysis for all the research questions were the same as what was described above in response to the first overarching research question. The data analysis component, however, was necessarily augmented to answer this research question. Specifically, the qualitative research techniques of “process tracing” and “thick description” were employed to facilitate the mapping of the process of cooperation. Indeed, a flow chart revealing the step-by-step process of cooperation, as well as some of the influential variables that facilitate/impede the process, was created to visually depict the process of international police and judicial cooperation in the Meuse–Rhine Euregion, and answer Research Question #2.

5.3.3. **Research Question #3: Determining the Variables that Influence the Process of Cooperation in Practice**

The third main research question guiding the present study was: what variables affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials? To answer this research question, the interviewees were first asked to identify: (1) the variables (i.e., inductive variables) that influence the process of international cooperation; and (2) in what ways those variables influence the process of international cooperation. In many cases, the interviewees had difficulty answering this question, because they reported that they had never before thought about the process of international police and judicial cooperation in such a way.

---

42 *Process Tracing* is defined as “…breaking down an overarching causal relationship into a set of smaller causal links in a larger causal chain” (Mitchell & Bernauer, 1998:8).
For the sake of comprehensiveness, and also to aid the interviewees who could not identify the influential inductive variables, the same research exercise was repeated, but this time with the aid of the list of deductive variables that likely influence the process of international police and judicial cooperation (e.g., countries, values, cultures, goals, resources, strategies, priorities), as informed by the organizational behavior literature, and as suggested by Chatterton (2001:327) and McDonald (1993:8) (see also Mitchell & Bernauer, 1998:8; Geertz, 1973 as cited in Levy et al., 1995:295; see also Sprinz, 2000:6) (see Appendices E, F, G, and H).

5.3.4. Research Question #4: Determining How to Improve Cooperation

The fourth and final research question guiding this research was: how can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion be improved? To answer this question, a holistic qualitative analysis of all the data gathered for this dissertation was conducted, which included the findings from the literature review, legal analysis, and multi-site case study. The emphasis of this holistic analysis was on determining practical solutions to achieve more efficient and effective international police and judicial cooperation in the Meuse–Rhine Euregion.

5.4. Reliability and Validity

Some scholars argue that the terms “reliability” and “validity” are inappropriately applied to evaluate qualitative research, given the terms’ epistemological heritage in positivism—a tradition that counters the essence of interpretivism (Faubert, 2006a). Accordingly, researchers suggest alternate terms to describe the quality of qualitative research. Specifically, the terms “confirmability, consistency, or dependability” replace the term “reliability” in the qualitative context, and the terms “credibility and plausibility” replace the term “validity” in the qualitative context (Lewis & Ritchie, 2003:285).

Using these constructs, one may gauge the quality of the present research study. Indeed, the confirmability, consistency, and dependability of the present study are high because a sufficient amount of detailed information regarding the research method is provided to allow for a replication of the study. Moreover, the credibility and plausibility of
this study are high because the research design is “plumb.” This latter point is further discussed immediately below.

5.4.1. The Research Plumb Line

The “Qualitative Research Plumb Line” is a research design tool used to determine the congruence/alignment between the “…[a]rea of [c]uriosity, [research] question[s], [d]ata [c]ollected, and [d]ata [a]nalysis” (Chenail, 1997:1). This tool helped guide the development of the present research design. In Table 5.1 above, this study’s main research questions, data collected, and data analysis methods are briefly outlined to facilitate the readers’ inspection/evaluation of the alignment between these research design components.

Upon examining Table 5.1 above, it is clear that the data analyses discussed above suit the data collected, and that the data collected are suitable to answer this dissertation’s research questions. It is worthy of mention that the researcher consulted the Qualitative Research Plumb Line (Table 5.1) throughout the duration of the study, to ensure that the alignment between the research design components remained strong and did not weaken in any way (i.e., which could have occurred if the study had been “re-framed” or if the scope of the study deviated from the original plan).

5.5. Research Limitations

This research study is delimited. In addition to stating the obvious limitations of this research, one way to ensure a comprehensive treatment of this matter is to establish what the research is not about, as well as what the research findings cannot do, and cannot be used for. This information is presented below to further inform readers about this study and its parameters.

5.5.1. The Research Data were Gathered in 2010

This dissertation is based largely on the interview data gathered from March 15, 2010 to April 2, 2010 in the Meuse–Rhine Euregion. So, in some respects, the research findings presented below represent a “snap-shot” in time, and may be somewhat “dated.” It is with regret that this dissertation could not have been completed
sooner, but the researcher faced significant challenges in preparing this dissertation—some of which are worthy of note here.

To begin, it took a considerable amount of time to produce the typed interview transcripts and code/analyze them using NVivo. To keep the study’s relevance current, the researcher re-established contact with the police and justice officials by email starting in March 2011—while continuing to code and analyze the interview data—for the purpose of asking follow-up/clarification questions, and also to request brief status updates with respect to any developments in international police and judicial cooperation in the Meuse–Rhine Euregion since the spring of 2010.

Moreover, the researcher also faced the challenging tasks of: (1) conducting a comprehensive overview of the extensive legal framework regulating international police and judicial cooperation in Europe; (2) conducting a comprehensive overview of the extensive organizational behavior literature; and (3) reading/translating/summarizing multiple key/long texts written in Dutch, German, and French, which proved to be especially difficult for the researcher (i.e., an English-speaking researcher based in Canada)—even with the aid of translation software.

It should be stressed that no comparable report has ever been published on this topic before, which may be considered by some to be overly complex and too large for any “normal” doctoral dissertation study, as will be apparent upon examining the extensive and multilingual scholarly literatures reviewed, as well as the research method involved. Recall that the latter consisted of in-depth personal interviews conducted with 44 officials (police detectives, police commanders, prosecutors, and examining magistrates) from 21 different police/justice agencies in the Meuse–Rhine Euregion (Maastricht, Heerlen, Aachen, Eupen, Verviers, Liège, Tongeren, Hasselt, Genk, and Brussels). The unusually challenging features of this study, as well as the necessary attention to detail, explain the time required for completion. Therefore, in attempt to keep this research current, some “status updates” from the police and justice officials are presented at the end of the last findings chapter (Chapter 9).

43 By way of analogy, a microscope is necessary to view, identify, and analyze DNA structures. Similarly, a deep level of detail was also required in order to analyze the complex data for this study. Consequently, the evidence must also be presented in detail, so as to support the five thesis statements advanced in this dissertation.
5.5.2. The Research Focuses on Cooperation—Not Crime or Law

This study focuses on the operational aspects of international police and judicial cooperation aimed at addressing serious transnational organized crime, and not crime per se. This point is important to stress. While the types of serious transnational organized crimes that the police and justice officials are targeting are undoubtedly important to identify, a deeper analysis would be beyond the scope of this dissertation. To be clear, this dissertation is about how police and justice agencies work together in practice to achieve criminal justice in an international context.

Moreover, this study does not compare and contrast the idiosyncrasies between the national laws of the three countries. While the national laws definitely operate to influence the process of international police and judicial cooperation, they represent just one variable. A basic overview of the legal framework regulating international police and judicial cooperation in the Meuse–Rhine Euregion was provided in Chapter 2 above to contextualize the research topic, but a deeper examination of the subject is regrettably beyond the scope of this study.

5.5.3. The Research is Exploratory, Descriptive, and Explanatory—Not Evaluative

This study is primarily exploratory, since no such study has ever been conducted before. This means that, although every effort was made to gather as much data as possible with respect to the process of cooperation and the variables that influence the process, ultimately, only surface-level data were gathered. Considering that the present study provides a fairly comprehensive overview of the subject, future studies in this field will be better positioned to gather more extensive data.

In addition, this study is not evaluative. Specifically, this study does not measure the impact of international police and judicial cooperation on serious transnational organized crime levels. Such a study would require statistics documenting the extent of serious transnational organized crime levels in Europe. As aforementioned, no such statistics currently exist. Instead, this study will explore, describe, and explain the process of international police and judicial cooperation in the Meuse–Rhine Euregion in practice, and how the process may be improved.
5.5.4. **The Research is Focused on the Meuse–Rhine Euregion—Not Other Parts of the World**

This study is not designed to compare the Meuse–Rhine Euregion’s international police and judicial cooperation initiatives with similar initiatives underway elsewhere in the world. To explore that, a similar study would have to be conducted simultaneously, and the findings of both studies would have to be compared. Although the findings of such a study would undoubtedly be interesting, such a trajectory was not pursued in the present study due to time and resource limitations.

5.5.5. **The Research Reveals Perceptions—Not Observations**

This study does not address the exact intersection of cooperation between the agencies in practice, but rather, comes as close to that intersection as practically possible. By way of explanation, this is not a study of observations; the researcher did not join the police on “ride-alongs,” nor did the researcher “shadow” justice officials during the processing of an actual case of international police and judicial cooperation. Due to time and resource constraints, neither police ride-alongs nor observations were an option for the present study. Admittedly, it would have been ideal to “shadow” the justice officials throughout their involvement in a number of criminal cases to observe the process of international police and judicial cooperation first-hand (*i.e.*, “naturalistic observation”) (see McNabb, 2004:365). Most criminal cases, however, require a lengthy processing period within the criminal justice system from start to finish. Therefore, the data gathered to answer Research Questions #2 and #3 stem from interview questions designed to elicit “thick descriptions” of the process of international police and judicial cooperation in action. In other words, this study features the *perceptions* of the police and justice officials involved in international cooperation in the Meuse–Rhine Euregion.

To this end, it is important to explain that this research is based on what the interviewees decided to say/share with the researcher. This is significant, since the data may only represent the “tip of the iceberg” with respect to what is actually happening in the Meuse–Rhine Euregion. Indeed, the interviews were constricted in that: (1) the interviewees could only discuss information that could be made public, and (2) the amount of time per interview was limited to about 1.75 hours (on average). Police and justice officials participating in such a study will naturally censor their responses to some extent, to ensure that no secret/sensitive information is revealed,
and moreover, to ensure that the set interview length does not exceed the time allotment. Such circumstances give rise to questions concerning the comprehensiveness and even validity of the present study, since (to play “Devil’s Advocate”) the very slim possibility remains that some interviewees may or may not have been totally honest/forthcoming/complete/accurate in their responses, because they did not know (and may not have trusted) the researcher. Yet, it is imperative to determine what the police and justice officials are thinking, saying, and doing in terms of international police and judicial cooperation, in order to determine what is actually happening in practice.

In the researcher’s assessment, all of the interviewees were forthcoming, and answered the questions truthfully (to the best of their knowledge), carefully, sincerely, and with candour (to the extent that could be achieved without revealing confidential/sensitive information). The researcher’s assessment is based on: (1) her interpersonal skills; (2) her experience in conducting many lengthy research interviews over the past decade; and (3) the fact that the interviewees are police and justice officials—meaning that they are supposed to demonstrate a high level of integrity/honesty in their words and actions by virtue of their occupations.

Notwithstanding the above, this is the first study of its kind. Therefore, the risks associated with gathering perceptions had to be assumed in accessing this extremely busy target population of police and justice officials, and in declaring that the findings of this study will be made public. As will be discussed in the subsequent chapters of this dissertation, the striking contradictions that arose in the data were due to other reasons, such as differing perceptions, which is a research finding in and of itself that is important to identify if one wishes to identify ways to improve international police and judicial cooperation.

Yet, in any social science research study, there will be a range of motivations and differing levels of openness and honesty—all of which contribute to the development of an understanding about what is happening (Personal Communication, Dr. Curt Griffiths, September 18, 2009). Moreover, the present study is a descriptive examination of people’s subjective opinions (Personal Communication, Dr. Bill Glackman, September 18, 2009). These two points alone go far in negating the possible risks associated with conducting a study of this kind (Personal Communication, Dr. Curt Griffiths and Dr. Bill Glackman, September 18, 2009).

No interviewee refused to answer a question.

No indications surfaced to suggest that any answer was a lie.

Every interviewee demonstrated thought and conscientiousness in answering every question.
5.5.6. The Research Sample Excludes Some Key Stakeholders

It is with great regret that the following key stakeholders in the Meuse–Rhine Euregion were not interviewed for the present study: (1) one or more German examining magistrates; (2) one or more police officers from the Bundeskriminalamt (BKA) in Weisbaden, Germany (since the BKA has been involved in JITs in the Meuse–Rhine Euregion due to their mandate to address organized crime); and (3) the Ministers of Justice and the Ministers of the Interior of the three countries. Unfortunately, the importance of these officials’ roles in the process of international police and judicial cooperation in the Meuse–Rhine Euregion became apparent too late in the field work.

It is also with regret that this study does not address the views of politicians, the public, and non-governmental organizations as they relate to international police and judicial cooperation. The reasons for this are two-fold. First, the literature on the subject did not reveal information with respect to the above. There was one study by Hofstede et al. (1993) (discussed above) on the subject of international police cooperation that revealed the views of the public (i.e., university students) with respect to how the cultures of the three countries differ, but that is all that was found in the literature that came close to addressing such a topic. Second, the in-depth personal interviews were so limited in time that it was difficult simply trying to address the four main research questions (and concomitant sub-questions) guiding this study. Therefore, due to a lack of both resources and time, the views of politicians, the public, and non-governmental organizations with respect to the enterprise of international police and judicial cooperation in combating serious transnational organized crime in the Meuse–Rhine Euregion remain largely unexplored/undetermined at this time.

5.5.7. The Research is Based on a Small Sample Size (n = 44)

This research is based on a relatively small sample size (n = 44). Obviously, it is far from ideal that only one police or justice official was interviewed from certain agencies. Indeed, the relatively small sample size, as well as the relatively short interview lengths, contributed to the occurrence of n values as low as 1 in this study for certain data. This is not problematic in the current exploratory study, however, because the data collection for this study can be likened to building a puzzle, which should be built in the most thorough/careful way possible, in order for the overall puzzle picture to be understood.
The puzzle picture in this case may be described through analogy: one may visualize the researcher as having dipped a paintbrush into a bucket of paint, lifting the paintbrush up, and using the paintbrush to throw paint at a board to make a “paint splatter” composed of paint droplets. Essentially, every drop of paint represents a data point. Some of the data points were outliers, but most of the data points/paint droplets were concentrated in the middle of the “paint splatter” picture. When considered together, the data points compose the larger puzzle picture of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. In other words, each data point represents a proverbial “puzzle piece” and, as such, should be considered in building the larger puzzle picture.

In this light, it did not matter that the short interview lengths were generally insufficient to fully discuss this complicated subject and gather all the required data for proper analysis from each interviewee, since each interviewee naturally spoke about the subject areas and facts that they perceived as most relevant within their own purview. As such, a large array of data was gathered. Although the majority of the interviewees corroborated the main puzzle pieces, many additional key puzzle pieces were provided by individual interviewees, and could not be discounted simply because the \( n \) value of some of those puzzle pieces was as low as 1, since each of these puzzle pieces contributes to the larger overall picture. In this way, the telling of the story of international police and judicial cooperation in the Meuse–Rhine Euregion unfolded in a comprehensive manner—when the data from each interview were compiled, synthesized, analyzed, and considered as a whole. The data presentation schematic for the four findings chapters is discussed later in this chapter.

5.6. Generalizability

The substantive findings of the present research study—\( i.e., \) the status quo, the process of international police and judicial cooperation, the variables that affect cooperation, and how cooperation may be improved—will be specific to the Meuse–Rhine Euregion, and therefore, will not be generalizable beyond the Meuse–Rhine Euregion per se. For example, with respect to the subject of border-control alone, Hills (2006:41) argues that:
the transferability of the EU’s model of border management to countries outside the Schengen area cannot be assessed, nor the transformation it seeks to achieve be explained, unless the empirical and conceptual parameters of comparative border management are first identified.

Moreover, Thompson (2003:2) explains: “[e]xternal validity [i.e., generalizability] is not achievable via case study, as some might argue.”

The present research study demands not only an examination of the border control arrangement (i.e., Schengen), but also an examination of international police and judicial cooperation in practice. Since the situation in the Meuse–Rhine Euregion is very unique, consisting of an advanced level/intensity of cooperation, the findings of this study will not be generalizable to other parts of the world, unless those parts of the world possess the same parameters of international police and judicial cooperation found in the Meuse–Rhine Euregion.

Notwithstanding the above, the lessons learned, insights, and ideas gleaned from the present research study may inspire/inform/guide international police and judicial cooperation processes around the world. In this light, the findings of the present study may be extrapolated to hypothetical propositions concerning international police and judicial elsewhere, in terms of what is possible (see Peräkylä, 2004:297 as cited in Silverman, 2005:134; Silverman, 2005:136).

5.7. Data Presentation Schematic:
A Readers’ “Road Map” for the Four Findings Chapters

Generally speaking, the $n$ values for the data are not routinely reported in this dissertation, since: (1) this is a qualitative study, (2) there are an overwhelming number of facts/data points, (3) the sample size is relatively small, and (4) the $n$ for many data points is as low as 1. Qualitative researchers endorse this approach by explaining that in large qualitative research studies, it is tedious for both the writer to write, and the reader to read, the exact number of interviewees who responded to each question:

A common difficulty with qualitative reports is that they contain statements about how many people have said something—that is things like ‘...three people said...’ or nine people thought...’. Not only are such statements very tedious to read but the reader will have no idea how these numbers
are meant to be interpreted. Is ‘three’ or ‘nine’ meant to be significantly high or low? And even if the reader tried to work this out in relation to the sample size, their conclusions will not be meaningful because of the small and purposive basis of the sample design.

There are ways in which these sorts of statements can be avoided so that their presentation remains more in line with the purposes of qualitative research. First, it is always possible to turn the sentence around and to talk about issues rather than people. For example, instead of writing ‘Seven people said that the length of benefit application forms was a problem...’, this could be stated as ‘Benefit application forms were criticised for their length’ or ‘The length of benefit application forms was seen as a problem...’.

Another way of focusing on issues rather than people is to present views or perceptions in sets such that an array of responses can be seen. So again, using the example above, this might be written as ‘The problems that people noted about benefit application forms included their length...’ or ‘Among the problems that...’...

These are just some of the few ways that the use of numbers or prevalence can be avoided in reporting. But there are occasions where it is appropriate to give some indication of the strength or weight of the findings within the study population. This can happen where a response or perspective keeps occurring, either among the population as a whole or among a particular subgroup. In such circumstances, these can be appropriately described as ‘dominant’, ‘recurrent’, ‘consistent’, ‘widespread’ or ‘commonly held’ provided that explanations are given to support why this is so. Conversely, perspectives that are expressed with notable infrequency can be described as ‘more exceptional’, ‘less common’, [or] ‘rare’ in a similar way. (White, Woodfield, & Ritchie, 2004:311–312)

As such, in keeping with the aims of this study, and within the parameters of qualitative research customs, the data in this dissertation are presented by issue. As well, efforts were made to reduce the data through the use of data summaries whenever possible. However, when interesting and/or significant, the exact numbers of interviewees who reported particular facts are noted.

The data presentation schematic for the four findings chapters is generally presented in Table 5.1 above. The following discussion builds on Table 5.1 and provides more information with respect to what research decisions were made regarding the analysis and presentation of the data, as well as the rationales behind those decisions.
5.7.1. Research Question #1: Determining the Status Quo

Chapter 6 below sets the stage for the three other findings chapters, since one should first establish what is happening in the Meuse–Rhine Euregion in order to ultimately determine how international cooperation may be improved. As will be discussed below, the interviewees provided lengthy narratives regarding the history of the Euregion, as well as the evolution of international police and judicial cooperation in the Euregion. Continuing with the “paint splatter” analogy provided above, although the majority of the interviews corroborated the main story of the status quo in the Meuse–Rhine Euregion, many interviewees provided single puzzle pieces (i.e., \( n = 1 \)) that helped to paint the overall picture as to what has been happening. Accordingly, to make Chapter 6 read more like a story, the researcher decided to limit the reporting of \( n \) values to instances wherein knowing the exact \( n \) value of a particular datum would add greater meaning to the discussion.

A decision was also made with respect to the extent to which the interviewees’ responses would be compared/contrasted/reported by country of origin, and well as by profession, within this dissertation. The data were read, organized, and synthesized before the writing of the chapter, and the researcher concluded that there were no significant differences between the interviewees in terms of their responses by country of origin, or profession, with respect to the story of the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion. While there were different perceptions among some interviewees with respect to certain parts of the overall story constituting the status quo, these differences were highlighted, and the \( n \) values were provided as appropriate. Overall, however, there was a general consensus among all interviewees with respect to the history of the Meuse–Rhine Euregion and the evolution of international police and judicial cooperation in the Euregion, the totality of which contributes to the status quo. As such, efforts were concentrated on presenting the story of international cooperation in a lucid manner, as opposed to highlighting the \( n \) values of the numerous data, and then painstakingly comparing/contrasting the responses of the interviewees by country of origin and/or profession.
5.7.2. **Research Question #2:**

**Determining How Cooperation Occurs in Practice**

Chapter 7 presents the process of international police and judicial cooperation in the Meuse–Rhine Euregion. To facilitate this exercise, a large flow-chart (approximately 5 feet high by 15 feet long\(^48\)) of the process of international police and judicial cooperation was made using special flow-chart creation software.\(^49\) This large poster was drastically scaled-down to fit a single 8.5 inch by 11 inch page, to provide readers with a general overview of the process. Then, using a process documentation approach, the process of cooperation is presented to readers in a step-by-step manner in this dissertation, to further lay the foundation for the two remaining findings chapters (i.e., Chapters 8 and 9).

The decision was made to note the \(n\) value for each datum in Chapter 7, since the frequency of certain responses in this section actually signals which parts of the process of cooperation are used more than others. This is significant, since the process of international and judicial cooperation features “fast/easy” paths, as well as “hard/long” paths. Accordingly, the \(n\) value of each datum was added to the bottom of each text-box in the flow-chart documenting the process of cooperation. Upon reading this chapter, readers will clearly see how data with values of \(n = 1\) remain significant in this study, since each datum represents a key puzzle piece that is needed to understand the whole picture of international police and judicial cooperation in the Meuse–Rhine Euregion.

It should also be noted that, in assembling the puzzle concerning the process of cooperation, and considering the overall flow of the cooperation process, it became apparent to the researcher that some key puzzle pieces were missing (i.e., not identified by any of the interviewees). The contents of the missing puzzle pieces were determined by examining the context (i.e., surrounding puzzle pieces), and accordingly added/“filled in” by the researcher to enhance the flow of the overall process of cooperation. The \(n\) values of these missing puzzle pieces were not noted by the researcher, since there were no \(n\) values to report. As such, these missing puzzle pieces can be easily identified by readers, due to the absence of the \(n\) value notation.

\(^{48}\) The metric conversion of these measurements is 1.5 metres high by 4.6 metres long.

\(^{49}\) The font used in this full-size flow-chart was Arial Narrow size 10.
5.7.3. **Research Question #3: Determining the Variables that Influence the Process of Cooperation in Practice**

Chapter 8 below identifies the numerous variables that influence (facilitate/impede) the process of international police and judicial cooperation in the Meuse–Rhine Euregion. First, to keep the present study firmly grounded in the Organizational Behavior approach, the list of deductive variables discussed in Chapter 4 above was used to help guide all of the interviews (see Appendices E to H). Since this is the first ever research study to apply the Organizational Behavior approach to the study of international police and judicial cooperation, the interviewees were advised that the list of deductive variables was extracted from the organizational behavior literature relating largely to corporations, and accordingly, the deductive variables may or may not influence the process of international police and judicial cooperation. After considering each of the deductive variables, however, the interviewees agreed that most of the deductive variables are indeed operative within the context of international police and judicial cooperation in the Meuse–Rhine Euregion. Second, to further extend the organizational behavior literature, the interviewees were asked to identify any other influential (inductive) variables. As a result, numerous other influential (inductive) variables emerged. Accordingly, the research findings in Chapter 8 are organized/presented according to the format/order used in Chapter 4, with the deductive variables clearly distinguished from the inductive variables (see Appendix I). The data are presented separately in this manner so as to: (1) clearly show how the present study builds upon and extends the organizational behavior literature, and (2) lay the foundation for Chapter 10 below, which among other things concerns the implications/recommendations for the literature.

Naturally, appropriate interview transcript excerpts were cited to demonstrate either the facilitative or impeding influence of each variable, depending on the value\(^51\) of each variable. Regrettfully, the data revealed an overwhelming number of influential variables, and as such, it is beyond the scope of this exploratory study to present an

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\(^{50}\) Readers are reminded that, therefore, this is an exploratory and descriptive study that attempts to explain how the process of cooperation operates in practice, so as to determine how the enterprise may be improved.

\(^{51}\) Admittedly, *value* is a quantitative research term, but nevertheless is appropriate to use here for the purpose of clarity. For example, in the present study, the variable of “culture” was shown to have three different “values”: (1) “all one culture,” (2) “a decreasing culture gap,” or (3) “different cultures.” The first two values facilitate cooperation, whereas the last value impedes cooperation.
interactive explanatory model to visually illustrate the relationships between the variables. It is sufficient that Chapter 8 below: (1) builds upon the findings of Chapter 7, by identifying the many additional variables that operate in the background throughout the entire process of international police and judicial cooperation; (2) discusses each variable’s facilitative/impeding influence, depending on its value; and (3) discusses the relationships between variables where appropriate (e.g., how the different philosophical principles can spark organizational culture clashes, which impede international police and judicial cooperation and ultimately erode trust).

5.7.4. Research Question #4: Determining How to Improve Cooperation

Chapter 9 below brings the story of international police and judicial cooperation to a close by presenting the findings of the final research question concerning how international police and judicial cooperation may be improved. First, data are presented with respect to ideas on how to improve the process of cooperation. For the purposes of brevity and clarity, the researcher decided to summarize these data in the form of a table (see Appendix J). Next, data are presented with respect to the police and justice officials’ visions for advancing the enterprise of international police and judicial cooperation. Despite small sample sizes, the researcher decided to present every psychological game, excuse, argument, and false perception that emerged in the data concerning the visions, because the data showed that a small number of police and justice officials are essentially blocking advancements in international police and judicial cooperation with these tactics. Like the preceding findings chapters, every datum represented an essential puzzle piece that should be included in order to see the big picture as to what is happening in terms of international police and judicial cooperation in the Meuse–Rhine Euregion, and how both the process and enterprise may be improved.

Since the researcher required some time to write this lengthy and challenging doctoral dissertation, the researcher decided to stay in contact with her interviewees and obtain periodic “status updates” from them with respect to any developments in international police and judicial cooperation in the Meuse–Rhine Euregion. The researcher decided to include these status updates in the final findings chapter, in an effort to keep this study current. This exercise proved worthwhile because the follow-up data underscored the continuing deadlock in cooperation, and strongly suggest that with the
current arrangements for international police and judicial cooperation in the Meuse–Rhine Euregion, no advancements in cooperation can occur. Essentially, these data are a testament that a “system breakdown” is occurring, and that the system of international cooperation in the Meuse–Rhine Euregion should be adjusted.

Finally, the researcher also decided that, in some cases, it was necessary to reproduce interview transcript excerpts already presented in previous finding chapters, in order to make certain points. This research decision was made to ensure the completeness of each findings chapter, and not for the sake of redundancy. Nevertheless, efforts were made to keep repetition to a minimum.

5.8. Ethics and Role Considerations

As discussed above, criminological research of the international variety is becoming both prominent and common (Schneider, 2006:173). As a result, one major question becomes: “…[t]o which country’s code of practice or ethical standards does the international researcher adhere?” (Schneider, 2006:173). In other words, to whom are international researchers accountable? (Schneider, 2006:189). Arguably, the research should adhere to the ethical standards of all nations involved in the research, namely: Canada (i.e., the location of the researcher’s university), Belgium, The Netherlands, and Germany.

Interestingly, neither the European Society of Criminology nor the International Society for Criminology prescribe ethical standards for their members (see Schneider, 2006:188). In fact, Schneider (2006:178) explored 16 societies of criminology around the world to determine if any have a code of ethics to guide its members. Her research revealed that only three of the 16 societies of criminology have a code of ethical conduct: the Academy of Criminal Justice Sciences, the Australian and New Zealand Society of Criminology, and the British Society of Criminology (Schneider, 2006:178). Although the researcher is not currently a member of these professional associations, and the present research does not involve the United States of America, Australia, New Zealand, or Britain, the researcher read these international ethics codes and believes that the present research design meets their ethical requirements.
The present study also meets Canadian research ethics requirements. Specifically, the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (2005) is a comprehensive Canadian research ethics policy that spans the disciplines of medicine, engineering, the natural and social sciences, and humanities (see Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, & Social Sciences and Humanities Research Council of Canada, 2003; Schneider, 2006:175–6). According to its authors, this ethics policy is in consonance with the international community’s ethics review model (Canadian Institutes of Health Research *et al.*, 2005: Article 1.1). Of particular note here is Article 1.14 of the *Tri-Council Policy Statement*, which speaks to the review of research to be conducted in other jurisdictions/countries:

[接轨科学研究在管辖权或国家的机构中开展时，研究人员应由机构的REB（研究伦理委员会）和国家或地区的REB进行前瞻性伦理审查。同时，研究人员应确保其研究的益处在目的地国家或地区可用。例如，信息分享、当地人员的培训等（Canadian Institutes of Health Research *et al.*, 2005: Article 1.14).]

To satisfy this policy’s first requirement for international research, the present research study successfully underwent ethics review by Simon Fraser University. This is discussed further below.

With respect to obtaining research ethics approval from Belgium, The Netherlands, and Germany, the researcher conducted a thorough Internet search and spoke with several European officials with knowledge of the subject. It was concluded that the police and justice agencies under study in the Meuse–Rhine Euregion do not have “in-house” research ethics review boards, and that, moreover, social science research ethics review boards do not exist in those countries. The only research ethics review boards that exist in Belgium, The Netherlands, and Germany are for medical research, and research funded by the European Commission (see European Commission, 2008b; see also The Institute of Science and Ethics, 2005). To satisfy the final ethical requirement owed to the European police and justice agencies (as per article 1.14 of the *Tri-Council
Policy Statement noted above), the researcher will share the benefits of this research with the officials involved in international police and judicial cooperation in Belgium, The Netherlands, and Germany by providing a copy of this dissertation to them.

As aforementioned, the present research is in compliance with Simon Fraser University’s Research Ethics Policy R20.01 (see Simon Fraser University, 2006). An informed consent form was used to communicate the purpose, goals, and benefits of the study to the research participants. The informed consent form also explained to interviewees that: (1) research participants will engage in a one-on-one in-depth personal research interview lasting for approximately 2 hours, (2) participation in the study is voluntary, (3) participants have the right to refuse to answer any question(s) and/or withdraw from the interview at any time without any negative consequences, (4) anonymity and unlimited confidentiality will be assured, (5) the research is being funded privately by the researcher, and (6) they may bring any concerns to the Director of the School of Criminology at Simon Fraser University (see Appendix D). Two copies of the informed consent form were made for each interview: one for the research participant/interviewee, and one for the researcher’s file. The informed consent form was discussed with the interviewees, to ensure that they each fully understood the nature of the research and his/her involvement. Research participants were asked to sign the informed consent form to indicate their voluntary participation and acceptance of the stated conditions.

The Wigmore criteria helped guide the development of the present research design, and as such, anonymity and unlimited confidentiality52 were assured (see Palys & Lowman, 1999:31, 34). Developed in 1905 by Professor, and later Dean of Law, at Chicago’s Northwestern University John H. Wigmore—who synthesized American, Canadian, and British evidentiary law regarding privileged communications—the Wigmore criteria have been interpreted in Canadian common law to preserve the confidentiality of research data (Palys & Lowman, 1999:31, 35). The criteria also represent the sole legal

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52 A promise of unlimited confidentiality is to be distinguished from a promise of limited confidentiality. The former is a promise that can be kept, thanks to the Wigmore criteria, which have been upheld in legal judgments to preserve the confidentiality of research data (Palys & Lowman, 1999:31). The latter promise, because of its incomplete/limited nature, does not truly afford confidentiality, and may actually encourage its breach (Palys & Lowman, 1999:44–45).
The apparatus with such power (Palys & Lowman, 1999:31). The Wigmore criteria demand that:

1. The communications must originate in a confidence that they will not be disclosed;
2. This element of confidentiality must be essential to the full and satisfactory maintenance of the relation between the parties;
3. The relation must be one which in the opinion of the community ought to be sedulously fostered; and
4. The injury that would inure to the relation by the disclosure of the communications must be greater than the benefit gained for the correct disposal of litigation. [emphases in original] (Wigmore, 1905:3185 as cited in Palys & Lowman, 1999:34–35)

The present research design satisfies the first Wigmore criterion: research participants were told that absolute (unlimited) confidentiality will be assured (see Appendix D). The other three criteria were satisfied due to the nature of the researcher–subject relationship, as established in Canadian law (i.e., the Coroner’s Court case which involved researcher Russell Ogden) (see Palys & Lowman, 1999:47).

To ensure the anonymity of research participants, the researcher did not record the names of any research participant/interviewee on her field notes or the typed interview transcripts. Moreover, the researcher was careful during the interviews not to record any information that could personally identify any research participant/interviewee. Steps were also taken to preserve the anonymity of those officials with distinct job titles; generic job titles (i.e., one of the four main groups of officials who participated in this study—police officer, police commander, prosecutor, or examining magistrate) were chosen in such cases.

To ensure unlimited confidentiality, the researcher did not and will not disclose or publicize any information that may personally identify any research participant, or anything that a research participant asked to be kept confidential. Furthermore, the present research design benefits from two or more police or justice officials having been interviewed from each organization of interest in most instances (n = 25/30), which allows for the presentation of the research findings in aggregate terms (where possible), which, in turn, further protects the anonymity of the research participants. Finally, in the writing of the research findings chapters, every effort was made to preserve anonymity and confidentiality, so that the interviewees themselves would not even be able to deduce
“who said what” among their “tight-knit” group of international colleagues. To achieve this, all interviewees were assigned an arbitrary/random number/code, strictly for the purpose of data presentation in this dissertation (e.g., “Interviewee 23”). In some cases, the researcher assigned certain interviewees with multiple codes above the number 44 (i.e., “Interviewee 45”), up to the number 48, even though there were only 44 interviewees. This was done simply to ensure anonymity. To be clear, however, every interviewee was only counted once for the purpose of data analysis.

In conducting the field research interviews, the researcher balanced the roles of researcher, facilitator, and foreigner. To balance the roles of researcher and facilitator, the researcher approached the interviews as a “stage manager” and led the research participants through the various “acts” (i.e., parts) of the interview (see Legard et al., 2004:144–46). To be clear, the different parts of an interview are: (1) building trust and rapport, (2) introducing the study, (3) starting the interview, (4) conducting the interview, (5) concluding the interview, and (6) possibly debriefing/reflecting about the interview with the research participant after the interview (see Legard et al., 2004:144–46). As a foreigner, the researcher prepared for the research experience by reading about the research topic under study, as well as the Belgian, Dutch, and German cultures. In some cases, either a bilingual dictionary or a free translation website on the Internet was consulted by the researcher and/or the interviewee(s) during the interviews (as necessary), to quickly surpass any language barriers and facilitate mutual understanding.53

5.9. Reflexive Analysis: Some Preliminary Thoughts

The fact that researchers have an impact on their research/environments (i.e., reflexivity) is important to acknowledge. First, the researcher’s educational and employment experience, along with the findings of her preliminary literature review and contact with an official in the Meuse–Rhine Euregion, all contributed to the development of this study’s research design.

53 Overall, the field work in the Meuse–Rhine Euregion was a very enjoyable experience for the researcher.
As a research instrument, the researcher acknowledges that she had an impact on the findings of this study (see Kvale, 1996; Marshall and Rossman, 1999; Rubin and Rubin, 1995; Thompson, 2000 as cited in Legard, Keegan, & Ward, 2004:142). To remain objective and unbiased, the researcher used: (1) an interview schedule to guide the interviews (see Appendices E, F, G, and H); (2) extemporaneous/customized content-mining questions (probes) to explore emergent themes during the interviews; and (3) a digital voice recorder to record the interviews for the purpose of preserving the data in their original form. Then, the researcher produced a typed interview transcript for every interview, and rigorously coded/analyzed the data, both inductively and deductively, as per the detailed research method delineated above. It is important to note that the researcher approached this research with an “open mind,” and with no stake whatsoever in what the research reveals, since she is an independent researcher who is not affiliated with any of the organizations under study.

The researcher also remained flexible throughout the study, since as Mitchell and Bernauer (1998:7) explain, “…the full story may not be captured within the bounds established by this initial [research] structure.” Accordingly, while conducting the field research for this study, the researcher was especially aware of the emergent themes (i.e., inductive variables) and the additional research questions that arose. Since the new research questions that arose were beyond the scope of the present study, the researcher simply made note of these questions for their inclusion in the “Future Research Directions” subsection of this dissertation (see Chapter 10).

5.10. Summary

This chapter established that the present study is unlike any other published research study conducted on the subject of international police and judicial cooperation in Europe to date. Informed by the Organizational Behavior approach, this multi-site comparative case study features data gleaned by virtue of in-depth personal interviews with 44 police and justice officials from the vast majority of the key stakeholder organizations in the Meuse–Rhine Euregion to answer the following four research questions:
1. What is the status quo with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?

2. How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice, according to police and justice officials?

3. What variables affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?

4. How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion be improved?

Clearly, considering all of the literature reviewed thus far, such a study is important and timely. Specifically, the primary difference between this research and previous studies can be found in the way the present research is designed to answer the question of: how can international police and judicial cooperation be improved? The researcher answers this question by approaching cooperation as a sociological process, assuming that each step in the process of inter-agency cooperation is affected by numerous variables—as informed by the Organizational Behavior approach. To date, no other researcher has taken such an approach with this subject. Moreover, due to the sociological approach of this study, the findings will—by design—translate directly into what the police and justice officials can do themselves to control/manipulate the variables that influence the process of international police and judicial cooperation, so as to ensure success every time the process of international police and judicial cooperation is engaged. To this end, this dissertation makes a major contribution to knowledge, in that it not only provides a practical approach to improving international police and judicial cooperation on a daily basis at the front-line level in the Meuse–Rhine Euregion, but it also extends the organizational behavior literature. In these ways, this study fills gaps in both literatures.

5.10.1. Looking Ahead

The next four chapters (i.e., Chapters 6 to 9) present the qualitative data gathered for this study. Due to the overwhelming amount of interview data gathered, each of the four main research questions is addressed separately—one research question per chapter. Chapter 6 opens this four-chapter series by establishing the current status quo of international police and judicial cooperation in the Meuse–Rhine Euregion.
6. Findings—Part I:  
The Status Quo—The Story of International Police and Judicial Cooperation in the Meuse–Rhine Euregion

I’ll try to be short, but you have to set [the status quo] in relation to 10 or 20 years ago. (German Prosecutor, Interviewee 38)

* * *

It’s quite important to know that the whole story of the Euregion is also the story of our history. (Belgian Prosecutor, Interviewee 4)

This chapter presents a qualitative analysis of the perceptions of 44 police and justice officials in an effort to determine the status quo of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. When asked this seemingly simple research question, the interviewees did not provide short responses. Instead, they spent a great deal of time recounting the “story” of international police and judicial cooperation in the Meuse–Rhine Euregion, to reveal both the huge advancements that have taken place over the years, as well as the areas in need of improvement. The story dates back to the 8th Century, continues with an overview of the Meuse–Rhine Euregion’s socio-politico-legal “landscape” (including a detailed overview of the evolution of international police and judicial cooperation), and leads all the way to the officials’ present-day concerns. Due to time constraints, not every official spoke about every subject, so the story had to be pieced together like a jigsaw puzzle. In piecing the story together, it became apparent that the perceptions

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54 This statement applies to each of the four research questions under study in this dissertation. Working with the interview data was like piecing together the world’s largest and most complicated jigsaw puzzle ever, since every datum represented a proverbial “puzzle piece” that had to be identified, labeled-coded, sorted, synthesized, analyzed, and finally placed into the “larger picture” before it would “make sense” (see Spencer et al., 2004:212). Moreover, this was done without the aid of what could be likened to the model/picture that often comes on the cover of a jigsaw puzzle box. In other words, since this is primarily an exploratory study, this research expedition was embarked upon without knowing what was to be found; it was like traveling deep down into the proverbial “rabbit hole” with many twists and turns. Then, upon exiting the “rabbit hole,” the researcher found herself having to piece together a huge and complicated puzzle—in order to gain an understanding of the “big picture.”
among the police and justice officials varied widely with respect to some issues. These findings are presented here to: (1) address the lack of published literature on the history and current developments in international police and judicial cooperation in the Meuse–Rhine Euregion; and (2) answer Research Question #1 by arguing that 

there is still room for improvement in international police and judicial cooperation, and efforts in this regard should continue.

6.1. History of the Meuse–Rhine Euregion

Some of the interviewees began answering the first research question by recounting the history of the Meuse–Rhine Euregion. One Dutch police commander correctly explained that, in the past, the Meuse–Rhine Euregion was all “one country” (Dutch Police Commander, Interviewee 31). Readers will recall that information presented in Chapter 3 above confirms this fact. One Belgian prosecutor provided more information than what was found in the literature:

The starting point is that the historical background in this region is the same. If you look at the Francophone origin... for a Canadian, it’s not that easy—you have to go back to the 8th Century, I think. But the Roman origins, the Catholic sources... it’s the tolerance principle. For centuries, this region was not bound by borders; it was a common approach that people here have. So, they have shared the same values for centuries in this region. (Belgian Prosecutor, Interviewee 2)

The shared history and values represent the core similarities among this group of officials. This is a key point to keep in mind while reading this dissertation’s research findings.

The shared history, however, also encompasses differences. For example, as discussed in Chapter 3 above, the borders in the Meuse–Rhine Euregion “moved” several times over the years due to conquests, which in turn had implications with respect to the languages that took hold in the different parts of the Euregion. One German prosecutor explained the implications of this tumultuous history with respect to language, and how this history impacts international police and judicial cooperation today:

Actually, German, Dutch, Flemish, and French [are] in this region in Belgium [pointing to a map]... [which is part of the Meuse–Rhine Euregion]. For the historians among us, this part of Belgium [pointing to the German-speaking part of Belgium on a map] was a part of Aachen long ago. It was part of our region [in Aachen]. Eupen was a small
court yard belonging to our Aachen region. So, we [in Aachen] have no language problem with Eupen. [The people in Eupen] are bilingual—they speak as good German as French, so they have no problem. They are our translators if we have to make contact with the French-speaking part [of Belgium]. Then we can best ask our colleagues in Eupen to help us with translations. (German Prosecutor, Interviewee 11)

The Belgian police and justice officials were equally cognizant of the effects of history on the development of the “language borders.” One Belgian police commander explained the situation in Belgium:

You know, for Belgium, we are talking about five different bureaus—Tongeren, Hasselt, Liège, Verviers, and Eupen. Each of these [districts] are very independent, and they are all speaking three different languages. In Liège, I don’t think you will find—in the whole district of prosecutors—two people speaking German. That’s the comical thing. We call it the “language border.”

In Belgium, we have a language border... [Interviewee 30 then draws a map of Belgium]. Here’s Liège, and then you have the language border [as represented by the political border that divides the Province of Limburg, Belgium, and the Province of Liège, Belgium], and it’s very strict. Within half a mile [north of this political border in Belgium], they speak Dutch, and in this place [Wallonia] they speak French, and they sometimes don’t speak any other language. And, the language is so different—like, Flemish, Dutch, and German are connected, and at the border, they speak a mutual dialect. But French and Dutch are not connected—not at all—it is a Roman language and a German language. In the old times, the Roman Empire occupied this region [Wallonia] and the soil over there, in the South [of Belgium] is better—it is better to grow something. This is sand [in Flanders]; it is poor ground to grow something. In the South, it is very thick, rich ground to grow something. Then, you had the big farms in the old times, and that was Latin [in Wallonia]. The Germanic tribes had the north side of this border. This was the border of the Roman Empire at the time, and, there [in the north] were the Celtic tribes, and in the south were the Gaelic tribes. Therefore, we have such a strict language border, still, until now. (Belgian Police Commander, Interviewee 30)

So, among some of the police and justice officials, there was consensus about the shared origins of the three countries, as well as a deep appreciation and respect for the differences between the three countries. It is within this context of similarities and differences that international police and judicial cooperation takes place.
6.2. Contemporary Background Information about the Meuse–Rhine Euregion

The police and justice officials went on to describe the Meuse–Rhine Euregion, first in terms of the three neighbouring countries, and then in terms of the Euregion itself. With respect to The Netherlands, the Dutch police officials explained that The Netherlands has a total population of approximately 16,500,000 people. Moreover, The Netherlands is composed of 26 police regions, one of them being Limburg South, which has a total population of approximately 750,000 people.

With respect to Belgium, the Belgian police officials explained that Belgium has approximately 10,000,000 inhabitants, and that while Belgium is a “little country,” the Belgian part of the Euregion is nonetheless composed of five separate “arrondissements” (districts), featuring three different languages.

With respect to Germany, the officials explained that Germany has a total population of approximately 80,000,000 people. Moreover, Germany is composed of 16 states (“landkreis”), of which North Rhine–Westphalia is the largest, with approximately 18,000,000 people. Notably, only part of North Rhine–Westphalia falls within the Meuse–Rhine Euregion.

With respect to the Meuse–Rhine Euregion itself, the officials remarked that it is a relatively small geographic area. Specifically, the Meuse–Rhine Euregion has a total of 4,000,000 people, found within an area of approximately 11,000 km². As discussed in Chapter 3 above, the core cities in the Meuse–Rhine Euregion are found within only 25 kilometres of each other. Moreover, Liège is a major crossroad in central Europe. One Belgian police commander explained:

Very significantly, a major highway—from The Netherlands to France—goes through Liège. So, a lot of French people go through Liège. Also, there’s a highway between Germany and the United Kingdom that goes through Liège. This has important implications regarding human trafficking, for example. Liège is the first major city in Belgium for

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55 By way of comparison, the Metro Vancouver region in Canada has a population of approximately 2.3 million people, and spans an area of approximately 2,900 km². So, the Meuse–Rhine Euregion is approximately four times as large as Metro Vancouver, with about double the population of Vancouver.
Eastern European migrants to enter when they arrive in Belgium. (Belgian Police Commander, Interviewee 22)

Another Belgian police official explained that:

Almost everything in this region has a cross-border link, because in half an hour, you do the three countries with no problem. If you come from Germany, you go through Holland—it’s like 25 kilometres—and then to Belgium. (Belgian Police Commander, Interviewee 30)

Thus, within a few minutes, a person can easily cross the border from Maastricht into Belgium, or Germany (and vice versa). One Dutch official explained the cross-border situation in terms of a crime scenario:

When we have a bank robbery here in Maastricht, you are in two minutes in Belgium, and in five minutes in Germany. So, the suspects, when they drive a car after a robbery, they are in no time [past] the borders—in the regions around us in the neighbour countries. (Dutch Police Commander, Interviewee 31)

There was consensus among the officials that since the Meuse–Rhine Euregion encompasses three different countries and three different legal systems within such a relatively small space, there are pressing needs for the police and justice officials to work together. Yet, as one Dutch prosecutor explained:

There are about 15,000 police officers working in the Meuse–Rhine Euregion. We have 4,000,000 people living in the Meuse–Rhine Euregion, yet we only have about 15,000 police officers combined from the three countries in this region. (Dutch Prosecutor, Interviewee 39)

The lack of resources is an issue that will be discussed at length below.

6.2.1. **The Similarities**

6.2.1.1. Common History, Common Language, Common Culture

The officials also spoke about the similarities they share between each other in the Meuse–Rhine Euregion, such as the same history, the same culture, the same treaties, and the same languages/dialects. The following two data excerpts—extracted from separate interviews—go far in illustrating the mutual understanding/kinship felt between the officials in this Euregion, due to their similarities. One Dutch police commander
explained why international police and judicial cooperation can be “so easy” between the Dutch, Belgians, and Germans:

**Interviewee 3**: Why is it so easy? Because in the past, in history, this was a German... Limburg and Belgium was one country. So, we can speak easily to each other, and we are nearly the same people [culturally] as the people who are living across the border. It was easy because there’s not much difference between the people from Kerkrade and the people from Aachen. On this side in Belgium, there is not much difference in the kind of thinking, and how people are in Maastricht, and across the border in Tongeren...

**Interviewer**: So, would you say that this is really more a region, than it is three different countries?

**Interviewee 3**: Yes—it’s more a region, with the same kind of people. Most [of them] are all coal miners, from 200 years ago. So, it is the same culture.

Our football [soccer] club has a coal miner’s sign [insignia/emblem] on our shirt, and the German soccer club has the same sign on their club. That keeps [us] together.

Also, we have the infrastructure for it to be a region. The roads don’t stop at the border—they go on. The borders are on the street; on one side is Germany, and the other side is The Netherlands...

We are the same people, and only by decisions made in Vienna in 1815, we went to Holland and they went to Germany, but the people were the same and are still the same...

So, why would police officers from Germany be any different than us? We have the same education and the same culture...

And, the people of Aachen (Germany), Kerkrade (Holland), and Eupen (Belgium), they speak about the same dialect/language. (Dutch Police Commander, Interviewee 3)

In a separate interview, these sentiments were echoed by a Belgian police officer:

But we feel a lot more effectiveness with Maastricht or Heerlen people, because they speak our same dialect... in Limburg. When we go to Brussels... I would rather deal with somebody in Maastricht, than to speak to somebody in Brussels. Brussels is far away [from the Euregion], they have other dialects, backgrounds, and so on. (Belgian Police Officer, Interviewee 10)

Indeed, several of the police officials spoke of the special kinship felt between the people in Hasselt/Tongeren and Maastricht, and also between the people in Kerkrade and Aachen, as illustrated by the above two data excerpts, respectively. It is significant that the Dutch language is shared between Limburg (North Belgium) and South Limburg.
(The Netherlands), and that the German language is shared between South Limburg, Eupen, and Aachen. Equally as significant is the fact that French is the one language that is not shared with another country in the Meuse–Rhine Euregion. This important issue will be discussed in greater detail below, as the story unfolds.

With the closeness and comfort felt between these groups of people, the phenomenon of “international living” is natural in this Euregion, as many of the Dutch and Belgian police officials explained. One Dutch police commander remarked:

The smallest part of Limburg is six or seven kilometres across, so, my daughter is shopping in Belgium and in Germany, and the Germans get gas from The Netherlands because it’s cheaper. So, normally it is culture; you can drive to the different countries and don’t realize that “Now I’m in Germany,” or “Now I’m in Belgium.” (Dutch Police Commander, Interviewee 32)

This phenomenon also permeates the professional realm, since several officials explained that they live in one country, and commute to work in a neighbouring country (see also Marenin, 2010:35).

The closeness felt between the officials in these three countries is even reflected in the precise terminology that they use. In many of the interviews, the term “cross-border” was used instead of the term “international” in reference to the cooperation under study. Two Belgian officials—in separate interviews—essentially explained the distinction as follows:

“Cross-border” is with your neighbour countries, [whereas] “international” is with the whole world. (Belgian Police Commander, Interviewee 36)

The closeness/kinship that is felt between these officials manifests on several levels, and is special enough to warrant the use of specific terminology so as to distinguish the cooperation that occurs within the Euregion from the cooperation that takes place with countries abroad.

6.2.1.2. Common Criminal Justice System Values

In addition to the more basic and deep-rooted similarities between the three countries, one official pointed to the shared criminal justice system values within the three
countries as also contributing to the distinct identity felt by the police and justice officials within the Meuse–Rhine Euregion:

And, with [the centuries of history and closeness between the people in the Euregion] as a starting point... the values in our more tight professional criminal justice system—the judiciary, and the police—are also similar—nearly the same—despite the differences in the regulations and provisions/the system/the states of law for all the three... For example, the independent judiciary, prosecution, and police have similar approaches. So, we share, even in the tighter professional level we have, nearly the same values. So, it results in a high [i.e., strong] identity in the Meuse–Rhine Euregion. There's more identity between the three different parts of the Euregion than there is identity between Aachen and Berlin, Liège and Brussels, Maastricht and The Hague. (Belgian Prosecutor, Interviewee 2)

This is a significant point to keep in mind, since it helps explain some of the inter-agency organizational behavior that occurs within the context of international police and judicial cooperation in the Meuse–Rhine Euregion. Although this will be discussed in greater detail below, it should be becoming clear to readers that many of the officials in this Euregion belong to a “tight-knit” elite group of specialists that transcends borders, because of the many similarities (common history, common values, common languages, etc.) that these officials share.

6.2.1.3. Common Influx of Immigrants

The immigration dimension is an issue that cannot be ignored, since Belgium, The Netherlands, and Germany are both transit and destination countries for serious transnational organized crime. While it is important to acknowledge that, naturally, not all immigrants are engaged in serious transnational organized crime, the officials routinely reported that many of the organized crime groups operative within the Meuse–Rhine Euregion are from foreign countries such as Morocco, Turkey, Albania, Lithuania, and Poland. One Dutch prosecutor explained:

Everybody—every politician and every citizen in this region—reads about cases, for example, that somebody is robbed in their own house, for example, from Lithuania, because some tracks showed that they came from Lithuania. Having opened our internal borders between 27 countries, the reality is that 27 different nations can walk around in Europe now and can have free access. That is the whole idea of the European Union. European citizens can travel without any limitations within this Union. This has brought the reality that criminals from the east side of Europe commit crimes in the west side, from the south side
to the north side. People from the poor European countries will go to where there is money. We have big social differences in Europe still—in the east, the former Soviet Union—those countries have a totally different income than people here. So, if you want to get good, nice cars, or nice flat-screen televisions, there will be more here \[i.e., in The Netherlands\], than in their own country. So, all this kind of migration is going on. (Dutch Prosecutor, Interviewee 39)

In another interview, one German prosecutor commented:

It’s a big problem, I think, in all three of our countries, and, it is also a problem in the region, because of the fact that, here in the region, you have free access \[i.e., no controlled borders\], and there are blocks of immigrants. I think, in this region, it is people from Morocco, Turkey... In another region, in Belgium, it is, of course, from Congo, and other parts of The Netherlands. I think that this region is not as problematic as other regions in The Netherlands and Belgium, but it is problematic enough. You see it with the drug-dealers, or with their helpers—the so-called “drug-runners”—the people who speak—who try to do the same as the people outside the bars—to get persons in—to attract them to drink. Now here, they attract them to take drugs, and these drug-runners are mostly recruited from the Western \[part\] of The Netherlands—in Rotterdam—[that] region—and they are mostly \[of\] Moroccan origin. So, I think, if this is the background of your question, there are problems connected with immigration, but I think you have it in all three of the countries—the same problems. It might be that, here in Maastricht—on the Dutch side of those three borders—the problems are bigger than on the German and Belgian sides, but that also has to do with the very liberal legislation on drugs in The Netherlands. In general, all three countries have problems with immigrants. \[Specifically\], it is the liberal drug policy in The Netherlands, which makes it worse for The Netherlands than for Belgium and Germany. (German Prosecutor, Interviewee 38)

It is important to note that immigration does not affect international police and judicial cooperation \textit{per se}. Rather, it appears that immigration has an impact on the \textit{type} of serious transnational organized crime that occurs in the Meuse–Rhine Euregion, and it is the influx of new crime that may affect international police and judicial cooperation—simply due to the added workload that the new crimes create for the police and justice officials, which in turn impacts capacity.

It is also important to add that immigration is not the only issue that the officials are dealing with, in the formal sense of the term. As discussed in Chapter 3 above, the police and justice officials in the Meuse–Rhine Euregion are also dealing with the phenomena of “drug tourism,” “sex tourism,” and organized home burglaries, wherein the customers/offenders travel from neighbouring countries into the Euregion, and then return home.
Clearly, these transient offenders—whom the police and justice officials term “itinerant offenders”—also pose problems.

6.2.1.4. Common Problems: Serious Transnational Organized Crime

In addition to sharing “one culture,” common languages, and common values, the police and justice officials in the Meuse–Rhine Euregion also face the common problem of serious transnational organized crime. The police and justice officials confirmed the prevalence of this type of crime. One Dutch police commander explained the situation powerfully, with very few words:

We work together the most with Aachen, Eupen, Liège, and Hasselt. So, in about 8 out of 10 investigations, we are working with our colleagues from abroad. (Dutch Police Commander, Interviewee 23)

In another interview, one Belgian police commander stated:

You don’t have a day here without an international contact. (Belgian Police Commander, Interviewee 21)

The four main types of serious transnational organized crime that were reported by the officials as being the most prevalent/problematic in the Euregion were: drug trafficking, human trafficking/prostitution, home burglaries, and stolen vehicle trafficking. The other types of serious transnational organized crime that received mention were tax evasion and terrorism. Since the first four main crime types mentioned above demand the most international police and judicial cooperation in the Euregion, it is necessary to present the interview data relating to each of these crime types below.

6.2.1.4.1. Drug Trafficking in the Meuse–Rhine Euregion

There was consensus among the interviewees that drug trafficking is undoubtedly the most prevalent and pressing crime concern in the Meuse–Rhine Euregion. The main reason for this is because of the lenient drug policy in The Netherlands. One Belgian prosecutor stated:

For example, look at [the Dutch] using cannabis. In The Netherlands, it’s a human right [laughter]. So, this of course brings conflicts towards Belgium and Germany, where it is a crime! [Emphasis in original] (Belgian Prosecutor, Interviewee 2)
This lenient drug policy attracts drug producers, organized crime groups, and drug tourists into The Netherlands, many of whom take their business and drug purchases out of The Netherlands into the neighboring countries. The implication of this situation is that, more often than not, when there are cases of drug trafficking in the Meuse–Rhine Euregion, the countries concerned often consider engaging in international police and judicial cooperation with The Netherlands.

The differences in drug policy between the three countries also have implications for the configuration/ease of international police and judicial cooperation in the region. In one interview, two Belgian police officers described how international police and judicial cooperation for the purpose of drug trafficking usually occurs between The Netherlands and Belgium—due to the widely divergent drug policies. In other words, the differing drug policies between these two countries encourage transnational organized crime between the two countries. In contrast, Belgium and Germany have similar drug policies (i.e., strict drug law enforcement), which has meant that the cooperation between Belgium and Germany not only occurs less often between these two countries, but when it does occur, it is easier in this regard (due to the similar drug policies).

The nature of serious transnational organized crime in the Meuse–Rhine Euregion can be particularly extreme, as characterized by belligerent offenders. One Belgian prosecutor described the latest phenomenon with respect to drug trafficking in the Meuse–Rhine Euregion:

We have a new phenomenon now. We call it “go fast.” It is drug trafficking from The Netherlands all the way down to Spain with three cars. The first car is usually driven by a female with a cell phone, and she will warn the second car—in which the drugs are placed—whether there are police controls, or not. The third car contains men with guns who will intervene if the drug car is apprehended by the police; [the criminals] will just drive by and shoot everyone [including the police].

The Belgian police once tried to capture them, but our police cars are limited to 230 kilometres an hour, while the criminals’ cars are very fast and expensive—Audis, and Mercedes, and stuff like that—which go 300 kilometres an hour. So, even if you want to stop them, you can’t follow them. (Belgian Prosecutor, Interviewee 15)

Several additional case examples were provided by the interviewees to demonstrate the extreme (and almost unstoppable) nature of serious transnational organized crime in the
Meuse–Rhine Euregion. Serious crime like this demands international police and judicial cooperation.

6.2.1.4.2. Human Trafficking in the Meuse–Rhine Euregion

Human trafficking for the purpose of prostitution is the second most prevalent serious transnational organized crime type in the Meuse–Rhine Euregion, as reported by the interviewees. This crime type also poses problems, not only for the persons being exploited, but also for the officials involved in international police and judicial cooperation. One Belgian police commander explained:

We did a JIT last year with girls coming from [indiscernible] to Holland. They went to the bars in Germany and Belgium. It was very difficult to investigate because every day, they crossed three or four borders. (Belgian Police Commander, Interviewee 30)

Other officials also spoke about the elusive nature of this crime type. One Belgian prosecutor provided a succinct explanation:

For instance, for human trafficking... that is usually cross-border, because we have a lot of bars or sex clubs in the three countries—brothels. What we see is that someone comes in from Romania or Bulgaria—somewhere from the East—and starts working in one country. After three weeks or one month, they transfer her to The Netherlands, she works there for a few months, then they transfer her to Germany, and then she comes back to Belgium. It goes around [motioning in a circle]. Why do they do that? To elude police, because every once in a while, the police just enter these brothels to see if there are illegal people working there, to make sure that they are not exploited or held there against their will, and for social/financial reasons. We also have people who go there and see if the owners pay taxes and if he is in compliance with the law to pay those taxes, and also to make sure that they have the right working hours, and all that stuff. To circumvent that, they transfer those people around. So, human trafficking is also cross-border. (Belgian Prosecutor, Interviewee 15)

Clearly, international cooperation is necessary to combat this crime type; with constant movement across the borders, the police on all sides of the borders should be aware of what is happening.

Accordingly, the police in the three countries regularly set up “common controls” in the key cities in the Meuse–Rhine Euregion. One Belgian police commander explained the routine as follows:
So, we make—each year—common controls in the prostitution world. Aachen\textsuperscript{56} was the last one [location], with police [officers] from Belgium, The Netherlands, and Germany. So, the Belgian police and the Dutch police are in place, and in control, because there are many girls who are forced to be prostitutes, and they work sometimes in Belgium, and sometimes in The Netherlands. What is interesting is to find out who are the people who exploit them—the pimps. The next [joint control] will be in Liège. It will be a great control on a street where prostitution is practiced, and German and Dutch police officers will come too. We made it in The Netherlands too, with all the three police services. So, [there are] escort services from Belgium which work in The Netherlands. (Belgian Police Commander, Interviewee 35)

The cross-border nature of both serious transnational organized crime and international cooperation was a prominent feature throughout the data.

\textbf{6.2.1.4.3. Home Burglaries in the Meuse–Rhine Euregion}

Organized home burglaries is another major problem in the Meuse–Rhine Euregion. Essentially, organized criminal groups from Eastern Europe (\textit{i.e.}, Lithuania, Romania, Macedonia, and Albania), travel to the Meuse–Rhine Euregion and break into residential houses in search of expensive goods to steal and take back to their country of origin to sell. One Belgian police commander explained the nature of this elusive crime:

\begin{quote}
There are gangs of burglars—mostly from Romania—they work at night, and they do this region, always within one or two miles from a highway exit, and in the morning, in 10 minutes, they are in another country, so it is always a problem. We can follow them over the border—it’s allowed by the \textit{Schengen Agreement}—so we can follow them, but… when they do a crime in the city, and a police car sees someone half an hour later, they can’t chase them over the border. (Belgian Police Commander, Interviewee 30)
\end{quote}

Moreover, these organized criminal groups commit many home burglaries in one night, and often travel from one city to the next in the Meuse–Rhine Euregion. One Dutch prosecutor explained the extent of the problem:

\begin{quote}
I have [heard] some discussions about the word “severe” in the past—if the case was severe enough to have a “real” cross-border investigation. And then [someone] said, “breaking and entering 300 times is severe.” We’ve had cases like that—where one group of Albanian people have done 300 to 400 “break and enters” of houses in two months. They have 10 or 12 houses done—sometimes [per] night—half an hour in a house… So, that is severe. So, if they’ve broken in
\end{quote}

\textsuperscript{56} Indeed, Aachen has its very own “Red Light District” located near Aachen’s city centre.
300 times, and they have stolen 200,000 Euros worth of goods, then, that is severe. So, severe and organized cases will be cases we will look at. (Dutch Prosecutor, Interviewee 39)

Once the organized criminal group evades the police, they may leave the Meuse–Rhine Euregion for a few weeks, months, or years, which obviously makes it very difficult for the police to apprehend such criminals.

### 6.2.1.4.4. Stolen Vehicle Trafficking in the Meuse–Rhine Euregion

The fourth crime type mentioned as problematic in the Meuse–Rhine Euregion—in about one third of the interviews, spanning all three countries—was stolen vehicle trafficking. It is interesting that this crime type surfaced in the data, because as will be discussed below, it is not one of the "top three" crime fighting priorities in the Meuse–Rhine Euregion. Nevertheless, Liège emerged as a “hot spot” for this crime type, as revealed in one interview:

**Interviewee 22:** We had some information... about some vehicles/cars—BMWs, Mercedes—very luxury cars—that disappeared in Liège. You must know that in Liège... about 2,500 cars... disappeared in one year—they were stolen.

**Interviewer:** Which year?

**Interviewee 22:** Last year for instance. On average, 2,500 vehicles are stolen each year in the judicial district of Liège. And, we had some information... that some people were involved in exporting these vehicles to Germany. So, basic information. And, the other information said that some vehicles were stolen... in Liège—they were shipped to Germany, then... [got] some other papers—the insurance papers and registration. They changed the VINs and the cars go through Hamburg—a city in the northern part of Germany—and they are shipped to Africa and some other countries.

While Liège is a “hot spot” for vehicle theft, perhaps because of the major European cross-roads that run through Liège, this crime type also occurs in The Netherlands and Germany as well.

### 6.2.1.4.5. A Matter of Life and Death: Officer Safety Issues

It is important to note that international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion is not just about protecting the public. It is also an officer safety issue. This is how one interview with the police in South Limburg began:
Interviewee 33: One of my colleagues was shot down... yesterday by a terrorist group. It was a good colleague of mine. He was shot down by [terrorist group]... When they were next to the suspect, they didn’t know that it was, of course, a terrorist group, and there was a kind of protection team, and when they saw my colleague, they didn’t take any chance, and they came and just shot him... So, he received two bullets and he was dead.

Interviewee 32: This is the second colleague this week. Another colleague was shot in Belgium. So, you see, we lost two good colleagues... This is also one of the reasons why we are working together. [The Meuse–Rhine Euregion] is a small geographic area, as you know. It [encompasses] the smallest part of Limburg—it is only five or six kilometres (across). So, that is the main reason why we are working together.

When viewed in this stark light, it is clear that international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion is truly a matter of life and death.

6.2.1.4.6. “Criminals Don’t Have Borders”

Many of the police and justice officials commented that “criminals don’t have borders.” One Belgian police commander elaborated on this observation as follows:

Never forget that there is international cooperation between all of the criminal groups, and they don’t have problems with borders, and they don’t have problems with the law. They don’t have problems because... they don’t care. So, they are still one or two steps [ahead of us], and that is our major challenge—to stay just behind them. You [can’t] let them take some distance. You have to be close to them. That is the real challenge. (Belgian Police Commander, Interviewee 21)

It is not only the police and justice officials who are sensitive to this issue. The public, politicians, and governmental organizations are aware of this problem as well, since this problem receives a great deal of attention by way of the news media, and also by virtue of such bodies as the European Union, the European Parliament, the Council of the European Union, the European Board of the Ministers of Justice, and the European Board of the Ministers of the Interior.

6.2.1.4.7. Dark Figures: No Statistics for Serious Transnational Organized Crime

While there was consensus among the police and justice officials that there are a number of serious transnational organized crime problems in the Meuse–Rhine Euregion, there was also consensus that no statistics exist regarding the extent of serious
transnational organized crime in quantitative terms. This finding was consistent with the literature review, which was quite conclusive on the subject of comparing crime rates in Europe. Recall that the literature revealed that it is very difficult to compare national statistics on crime rates between countries in Europe because there are many differences in how the crime data are generated—differences with respect to: crime definitions, whether the police are obligated to investigate, whether/how the police will record the incident in their records management systems, the definition of “clearance rate,” etcetera (see Tavares et al., 2012:2). Some researchers even argue that: “…detection rates as presented in country statistics cannot be compared” (Smit, Meijner, & Groen, 2004:243).

The police and justice officials recounted many of these same reasons. First, the officials explained that there are differing definitions for various crime types. One Belgian police commander explained that different crime definitions complicate the comparison of crime data from the three different countries:

If you have a theft in a house in Belgium, it’s not the same as a theft in a house in Germany, because in Belgium, the house—there is a definition—it is also the cellar, it is also the little house in the garden—it is all part of the house. Not in Germany. In Germany, [a house is defined as the space] only where people live—the rooms where you live. So, you see, there are many difficulties to compare it. What we see, when we compare the different statistics between the three countries, is the evolution [i.e., crime trend]. The evolution is the same in Germany, The Netherlands, and Belgium. If [the crime trend] goes higher with thefts, then it also goes higher in Germany, but you can’t compare the statistics between the three countries. That is really a big problem, and we are searching for a solution for this, but until now, we have not found it… (Belgian Police Commander, Interviewee 35)

Due to the differences between the countries, such problems are understandable. Accordingly, there have been some preliminary efforts in recent years to begin standardizing crime statistics across Europe to facilitate the drawing of comparisons.

Second, there are differing definitions of the term “conviction rate.” This problem is very similar to the problem mentioned immediately above. As another Belgian police commander explained:

There is not one definition of “conviction rate” between all three countries… If you begin with conviction rates—statistics and so on—you will have a big problem, because the definitions are not the same. In Belgium, we have a successful conviction when we know all of the criminals that participated in the case, we arrested at least one of them,
then we can say for us, that this [gets counted] as a “conviction.” In Germany, you only have to think you know the authors of a crime, well, not only think, but you have to have some indications about the authors, and then for you, the job is not done, the police officers will search to arrest them, but in that case, it will [get counted] in the conviction rate. You know? So, we [in Belgium] have to know all the authors and at least to have arrested one of them, whereas our German colleagues, statistically can say “This crime is okay for us” when they think they know who did it. So, you have conviction rates—I can tell you—you have conviction rates for 12 people in Belgium, and for the same criminal category, you’ll have 5 persons in Germany—but you can’t compare it. (Belgian Police Commander, Interviewee 36)

Conviction rates are a core attribute of crime data. Clearly, a lack of consensus in this regard complicates the comparison of crime data.

Third, there are differing definitions of the term “organized crime.” For example, one Belgian prosecutor explained the two different types of “organized crime” definitions in the Belgian Penal Code:

**Interviewee 4:** Perhaps, I don’t know if you have the time, but perhaps it’s quite important to have a view of the statistics of the files of organized crime in the Euregion.57

**Interviewer:** Where would I get that from?

**Interviewee 4:** We, first of all, have to agree on the definition of “organized crime.”

**Interviewer:** Yes—exactly—that’s a big problem.

**Interviewee 4:** Yes. That’s the biggest one. It’s even a problem of agreement between Belgium and The Netherlands, and between Belgium, The Netherlands, and Germany. It was a very long discussion to obtain a common definition of “organized crime.” Therefore, we rely on the university studies...

**Interviewer:** Even the definitions between the practitioners and the university are different too. It’s not just among the players in the Euregion.

**Interviewee 4:** Yes. As you know, in Belgium, we have two definitions—as we are prosecuting two types of crimes. We have what is called “criminal organization,” which is a very high level of crime [Section 324.1 of the Belgian Penal Code].

57 The police and justice files concerning serious transnational organized crime in the Meuse–Rhine Euregion are written in Dutch, French, and German, and stored in police and justice databases. As such, these files were not available for analysis for the purpose of this study. Moreover, these files have not been analyzed by anyone to date, so such statistics do not yet exist.
And then we have something intermediary… In Dutch, we call it “bende forming.” In French, we call it “association de malfaiteur” [Sections 322 and 323 of the Belgian Penal Code].

**Interviewer:** Criminal associations? Like gangs?

**Interviewee 4:** Yes, something like that. Gangs—yes… So, it depends. If you use the one, or the other definition, you see the statistics are very different…

It’s very difficult, first, to use the same definition, and then second, to obtain the data… So… in Belgium especially, and also with The Netherlands, we are talking of different things…

This interviewee went on to explain that, sometimes, at the beginning of an inquiry, the exact nature of the criminal group may be unknown, and as such, the justice officials choose one of the definitions, gather the evidence, and if there is enough proof, then a criminal group may be prosecuted as a “criminal organization.” Clearly, there are several definitions of the term “organized crime” across the different national and international laws, and these differences further complicate efforts at generating statistics regarding serious transnational organized crime.

Fourth, there is not enough police capacity to determine the Euregional crime picture. The following data excerpt neatly underscores this point:

**Interviewer:** So, no researchers are looking at that? Is that the problem? You don’t have enough criminologists here doing that kind of research to give you an idea of what exactly is going on crime-wise?

**Interviewee 39:** There’s not enough police capacity here.

This lack of basic statistical knowledge regarding the crime “picture” is a pity, because considering the sophistication of police databases—many of which boast the ability to collect information on multiple variables—and the extent of the serious transnational organized crime problem in the Meuse–Rhine Euregion as reported by the police and justice officials, data should be collected in this regard for the purpose of benchmarking, planning, crime reduction, and program evaluation.

**The Quantitative Compromise: The Juxtaposition of Crime Data**

In conclusion, the crime analysts in the Meuse–Rhine Euregion have pieced together an “image of criminality” in the Euregion for the police and justice officials by juxtaposing the key comparable “regular” crime data of the three countries, to establish trends. Specifically, Figures 6.1 to 6.3 below present the crime rate data concerning three
Figure 6.1. Bar Graph of All Illegal Drug Crime Rate Data\textsuperscript{58} for the Meuse–Rhine Euregion from 2005 to 2010


\textsuperscript{58} This crime data includes illegal drug possession, selling, using, import/export, production, and growing.
Figure 6.2. Bar Graph of Home Burglary Crime Rate Data for the Meuse–Rhine Euregion from 2005 to 2010

Figure 6.3. Bar Graph of Car Theft Crime Rate Data for the Meuse–Rhine Euregion from 2005 to 2010

of the top crime-fighting priorities for international police and judicial cooperation in the Meuse–Rhine Euregion (i.e., drug crime, home burglaries, and car theft), for the years 2005 to 2010. No quantitative data were available with respect to human smuggling due to the transnational nature of this crime type. To this end, one Belgian prosecutor commented:

We do have analysts that analyze problems/crime, and they share that information with one another—cross-border—and on that basis, we actually decide, but it is not a database. It is just, I have an Excel file on my computer, I’ll send it to you, and you will send me yours, and we compare, and okay... It is something that takes a lot of work—it is not done automatically—you always have to do it manually. And, I think that if you have [a joint] database, it would be easier. (Belgian Prosecutor, Interviewee 15)

In another interview, two Belgian police commanders provided more information as to how the analysts piece together the crime picture, while also commenting on the additional problems of displacement and performance measurement issues (i.e., outputs versus outcomes):

**Interviewee 36**: Every year, our analysts come together between the three countries, and we give them work to do. It is to give us a photography [i.e., research picture] of the criminality in the Euregion on eight different types of crime—drugs, thefts, car thefts, and so on. And they try to take the databases, and to clean them, so we take as much out of it as possible to make it comparable. But, it is still not, because otherwise, you would have to go back to each police report to see, and that is not possible. So, we cleaned most of them, and then we made a “gentlemen’s agreement” between the police chiefs of the three countries, that we work on [trying to determine] the evolution of crimes, but not on the number of crimes. We do not look [to see] if there are 100 thefts in Belgium, and 200 thefts in Germany. We look at the evolution [i.e., trends] since last year.

And, we can see two things. We see, in some kinds of categories, that the trends are the same. For instance, house thefts [burglaries] are the same. And, we can see that the trend is going higher in the three countries last year, and we can also see that this trend—this evolution—is stronger in our Euregion than in the rest of our country. So, the Meuse–Rhine Euregion, for house thefts, has the same evolution, and if you compare the Belgian part of the Euregion to the rest of Belgium, you will see that our evolution is stronger, and it is the same in Germany. In the German part of the Euregion, their increase [in house thefts] is stronger than in the rest of Germany. So you see?

We have another thing that we saw [i.e., when examining the crime trends in the Euregion], and that is, if in one country you have an action—if you take, for instance, drugs—plantations of cannabis—when
you have a real strong action in The Netherlands against this, you'll see those plantations come to Belgium and Germany.

**Interviewer:** It gets displaced.

**Interviewee 35:** It's the "waterbed effect."

**Interviewee 36:** So, you have those two considerations. For a lot of things, the trends are the same, but be careful: if you take an action in one part of the Euregion, this [action] will have consequences for your neighbours...

**Interviewee 35:** Now, you must also know that, for the drug problem, you cannot say... if you see the number of [drug crimes], you have more in Belgium than in The Netherlands, and that is not logical, because in Belgium, there are more operations against drugs than in The Netherlands. In The Netherlands, it is another culture about drugs, and they work on it, but not in the same way like we do in Belgium or in Germany. If you see the statistics, you will see that in The Netherlands, [drug crime] is lower than in Belgium and Germany, and that is not normal—it is more a police activity report [*i.e.*, outputs vs. outcomes]—the statistics about drugs.

**Interviewee 36:** If you have more controls of police, you will have more drugs found.

**Interviewer:** Exactly. The more you search for it, the more you will find.

Juxtaposing the “regular” crime rate datasets is as close as the crime analysts in the Meuse–Rhine Euregion have managed to get with respect to quantifying the problem of serious transnational organized crime in the Euregion. While this is admittedly not ideal, since the officials are not working with serious transnational organized crime data, they are doing their best with the currently available data.

**The Qualitative Compromise: The “Modus Operandi” Database**

It should be noted that, in addition to comparing crime statistics, the police officials in the Euregion have developed a “Modus Operandi” database, which allows the officials in the three countries to compare crime data in a qualitative manner, as per the modi operandi, but with de-personalized information, since there is no treaty that explicitly allows the three countries to have a fully-fledged joint crime database at the present time. One Belgian police commander explained:

There exists police analysts in the three countries of [the] Euregio. They work together, for example, in the collection of the relative data... to make it possible to develop an image of this criminality in [the] Euregio. They are based only for that, [and only use] factual and de-personalized data. It is... [a Euregional database] [aimed at] tactics
While the situation is far from ideal, this is yet another example of how the police officials in the region are managing—quite creatively—with the limited resources available to them.

6.2.1.5. **International Police and Judicial Cooperation in the Meuse–Rhine Euregion Even Before Schengen**

Many of the police and justice officials from the three countries attested that they have been working together since even before the *Schengen Agreement* was signed.

One Belgian prosecutor explained the situation:

> It is also because it is not going from top to bottom. Here, we are talking about it, and it is not some chief far away in Brussels who says, “[You] have to work together with your colleagues.” We saw that we have to work together. We were forced to work together because of the types of crimes that we have. Then we had no choice—we need to work together. It is not someone from far away who says, "Okay, now you and you have to sit around a table and you have to work together”… Belgium is so small—it's only 200 kilometres from one side to the other. It is almost on a daily basis that we need to ask for mutual legal assistance in another country. It is such a small country. And I think for The Netherlands, it’s the same. So, we are forced to work together. I think that is [where] the initiative comes from. We need each other. (Belgian Prosecutor, Interviewee 13)

In a separate interview, one Belgian police commander echoed these facts:

> But if you have a situation as you have here, where you have Aachen, Liège, Maastricht, Hasselt—you have four million people living here in a small area, so, you have needs to work together. (Belgian Police Commander, Interviewee 36)

In yet another interview, a Dutch police commander remarked as follows:

> Within five minutes, you’re in Germany. And if you go to the left [*i.e.*, west], within five minutes, you’re in Belgium. So, we have to work together. I think you’ve seen a map [of the Euregion].

> [The Netherlands] is a small country, and it is a transit country for illegal drugs. We have harbours, we have an airport, and it is very easy for criminals to get in and out of the country. (Dutch Police Commander, Interviewee 28)

As presented by the interviewees, this type of situation is very interesting, because it forced the police and justice officials in the Euregion to rely on their ingenuity in terms of
finding ways to cooperate even before the implementation of the *Schengen Agreement*, which in turn, served to strengthen the bonds between these officials.

### 6.2.1.6. Case Examples of International Police and Judicial Cooperation in the Meuse–Rhine Euregion

Upon the analysis of the interview data, it became clear that although some cases of international police and judicial cooperation involve all three countries in the Euregion, most cases appear\(^{59}\) to be bi-lateral, either between: (1) Belgium and The Netherlands, (2) The Netherlands and Germany, or (3) Belgium and Germany. Accordingly, it is important to raise two points. First, there were many observations that international police and judicial cooperation takes on a different “feel” according to the countries involved. In the words of one Belgian prosecutor:

> There is a great difference between the cooperation with The Netherlands [and Belgium], and then with Germany [and Belgium]. It’s another system. (Belgian Prosecutor, Interviewee 24)

Specifically, many Belgian and German officials commented that, on the one hand, cases of international police and judicial cooperation between Belgium and Germany generally proceed “smoothly,” since the two countries share similar ideologies and legal policies. On the other hand, these officials explained that cases of cooperation involving The Netherlands are, generally speaking, “difficult,” due to the differences between the justice systems and laws.

Second, it became clear that The Netherlands is usually at the “center of the action,” both figuratively and literally speaking, primarily because of their lax drug policies, which function to attract/foster/create criminality, and in turn, generate pressure from Belgium and Germany upon The Netherlands to cooperate in bringing cases to justice. One Dutch prosecutor explained:

> The Dutch police in this region are asked very much for help—by far, the most, we are asked. And, by ourselves, we ask a lot less, and that has to do with the crime picture, and the geography. The Netherlands is located in the center of this region, so we have crime [leaving the country] in every direction. So, it’s simple: you have everybody as a neighbour, but the others only have one country as a

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\(^{59}\) This, of course, is a research judgment based on the analysis of the interview data alone—without the benefit of triangulation (*i.e.*, through the quantitative analysis of a random sample of actual case files).
neighbour, except Eupen, which also has three countries. We have German colleagues, and Belgian colleagues—which includes French-speaking Belgian colleagues, German-speaking Belgian colleagues, and Dutch-speaking Belgian colleagues. So, the geography is one problem.

The second problem is that the Dutch are the sellers of drugs in this region. So, if anybody catches—in his country—two kilograms of cocaine or whatever, coming into Belgium, France, Luxembourg, and [the drug purchaser] will say, "I bought it in Maastricht," then, you have a case with The Netherlands. Then, The Netherlands will get a request for assistance in the case, to find the seller. So, given the weight that drug trafficking is organized—where The Netherlands are selling and the other countries are buyers—we get a lot of incoming requests for assistance. And, the requests are more than we can handle, so we have to say, "No." And sometimes, we have said "No" to cases where I thought it was good for us to cooperate.

I understand that we don’t have the capacity to do all the cases, but sometimes, I think the choices are not too good. I will give you an example. If we try to find in Maastricht a Dutch man who sold two kilograms of heroin, and we get information from Germany that says that they found [a] man who brought 15 kilograms of heroin, then, we say "No" to Germany, which had a case of 15 kilograms of heroin, but we proceed to investigate the case concerning two kilograms of heroin. That can happen because we already started the case on that guy, and we are halfway [through it] now. So, that is one of the most important points of tension in this Euregion—the point of capacity. So, I confirm that as a problem. (Dutch Prosecutor, Interviewee 39)

This is an interesting situation, because in many cases, the Dutch are essentially facing pressure from both of their neighbouring countries to cooperate, which in turn creates police capacity problems. This will be discussed at length in Chapter 8 below.

The police and justice officials cited numerous case examples of international cooperation in the Meuse–Rhine Euregion. The highlights of this dataset are presented below to further acquaint readers with the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion.

6.2.1.6.1. International Police and Judicial Cooperation between Belgium and The Netherlands

The Belgian officials made references to cases of international police and judicial cooperation between Belgium and The Netherlands. As one would expect, these examples of international police and judicial cooperation concerned cases of drug trafficking and human trafficking. One Belgian prosecutor provided some insight into one such case:
We had one case, where we also had a Joint Investigation Team, and it was for human trafficking. It all started here in [Belgium], but we had very specific information about the lines coming from, something like Eastern Europe, to Maastricht, and to Belgium. We here had all the information, and we took it to the meeting in Maastricht, and we said to the Dutch colleagues, “Here, we have very detailed information about human trafficking, and it is interesting for you because we have names, addresses, and everything very specific.” And then, it was a juge d’instruction from Belgium and a Dutch prosecutor who said, “Well, we are going to start a Joint Investigation Team, so that the Belgian and Dutch police officers work together very, very closely.” In the end, it resulted in a conviction in The Netherlands, and I think that last week, also in Belgium, we had also very good cooperation, so that was an excellent case of cooperation. (Belgian Prosecutor, Interviewee 13)

Such remarks about cases of international police and judicial cooperation between Belgium and The Netherlands were typical. Many officials spoke about how the Belgians and the Dutch work together very closely, and achieve great success together through international cooperation. In contrast, some of the officials also spoke about some cases that did not proceed as well. These cases are presented immediately below.

**Cases Gone Bad**

It is important to learn about some of the cases that ended relatively poorly, to further establish what has been happening in the Meuse–Rhine Euregion. In this spirit, some of the Belgian officials recounted some of the “cases gone bad” between Belgium and The Netherlands. Two such case examples are provided here. The first case example showcases the stark difference in “mentality” between the Belgian and Dutch officials, which has caused some problems. One Belgian prosecutor explained:

**Interviewee 6:** For example, in The Netherlands, there was a murder—a man killed his wife—and the killer came to Belgium to bury his wife. After[ward], he took his wife through The Netherlands, but the police of The Netherlands wanted to come to Belgium to make an investigation and reconstitute the process. So, the Dutch police came to Belgium without any permission or demand/request.

**Interviewer:** When was this?

**Interviewee 6:** I think two years ago [i.e., approximately 2008].

We found out about the problem because the cars of the Dutch police were going to the forest, it was raining, and they stopped [i.e., they got stuck in the mud]. So, they had to ask for help and the Belgian police had to come.

This is one example that I can give you. Something like that would be impossible for us [i.e., Belgian authorities] to do in The Netherlands—
we would ask before, and we would have to be accompanied/guided by the Dutch police if we have to go in The Netherlands. It’s a difference of mentality.

Interviewer: So, does this kind of behavior on the part of the Dutch... do they still do this?

Interviewee 6: No. For me, that is the only case that I know of, but it is very surprising for us. Sometimes, the Dutch forget that there is a border that they have to go through. That is an example.

This is a very interesting case example, because it shows: (1) the great desire and eagerness on the part of the Dutch officials to engage in cross-border activities when cases concern Dutch priorities, and (2) the fact that the Belgian officials do not forget past hurts. These are two major themes that recur throughout the data.

The second case example shows how differences in mentality between the Belgians and the Dutch can actually give rise to serious officer safety issues. In the words of one Belgian Examining Magistrate:

Interviewee 7: We had a case involving an international drug organization where we had a lot of telephone interception of telephone calls. At a certain point, through these telephone interceptions, we learned that other criminal activities were taking place in another country... This was very delicate information because if the suspects would find out that the police force was aware of these criminal activities in [this one foreign country], of course it was only possible that the police would have known this by tapping their telephones. So, we decided not to intervene, and to let the criminal activities in [this one foreign country] take place, and not to worry about the activities there, but the Dutch police force decided that the activities in [this one foreign country] were too serious, and they—without consenting us—decided to go to the suspects, and to ask them to stop the activities in [this one foreign country], which, of course you can understand, was a very delicate investigation. It seriously obstructed our investigation. The Dutch did it without consenting us up front.

So, this is one thing, but if you have an investigation going on, using undercover agents and things like that, you can understand that it’s getting more and more delicate, because the police are putting their lives on the line, and if you go and spread out information to the criminal organization, then we in Belgium had a serious problem with that, because we had undercover agents in the [criminal] organization, and we were not happy with the Dutch having done that without us knowing in advance.

Interviewer: When did that happen?

Interviewee 7: It happened quite recently. I believe only... 2009...

Interviewer: And how does this kind of an incident affect cooperation? How does it make you feel?
Interviewee 7: I can assure you that I had a very long telephone call... with my colleague in Holland to express my feelings—that I was not happy with this situation—because the next day, we had our undercover agents who had to go into the [criminal] organization again. So, I had a serious problem at that time—I was not sure whether the safety of those undercover agents was still guaranteed. By leaking or spreading information, the Dutch in fact jeopardized our undercover agents in this specific case. And it was not a friendly call...

This is the difference... and I don’t blame my colleague in Holland—a public prosecutor there—but as I understood, the decision to do so, which caused the incident, was made by the police force, in fact—by very high-ranking police officers in Holland, who decided to do so. Even when the public prosecutor didn’t agree with that... at least that’s what he told me.

So, this is normally not something that can happen in Belgium. In Belgium, police forces are under the authority of judicial forces. As I learned from this incident, that is not always the case apparently in Holland, where the police sometimes decide to do things, even going against their own magistrate’s decision. I am not sure whether that is the case, or a general case, but in this case, I experienced it. The public prosecutor assured me that it happened outside of his will, and it was a decision made by the police force in fact.

So, what was the effect on our cooperation, long-term? I learned that when I have an understanding with my colleagues in Holland—magistrates—they cannot always guarantee that these agreements will be followed—these things that they promise—because maybe someone behind them makes another decision that is not possible in Belgium. If I make an agreement with my Dutch colleagues, I can stand for that, and I can assure them that it will be like that, but apparently in Holland, that is not always the case. That is something, which of course, very gravely damages cooperation. If you have incidents like that once, then you learn lessons from it, of course.

Again, this case example underscores the great willingness of the Dutch to engage in international activities, and that the Belgians remain acutely aware of previous negative incidents involving international cooperation with the Dutch. Interestingly, increased coordination and communication between the Dutch and Belgian forces could have prevented this officer safety issue from manifesting.

6.2.1.6.2. International Police and Judicial Cooperation between The Netherlands and Germany

While there were no actual “good” or “bad” case examples reported in the data with respect to The Netherlands and Germany, there were many indications that international police and judicial cooperation between The Netherlands and Germany occurs frequently. As one research participant stated:
I have worked very often and intensely with The Netherlands. (German Police Commander, Interviewee 34)

This fact was corroborated by the Dutch officials, who indicated that they often work with the German officials on cases of international cooperation.

6.2.1.6.3. International Police and Judicial Cooperation between Belgium and Germany

With respect to international police and judicial cooperation between Belgium and Germany, the interviewees reported a generally positive review. For example:

**Interviewer:** Is cooperation with Germany okay?

**Interviewee 20:** Yes, cooperation is good. We sometimes have some problems, but normally, it’s good. (Belgian Police Commander, Interviewee 20)

Considering the data collected, this response summarizes the nature of international police and judicial cooperation between Belgium and Germany very well.

One Belgian police commander provided an example of international police cooperation between Belgium and Germany that worked particularly well:

For instance, last year we had a Russian group. They locked themselves in a garage—a Mercedes dealer. At one o’clock in the morning, they stole five new cars. One of the cars was established with a tracking system. It was in Brussels, and in Brussels, they speak French. And they were on the highway—autobahn—in Germany, going 150 kilometres an hour, heading east.

So, the colleague in [Belgium] phoned [EPICC]. [EPICC] phoned Brussels for the tracking system, and they gave [EPICC] access to the system on [the] computer, and [the police officers at EPICC could] see that the car [was] going east.

Then, the German colleague [went] to [EPICC], and said, ”[You] have to phone the police to check [something].” It was the Highway Police in that area, and they had—because there was an accident, [or for some other reason], they had a helicopter—and they made a big show. Within half an hour, they had four out of the five cars... Through the normal procedures, like Interpol, you would never achieve this. (Belgian Police Commander, Interviewee 30)

This was an excellent case example of all the required resources being “at the right place, and at the right time,” as facilitated by EPICC. As aforementioned, international police and judicial cooperation between Belgium and Germany generally proceeds smoothly, because of the similar policies between the two countries.
Cases Gone Bad

Only one case was reported in the data as having gone astray between Belgium and Germany. One examining magistrate from Belgium explained:

For one file regarding stolen vehicles, a German never answered my legal request. It just happened once, but it was important because some person was arrested, and it was urgent, and they never gave us an answer. I don’t know why. It was two years ago. So, I closed the file without an answer. It makes me feel bad. (Belgian Examining Magistrate, Interviewee 18)

This is yet another example of how the Belgian officials remember cases of international cooperation that did not proceed and/or end well. Poor results naturally cause ill feelings. Interestingly, no critical/negative comments whatsoever were raised by the Dutch or the Germans toward the Belgians.

6.2.1.6.4. International Police and Judicial Cooperation between All Three Countries

Only two interviewees provided a case example concerning international police and judicial cooperation between all three countries. Although this occurred in two separate interviews, both interviewees were Belgian police officers, and both referred to the exact same type of event, which was the common police control set up on a routine basis to combat human trafficking for the purpose of prostitution (as already referred to above under subheading 6.2.1.4.2).

6.2.2. The Differences

In addition to sharing similarities, the police and justice officials of the Meuse–Rhine Euregion also experience differences. Indeed, a number of these differences were identified in response to Research Question #1 with respect to the status quo. It is important to note that perceptions/conclusions regarding the differences between the countries are relative; some officials think that there are significant differences between the countries, whereas other officials have a different view. One Dutch police commander explained:

There are differences, but the differences are not as big as, for instance, many people think. (Dutch Police Commander, Interviewee 23)
This is important, because as will be shown in the present and following findings chapters, some of the key points of contention between the three countries can be distilled to arguments over semantics and different perceptions.

6.2.2.1. Different Countries, Different Cultures, Different Languages

The main differences highlighted by some of the police and justice officials were: different countries, different cultures, different languages, and different legal systems. One Belgian prosecutor provided a surprisingly brief response to Research Question #1 that actually spoke to all of these issues:

Each of the three countries has their own interests... The cultures are different—they don’t understand each other very well. The interests are not always the same.
The languages are also different.
And the approach, for example to drugs, is quite different for each country. In Belgium, the legislation for drugs is more repressive than other countries; it’s different.
And to cooperate politically, it’s different.
It doesn’t simplify cooperation because the laws are different. (Belgian Prosecutor, Interviewee 41)

These differences represent only the “tip of the iceberg.” Additional differences were identified by the interviewees in response to Research Questions #2 to #4, and as such, the differences will be discussed further in the remaining findings chapters.


Another core difference between the three countries relates to the overarching legal principles. Specifically, the Belgian and Dutch officials operate according to the “principle of opportunity.” In contrast, the German officials operate according to the “principle of legality.” One Belgian police commander explained the difference between these legal principles:

You also have basic principles that are not the same. Maybe it comes in other questions, but I think it’s very important to know that from the beginning.
To take one of these basic principles, we have, in Belgium and The Netherlands, the “opportunity principle.” So, if we have information, we will speak about it with our prosecutor, and we will
decide if we will do it \textit{i.e.,} conduct a criminal investigation], or not, if we will do it later, with what priority we will give [it], and so on.

The Germans have the “legal principle.” So, if they have information, or if they know that a crime happened, they have to act immediately. You see? So, that means that, if we \textit{i.e., Belgians} get information, we will decide how and when we will work with this information, but for the German people, if they get information, they will do it immediately, and they have no choice to do otherwise. (Belgian Police Commander, Interviewee 36)

These legal principles are somewhat opposed to each other. On the one hand, the German “principle of legality” instructs that all crimes brought to the attention of the police and justice officials must be processed within the criminal justice system. On the other hand, the Belgian and Dutch “principle of opportunity” grants discretion to the police and justice officials, by directing police and justice officials to investigate and prosecute criminal cases depending on whether it is \textit{opportun}e to do so \textit{i.e.,} in terms of time, manpower, and other criminal justice resources). These different legal principles influence the process of international police and judicial cooperation, and can create problems, as will be discussed further in the findings chapters below.

6.2.2.3. Different Criminal Justice Systems

Many of the police and justice officials spoke at length about their own criminal justice system, and how their respective criminal justice system differs from the systems of their cross-border colleagues. Indeed, a basic understanding of the core differences between the three countries’ legal systems is necessary to understand the problems in cross-border cooperation because the arrangements differ across the countries, and these factors, in turn, influence international police and judicial cooperation. Therefore, these data are presented below, beginning with an overview of the Dutch situation, to further acquaint readers with the \textit{status quo} of international police and judicial cooperation in the Meuse–Rhine Euregion.

6.2.2.3.1. Dutch Criminal Justice System

The Dutch criminal justice system is an inquisitorial system that stems from the \textit{Napoleonic Code}. As one German prosecutor put it:

The Dutch have very much adapted French law, but not in the same way as the Belgians did. (German Prosecutor, Interviewee 11)
Indeed, there are differences in both substantive and procedural law between The Netherlands, Belgium, and Germany. The most poignant difference in substantive law between the three countries concerns the approach to soft drugs.

**Lax Drug Laws**

As aforementioned, the Dutch approach to drugs is very “tolerant.” Several of the Belgian officials commented on this fact. The general sentiment among these officials was encapsulated in one statement made by a Belgian police commander:

[The Dutch] were really, really open-minded with drugs. They were not really fighting drug trafficking. (Belgian Police Commander, Interviewee 21)

The tolerance toward soft drugs in The Netherlands has created a situation where certain drug crimes (*i.e.*, soft drugs) are simply not a priority for the Dutch to address. The so-called “Dutch approach” to drug crime (and other forms of serious transnational organized crime) can be explained by a number of factors, including: (1) a lack of police and justice resources in The Netherlands; (2) the cumbersome and highly selective Dutch “Weigh Commission” process; (3) the Dutch police style of working (*i.e.*, on a project basis); and (4) the Dutch “Target Agreements” (*i.e.*, for arrests). Each of these factors is discussed briefly below.

**Lack of Resources**

A lack of police and justice resources in The Netherlands impedes the ability of the Dutch to combat serious transnational organized crime. One Dutch prosecutor readily admitted to the lack of police capacity in The Netherlands:

For the Dutch police, it’s mostly a lack of capacity. That’s the [biggest] Dutch problem for the foreign countries, because when they want to start an investigation, there are [many] police [officers] involved, but then, the MLAs can’t be done, because there is no capacity. That’s the [biggest] complaint from the foreign countries to us—that we have to tell them that, “We don’t have enough police [officers] to do the job.” (Dutch Prosecutor, Interviewee 29)

The interesting point to be made here is that only three Dutch officials commented on the lack of police capacity in The Netherlands. For the most part, the Dutch “situation” was candidly explained by Belgian and German officials—not by the Dutch officials.
Indeed, one German prosecutor clearly explained the extent of the lack of police capacity in The Netherlands:

Interviwee 11: For example, in Holland, traditionally, they have relative to their amount of inhabitants, 25% of the personnel of the German side. Do you know what I mean?

Interviweer: They have a much smaller force?

Interviwee 11: If we have 1,000 inhabitants, and if we have 100 police officers, they only have 25.

Interviweer: That’s a problem.

Interviwee 11: That is a real problem. We can talk a lot about difficulties because of different law systems, a lack of information, and so forth, and so forth, but this structural problem here is mainly, as I see it... a personnel problem. The personnel problem stems from The Netherlands because they do not have very much personnel.

In a separate interview, one Dutch police commander provided a similar example to illustrate the lack of police capacity in The Netherlands:

But we have a problem. Together with Denmark, The Netherlands has less police officers per [100,000] inhabitants. In The Netherlands, we only have 197 police officers per [100,000] inhabitants. For example, Germany has 457 police officers per [100,000] inhabitants. France has almost 600 police officers per [100,000] inhabitants. Luxembourg has about 350 police officers per [100,000] inhabitants. And we have only 197 police officers per [100,000] inhabitants... (Dutch Police Commander, Interviewee 26)

These rough estimates were provided by this Dutch police commander to make the point that the Dutch police are very under-resourced. For the record, the precise police-to-population figures for the three countries are provided in Table 6.1 below.

**Table 6.1: Belgian, German, and Dutch “Police-to-Population” Figures for 2009**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>10,753,080</td>
<td>39,861</td>
<td>371</td>
</tr>
<tr>
<td>Germany</td>
<td>82,002,356</td>
<td>245,752</td>
<td>300</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>16,485,787</td>
<td>36,498</td>
<td>221</td>
</tr>
</tbody>
</table>

*Source: Statistics were extracted from Eurostat (2012a) and Eurostat (2012b) to calculate the proportions.*
Not many figures were available in the course of this research, but these proportions alone clearly illustrate the lack of police resources in The Netherlands.

**Priority Setting: The Dutch “Weigh Commission”**

The lack of resources in The Netherlands has required the Dutch to set priorities with respect to police investigations and judicial case processing. The priority setting procedure in The Netherlands is deeply entrenched and highly formalized. Specifically, in consonance with the “principle of opportunity,” whenever a crime comes to the attention of the Dutch police, and they are considering whether or not resources should be allocated to the investigation of the crime, a “project proposal” for the case gets submitted to a “Weigh Commission.” The Dutch “Weigh Commission” is a governmental decision-making body in The Netherlands that “weighs”/considers: (1) whether the case fits within Dutch crime-fighting priorities, and if so, (2) whether any police and justice resources are available to allocate to the investigation of such a crime, and if yes, (3) when such resources would be allocated, and for how long. One German prosecutor briefly explained the protocol for the Dutch “Weigh Commission” process:

As an example, there is a gang belonging to organized crime, and the Dutch want to prosecute them and bring them behind bars. But now, they have no time—no personnel. So, they first make an exposé of the intelligence that they have in a dossier. These dossiers are sent to the [Dutch] Prosecutor General, and he makes a choice. He says, “You guys in Limburg [South] will do these three cases in three months, this one in three months, this one in four months, and because this one is very difficult, let’s say six months. And you’ll get this amount of money, and you’ll get this amount of personnel.” The General Prosecutor says that. So, they start. And, after three months, if the time is up, and the money is used up, and they have no proof, the case is finished. (German Prosecutor, Interviewee 11)

So, Dutch police investigation teams work on a project basis (*i.e.*, only one project at a time), within set parameters (*i.e.*, time, money, personnel), and if they are unable to complete the project within those parameters, the project is abandoned. This is a rather unusual approach in policing. Usually, police teams work on: (1) multiple projects simultaneously (they cannot “pick and choose” which projects they take; they investigate every incident brought to their attention); and (2) cases until they are finished, regardless of the time, money, and personnel required. These two latter points are true of both the Belgian and German police, but do not apply to the Dutch police.
In a separate interview, two Belgian police commanders elaborated on the Dutch “Weigh Commission” process to explain: (1) how the “Weigh Commission” decides on which Dutch police investigation team shall investigate a case, and (2) how the Dutch situation differs from the Belgian situation:

**Interviewee 9:** [The Dutch] have a commission—a “Weigh Commission”—some commission in Holland that has to weigh [i.e., determine] if this [prospective investigation] is a priority [for Holland]. They have balance like that.

**Interviewer:** They set priorities.

**Interviewee 10:** Yes—that’s good—there’s no problem with that. But, the police officer has to make an entire study of the problem, from the start of the investigation, and it goes to a “Weigh Commission.” The Weigh Commission gives the “go” or “no go.”

In fact, when they give a “go,” it goes to another commission, with an analyst, and so on.

And, when the second commission gives their “go,” they are going to look for some investigation unit—it depends on who is free, or who has time to do it, or who is, maybe, authorized to do it...

So, [the “Weigh Commission” officials] are just looking [through the list of police teams in The Netherlands, and they say]: “Okay, maybe the regional police of Limburg South? No—they have a lot of work. Okay, Limburg North maybe? No—they have a lot of work. Maybe it’s Euregional, [so] let’s look to the EOT. Hmmm, but they have an ongoing investigation for another four months. Okay, not them.” And, they are going to “shop” with their intelligence.

And, if at one time, some units—I don’t know from where—if they have their hands-free, then [the “Weigh Commission” says], “Okay, for four months, you are going to do it with six people, okay, from now on, go, and this is for you”… And, then they appoint one or another police unit to do this investigation. It’s a complete package. [So, the Dutch say] “Here’s the information, here are the results of the “Weigh Commission,” and you will go to do it.”

So, sometimes… we see that sometimes, a couple of months [go by], and sometimes a couple of years [go by]—just between gathering the information and making the decision to start with the investigation—some months are [going by while] they are going over it.

You can’t compare it with the Belgian situation. [In Belgium], the police [get] information that there is something going on—drug transport—and tomorrow he starts the file—no—today, now, he starts the investigation...

I just can’t say, “I have ten ongoing operations,” [because the Belgian prosecutor will say], “Okay, this is your eleventh.” They don’t want to hear that you don’t have the capacity. Okay, make some capacity free from other units—from [the] financial [crime unit], or [from the] computer crime unit—get two people from there to do the job... We are
helping each other because work is coming, and we are not allowed to say, “Oh, this is not in our capacity—we don’t have free time,” and so on. But in Holland, they can. [The Dutch] just say, “We make a team on this ongoing investigation—eight people for a term of four months—and, don’t bother us with something else, something urgent, or whatever. There may be somebody shot, or whatever, but we are busy doing this investigation. And, after four months, on the first of June, okay, we are ready to do another one.” And that is totally, totally different [than how it is done in Belgium].

There are several points to be made about this interview transcript excerpt. To begin, a case is given to whichever Dutch police investigation team is available, which is unusual in policing, as the Belgian police officers attested in the quote immediately above. Typically, cases are assigned to police investigation teams according to investigation specialty (e.g., homicide unit, financial crime unit). One implication of the Dutch police working style is that the composition of the investigation teams working on serious transnational organized crime cases is constantly changing, whereas the Belgian and German police investigation team rosters are more constant, as they are composed according to investigation specialty. To illustrate, in the case of serious transnational drug trafficking in the Meuse–Rhine Euregion, typically, the same investigators from Belgium and Germany will be assigned to work on the case, because they work on the case according to investigation specialty, whereas the Dutch investigators who work on such a case will not always be the same, because it depends on which Dutch investigation team is available (i.e., the Dutch police investigation team that is available at a given moment may not specialize in drug investigations). The other implication of the Dutch “Weigh Commission” process is that some cases will simply not receive police attention. In the words of one German police commander:

In The Netherlands... they realize [that], “We only have this number of agents, so we can only do three different projects. Numbers 1, 2, and 3 are worked out, and 4 and on cannot be done at this moment.”

It is also that, [if] there are letters rogatory from Germany, and the commission says, “Okay, it’s a nice file, but we don’t have the manpower to do it, so it has to wait.” (German Police Commander, Interviewee 34)

The Dutch approach to priority setting and case selection necessarily has implications for international police and judicial cooperation in the Meuse–Rhine Euregion. One Belgian police commander provided a clear example to illustrate how the priorities of the Dutch do not always coincide with the priorities of their cross-border colleagues:
I’ll [give] an example. If I work on a case of heroin trafficking, for example, and I know that in The Netherlands, I need to make an investigation, [and] for this investigation, I need four men of the Dutch police... If heroin is a priority of the Dutch police, that is alright—there is no problem. But, if the priority is not heroin, [but] it is cocaine, they say, ”No, we don’t work on heroin, because our priority is cocaine.” This is just to show what we are trying to say. (Belgian Police Commander, Interviewee 19)

Many police and justice officials from Belgium and Germany raised the same point. To them, it is very frustrating when they have a case of serious transnational organized crime, and require the assistance of the Dutch, but the Dutch are unable to assist due to a lack of resources and/or non-matching priorities. To be clear, once a case is assigned to a Dutch investigation team, the Dutch investigation team will not stop working on that case if a more serious case arises. Instead, the Dutch investigation team will simply announce that they are already occupied with an investigation, and they will continue working on the case that they have been assigned—even if the new case that arises is more serious/urgent/grave than the one already underway (recall the example provided above by a Dutch prosecutor regarding 15 kilograms of heroin versus two kilograms of heroin). As one may expect, this type of situation has frustrated the Belgian and German officials on more than one occasion.

“Target Agreements” for Arrests

A final note to be made about the Dutch situation is that the police operate within the context of “Target Agreements.” Essentially, the Dutch government and the Chiefs of the Dutch police set annual arrest “targets” (quotas) for the Dutch police to meet. If the Dutch police do not meet these targets, the Dutch police get less funding for the next year.60 In the context of international police and judicial cooperation, this arrangement is problematic because efforts made toward international police and judicial cooperation in combating serious transnational organized crime generally do not count toward the Dutch “Target Agreements.” One German police commander explained the situation:

This is one of the biggest Dutch problems. Their numbers don’t count to[ward] what they are patrolling. The numbers of investigations, arrests, and house searches at the international level in The Netherlands do not count toward the numbers for their Target

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60 It should be noted that the Dutch police budget is local. In the words of one interviewee: “The total police budget for the police [officers] in Maastricht and Heerlen are paid by the region Limburg South.” (Belgian Police Commander, Interviewee 43)
Agreements... This is one of the biggest Dutch problems. We [in Germany] have other problems—for example, getting the “okay” [to set up a JIT] with the Minister of Justice, but [the Dutch] have the problem that the numbers do not stream in to the general numbers...

In Limburg South, they had, in 2008, a Target Agreement for about 9,600 arrests. So, they got 9,300; they missed [their target] by about 300 arrests. At the same time, they did 400 arrests for international letters rogatory, but it was not allowed to add those 400 arrests to the 9,300. So, they missed their target, because they help [answer MLA requests that come from] international letters rogatory. And now, they got in 2009, less money and less personnel. They missed 400,000 Euros because of it...

This is a line of the Dutch police in its total Dutch organization. This problem with letters rogatory and cross-border cooperation is only a problem [for] two or three departments in The Netherlands. So, they [i.e., The Hague] don’t have [Target Agreements] on their list as a problem. They [i.e., The Hague] have to realize that some Euregions—some districts—have different problems than other districts in The Netherlands, and they have not realized it. (German Police Commander, Interviewee 34)

This is a very interesting situation, because it means that efforts made by the Dutch officials toward international police and judicial cooperation, such as house searches, and telephone tapping, are not recorded, recognized, or rewarded in The Netherlands. This has created a situation where the Dutch are more focused on satisfying their own “Target Agreements” than assisting their cross-border colleagues with international cases. Indeed, in 2011, one interviewee reported that the Dutch police did not meet their Target Agreement for that year, and as a result, there were major budget cuts to the Dutch police, and some Dutch police officers had to be dismissed because there was simply not enough money in the Dutch police budget to keep them on the payroll, since the failure to meet a Target Agreement means that the Dutch police budget will be reduced for the coming year. Clearly, the Dutch police do not have much incentive to participate in cases of international police and judicial cooperation, unless the case: (1) is a priority for the Dutch, (2) can be resourced by the Dutch, and (3) will result in arrests in The Netherlands so as to meet the Dutch “Target Agreements.”

Dutch Police Structure

The Netherlands is divided into 25 regions, which are further divided into districts. As such, The Netherlands contains local police forces, 25 regional police forces (of which South Limburg is one), one national police force (i.e., the KLPD), and the Royal Marechaussee (i.e., the Dutch border/military police). Of these entities, the key
stakeholder in the context of international police and judicial cooperation in the Meuse–Rhine Euregion is the Dutch police of Limburg South.

In Limburg South, two police investigation teams are worthy of note. The first is the “Euregional Opsporing Team” (EOT) (i.e., “Euregional Investigation Team”). Composed of Dutch police officers, this team is based in Heerlen and was created specifically for cases of international police cooperation. Theoretically, this is the Dutch police investigation team that should be called upon in cases of serious transnational organized crime. Due to the Dutch “Weigh Commission” process, however, the EOT is not always available to investigate such cases, and other Dutch police investigation teams get assigned cases demanding international police cooperation.

The second police investigation team in South Limburg worthy of mention is called the “Regional Investigation Team.” This team is based in Maastricht, and was created to specialize in regional investigations. This team is to be distinguished from the EOT. Specifically, the “Regional Investigation Team” was meant to specialize in regional investigations, whereas the EOT was meant to participate in international investigations in the Euregion.

The KLPD is the centralized/national police service for The Netherlands. One Dutch police officer explained the nature of the KLPD:

KLPD is all over the country; it is a central police for The Netherlands. They have helicopters, because not everybody has money for a helicopter, or a boat, etcetera. For the whole country of The Netherlands, they have the big materials and big things…

[So], when there’s something going on, and the region is not big enough to handle it, then they ask the KLPD, “Please give me a helicopter, please give me five horses, please give me 300 people to help.” And then, when it’s over, they go back to their base, and they wait until another region asks them to help. (Dutch Police Commander, Interviewee 26)

Neither the KLPD nor the Royal Marechaussee figured prominently in the present research on the subject of international police and judicial cooperation in the Meuse–Rhine Euregion.
Dutch Police Oversight

A number of police and justice officials observed that the Dutch police are accountable to different people. One German police commander explained the situation:

The Dutch police [are] led by three different influences. In the way of public order/public safety, the local mayor does the policy—the politics—for the police. In the way of drug combating, it is the prosecutor, or the prosecutor’s office. And, there is only one chief officer of the regional police authority—he is sent by the Ministry; he does the management for the police authority in The Netherlands. So, [the Dutch police] have three different chiefs. (German Police Commander, Interviewee 34)

These facts are absolutely correct. Indeed, this German official’s observations were in complete consonance with the scholarly literature on the subject61:

When enforcing public order, the [Dutch] police operate under the authority of the mayor who can issue instructions in this respect.

When enforcing criminal law and performing judicial services, the police act under the authority of the prosecution service... The prosecution service can give instructions to the police for the enforcement of criminal law.

There is no sharp division between the enforcement of public order and the enforcement of criminal law, so it is not always clear under whose authority the police act (Tak, 2005b:360).

Multiple guiding influences over the police can sometimes be problematic. As will be revealed below, while it is very clear that the Dutch police are accountable to certain guiding figures, the police themselves do not always acknowledge this fact.

Dutch Prosecutorial Structure

The prosecutorial structure in The Netherlands is hierarchical (Tak, 2005b). Specifically, the public prosecution service in South Limburg is composed of prosecutors who report to a Chief Prosecutor.62 The Chief Prosecutor reports to a Board of Prosecutors General. In a separate stream, there are Federal Prosecutors (i.e., “Landelijk Parket”). As one German prosecutor explained:

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61 It was interesting to determine the extent to which the foreign colleagues are aware of their cross-border colleagues' situations. This is one of many examples of an official being “right on the mark.”

62 As one research participant explained: “In The Netherlands, there are 19 Chief Prosecutors who are supervised by five General Prosecutors” (German Prosecutor, Interviewee 11).
The task of the Dutch *Landelijk Parket* is to investigate and prosecute crime with international connections. Therefore, they have a “National Centre for Mutual Assistance” from where they get most of the information about this kind of crime. There is also the Dutch central authority to give permission for cross-border observation and mutual assistance in cases where you don’t know or can’t decide which of the 19 prosecution offices is your counterpart. So, in fact they are doing a lot in cross-border investigation. (German Prosecutor, Interviewee 11)

Interestingly, however, the *Landelijk Parket* was not mentioned by other interviewees with respect to the process of international police and judicial cooperation in the Meuse–Rhine Euregion.

**In Theory, Dutch Prosecutors Lead the Criminal Investigations**

Dutch prosecutors play an important role in the process of international and judicial cooperation, because theoretically, they lead the police in major crime investigations. This fact was clearly mentioned by several police and justice officials from Belgium, The Netherlands, and Germany. Remarkably, in two separate interviews, one Dutch prosecutor and one Dutch examining magistrate used very similar words to express this point. For example:

> In The Netherlands, *the prosecutor is the boss of the police* with respect to criminal law investigations. [Emphasis added] (Dutch Examining Magistrate, Interviewee 14)

Yet, it was very interesting to hear the perspective of the Dutch police with respect to this point. Essentially, there seems to be some tension between the Dutch police and the Dutch prosecution service with respect to who leads the investigation in practice. In the words of one Dutch police commander:

**Interviewee 31:** There’s also cooperation with the public prosecutor. The public prosecutor will join the investigation team to see if everything was done correctly, and to see that all the legal requests for some matters are proper.

**Interviewer:** Does the prosecutor help direct the investigation too?

**Interviewee 31:** *No, they don’t direct it.***

**Interviewee 32:** The Netherlands is so that the public prosecutor is the chief of the investigation. In a big investigation, there is also the public prosecutor, the chief/head of the police, and sometimes, the mayor of the city. Mostly, when it is a criminal affair, then it is the public prosecutor with the staff of police, because the prosecutor has to bring the investigation to court. They want to know, from the beginning, what
is happening. There is a difference [between] the French colleagues, and the German and the Belgian colleagues. [Emphasis added]

This was confirmed by a German prosecutor who stated the following:

But, as [far as] I know, the Dutch prosecutors don’t have that strong of a position against their police. They can force their police to do certain things but, as far as I know, it is not common sense, and it is not done. [The Dutch police] say, “I have a shortage of personnel—I can’t do this now.” [Emphasis added] (German Prosecutor, Interviewee 11)

Thus, the data revealed an interesting power dynamic between the Dutch police and the Dutch prosecution service. The scholarly literature confirms that there is a difference between theory and practice with respect to which organization leads a criminal investigation in The Netherlands:

Formally, the public prosecutor is the senior investigator (Sects. 148 CCP and 13 Police Act). In practice, however, the police deal with most cases without prior consultation with the public prosecutor except in more important criminal cases where the latter may give detailed instructions. Otherwise, consultation takes place on a more abstract level, in order to determine the policy for the investigation of certain kinds of crime and for the use of special investigative methods (undercover agents, infiltrators, etc.). This is due to the limited strength of the prosecution service, as well as the recognition that, with regard to investigative techniques and tactics, the police possess more expertise than the prosecution service.

There is also consultation in specific cases where police officers require the approval or co-operation of the public prosecutor or the examining magistrate for the use of certain means of coercion (Tak, 2005b:361).

Another author corroborated this fact:

The police functions under the command of the public prosecution service (Article 13 of the Police Act of 1993). A prosecutor is entitled to give orders to the police in criminal matters and the police is obliged to obey those orders (de Doelder, 2000:187).

So, in sum, Dutch prosecutors theoretically lead the investigation, but in practice, this may not always happen to the extent that it should.
Dutch Examining Magistrates: “Rechter Commissarissen”

In the Dutch system, examining magistrates also play a key role in the process of international police and judicial cooperation. One Belgian examining magistrate explained how it works in The Netherlands:

In the Dutch system, the public prosecutor stays in charge of the case. And when he needs certain things—like wiretaps—he goes to the Dutch judge—the “rechter commissaris” (“judge commissionary”)—to perform that single investigation technique, after which the rechter commissaris gives back the file to the public prosecutor. So, that is the main difference. The public prosecutor remains the person responsible for the investigation in Holland. (Belgian Examining Magistrate, Interviewee 7)

One Dutch examining magistrate provided more detail about the role:

In Dutch, I am called “rechter commissaris,” which is a judge who makes investigations, but also [does] other things in criminal [law] affairs.

One of the tasks is... to hear witnesses... that is a very clear situation in which I need the help of my foreign colleagues. When I make a request to hear witnesses in a foreign country—for instance in Germany—I have to make a request. I do that myself, and I write, “I want to hear these and these persons who are living in your country, in Germany. Please give me the opportunity for me and my staff and the prosecutor and the lawyer of the suspect in Holland, and eventually an interpreter, to come to Germany to hear these witnesses”...

[Another task is]... to make decisions about pre-trial detention. If somebody is arrested by the police, and before three days and 15 hours [elapses], he or she must see a judge. So, at most, three days and 15 hours, within that period, somebody who is accused of things has to be seen by a judge like me. Then I have to make a decision about pre-trial detention, for 14 days... In France, for instance, a judge with my function has much more possibilities regarding pre-trial detention. But in Holland, it is only 14 days, but after these 14 days, there is a [panel] of three judges who decide about further pre-trial detention, and they can give a maximum of 90 days—so, three months. So, I have to do pre-trial detentions, hearings of witnesses—in the beginning or during a trial.

I [must] also... make decisions about [wiretaps], and house searches. When the prosecutor wants to tap a phone, or wants to search a house where people live, these two things are the main things that the prosecutor needs the assistance and also the “green light” from a judge like me...

Observation, and things like that, a prosecutor can decide himself. But, searching a house, and wiretapping, the prosecutor always has the need of a judge—an investigative judge like me—to do that. That has
to do, of course, with the privacy of people. So, you can estimate what my work as an investigating judge is about, I guess...

We are judges, so we have no boss. So, we can handle things in our own way. There’s nobody who says how we have to work... Here, judges are independent and appointed for life. (Dutch Examining Magistrate, Interviewee 14)

The role of Dutch examining magistrates differs somewhat from the role of Belgian and German examining magistrates. These differences are discussed below.

It is also important to note that examining magistrates are not sentencing judges. These two roles should be distinguished. Specifically, examining magistrates make decisions/grant permissions regarding investigative tactics—much like how a Canadian Justice of the Peace has jurisdiction to sign a search warrant in Canada for various purposes (i.e., a house search, wiretap, DNA sampling). In contrast, sentencing judges do not factor into the process of international police and judicial cooperation per se; they simply hear the case and pass a judgment at the end of the process. As such, no sentencing judges were interviewed for the present study.

**Dutch Mayors**

In The Netherlands, the person in charge of both public order and police policy is the mayor. Although Dutch mayors are officials of the Ministry, they are not elected. One Belgian police officer explained the role of a Dutch mayor in an investigation:

Even in Holland... the mayor of a town can also make a decision in an investigation. So, you have the police, you have the prosecutor, and you have the mayor, and they can all make a decision, and they all can decide if some investigation is going on, or not. (Belgian Police Officer, Interviewee 10)

While several Dutch, Belgian, and German police and justice officials raised this point, it seems that the involvement of the mayor in an investigation is more theoretical, and does not routinely occur in practice, because very little additional reference was made to the Dutch Mayor of South Limburg in the interviews.
6.2.2.3.2. Belgian Criminal Justice System

The Belgian criminal justice system is an inquisitorial system that stems from the Napoleonic Code. A number of police and justice officials stated that the Belgian system is “very complicated.” In the words of one Belgian police commander:

Belgium is a very complicated country. It takes one day to explain—basically—the difference between the governments in Belgium, the police, and the system. (Belgian Police Commander, Interviewee 30)

Accordingly, only the very brief/basic highlights raised by the interviewees with respect to Belgium are provided here, since a more detailed overview of the complex Belgian system is beyond the scope of this study.

Belgian Police Structure

Belgium is divided into 27 “arrondissements” (i.e., districts), which are further divided into 196 local zones. Due to the Dutroux63 case, there was a major re-organization of the Belgian police in 2001, which resulted in one police force that features two levels: (1) the local police, and (2) the federal police, which includes the “judicial police.” One Belgian police commander explained the differences between the two levels:

The local police consists of 34,000 employees. The local police focuses on local police work, they wear a uniform, and they do intervention. We have 196 local police forces total in Belgium, [and] there are six Belgian districts in the Meuse-Rhine Euregion. In one district, for example Liège, [there are] 10 local police forces in Liège, plus one federal police force.

[With respect to the]... federal police force... these officers focus on specialized missions and support the local police. We have one federal police service. The federal police consists of 5,000 people... [and has] three directorates which stem into: (1) an administrative branch, (2) the judicial police, and (3) one other directorate [i.e., a support/management branch]. The mission of the federal police is to lead the investigation of cases of serious transnational organized crime and specialized investigations...

63 Marc Dutroux is a convicted Belgian pedophile/killer who captured, molested, and killed young girls in Belgium (Bell, 2011). As a result of the mishandling of this case, there was a public outcry in Belgium that questioned the competence of the police. Consequently, the complex structure of the Belgian police was simplified in 2001 to help ensure a better police response in the future.
In each district, there is one federal judicial police. The federal judicial police and the federal police are different... With respect to international law enforcement cooperation in Belgium, the federal judicial police are most concerned... (Belgian Police Commander, Interviewee 22)

So, if a Belgian case concerns serious transnational organized crime, the case will be transferred from the local police level to the federal police level. As such, the Belgian federal police—particularly the Belgian judicial police—are of most interest in this study.

**Belgian Prosecutorial Structure**

The public prosecution service in Belgium is hierarchical, and consists of three main levels: (1) the local/district level, (2) the general prosecutor level, and (3) the federal prosecutor level (Parmentier, Fijnaut, & Van Daele, 2000:155; Van Daele, 2005:56). At the local level, public prosecutors are competent only for their district. One Belgian prosecutor explained:

> The prosecutor for Verviers is only competent for Verviers. The prosecutor in Tongeren is only competent for Tongeren. (Belgian Prosecutor, Interviewee 41)

Although each Belgian district in the Meuse–Rhine Euregion belongs to Belgium, they are nevertheless distinct and separate.

In addition, there are specialist prosecutors at every level. One Belgian prosecutor explained:

> In every prosecution service, there is one [prosecutor] who is the reference point for international cooperation. We have them for different types of crimes—home burglaries, whatever. We also have one for international cooperation. (Belgian Prosecutor, Interviewee 15)

Thus, there are justice officials who specialize in international cooperation in every organization in the Euregion. This is an important fact to keep in mind.

The General Prosecutor is situated one step above the local prosecutor level on the organizational chart. A Belgian prosecutor at the local level stated that:

> The General Prosecutor... let’s say... he is our boss. He is a higher level than me. (Belgian Prosecutor, Interviewee 24)

This is all that was mentioned about the General Prosecutor in Belgium.
Of more importance in the context of international police and judicial cooperation in the Meuse–Rhine Euregion is the Belgian Federal Prosecution Service, which is located in Brussels, Belgium. Two Belgian prosecutors at the local level elaborated upon the differences between the two levels:

**Interviewee 24:** The Federal Prosecutor is... not my boss... It is different...

**Interviewee 25:** The Federal Prosecutor... he is at the first level, but for the whole country...

Another Belgian prosecutor provided more information about the Federal Prosecution Service in Belgium:

The Federal Prosecution Service focuses on very specific types of crime, for which they are the only persons authorized to investigate—terrorism, humanitarian law, stuff like that.

They can also “federalize” a case. For instance, if the case concerns a criminal organization that has activities in Tongeren, Hasselt, and Brussels, they can say that: “It is in so many districts, [so] we will federalize the case, and we will do it.” So, they can actually put cases through them.

And, for other countries, they are a contact point for international cooperation. For MLAs that you cannot locate—MLAs that have to be executed in several districts—you can ask them general questions, such as “Is this possible?” and “Can I do that?”...

We can organize our own cooperation with other countries, but when we want to make a JIT, we have to ask for the approval of the Federal Prosecutor. That puts a limit on the use of JITs. They only want it for special, high-level cases, and not for everyday cases, because it takes a lot of time and a lot of work. (Belgian Prosecutor, Interviewee 15)

Clearly, the Federal Prosecution Service in Brussels is *supposed to* play a key role in cases of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, when such cases affect multiple districts in Belgium. Therefore, one Belgian Federal Prosecutor was interviewed in Brussels for the purpose of this study. This Federal Prosecutor provided important information about the Belgian Federal Prosecution Service, and its relation to the Meuse–Rhine Euregion:

**Interviewee 37:** I think it’s important that you see how the relationship is between the Federal Prosecutor’s Office in Brussels and the Euregion. We are a centralized organization. The Euregion is quite a long way from here—nearly 2 hours driving. So, one of our missions... There are five important missions for the Federal Prosecutor’s Office. One of them,
and this is a very large mission, is facilitating international cooperation. It is not limited—and this is quite important also—it is not limited to organized crime or terrorism. But, we try to focus, first of all, on organized crime and terrorism. But, we are also competent to facilitate international cooperation in all other files of international cooperation. So, I am nearly always competent to open the door and say, “Hello, here I am.” Just open the door, put your foot into the door, and say “Here I am.” So, we can, in nearly every file, we are competent to ask questions to advise, to recommend... this is one of the five missions of the Federal Prosecutor’s Office.

So, we noticed five years ago that there were things going on—something like five years ago—in the Euregion. So, then we asked ourselves, “Which role can we play? Which role can the Federal Prosecutor’s Office—which is the federal competent authority for organized crime and terrorism—which role can we play in the region?”—as there is quite a distance between Brussels and the border with The Netherlands. And, I insist, after five years, there is still a distance between Brussels and the border, and I explain myself in two words. You have the Euregion, but you know, if you look to the border between Belgium and The Netherlands, you will count 10 local prosecutors—if you count from the north from Bruges until the South of Belgium, Eupen [pointing to a map]. These 10 local prosecutors all have direct personal contacts with their colleagues in The Netherlands, and this is true for the prosecutors and also for the police services.

But we noticed that there was—a few years ago—that every local prosecutor developed their own strategy and operational contacts with their neighbours, at the other end of the border. So, we noticed that, and we [i.e., the Federal Prosecutor’s Office] tried to have a view on what they [i.e., local Belgian prosecutorial services] were doing with The Netherlands. So, this was the first step.

If you try to have a view, we arrived immediately in the Euregion, and we looked at what was happening in Maastricht, and it was quite difficult in the beginning to have a view of what was happening over there, because as I told you, every prosecutor—every local prosecutor and every local police chief has his own policy, and his own organization. So, after a while—and this is quite an important step—we could detach... [rather] we were invited to some meetings in the Euregion by BES.

Interviewer: When was this?

Interviewee 37: This started something like five years ago.

The first years of the Federal Prosecutor’s Office, we were busy—like every organization. You will see in the brochure that the Federal Prosecutor’s Office was set up in 2002, so, eight years ago. In the first years, we had no time to look at the problems in the trans-border region, but after several years, we noticed that there was a lot going on in the [Meuse–Rhine] Euregion, and then we already knew that The Netherlands—we have the statistics—The Netherlands are our biggest clients [laughter]—not only “client,” but also they send us rogatory letters. I can give you the statistics if you want... [The Netherlands] send[s] us a lot of rogatory letters, but we also send
a lot of rogatory letters and European Arrest Warrants to The Netherlands.

Just to give you an idea... we received from The Netherlands—and these are only the statistics for the Federal Prosecutor’s Office—we received, from The Netherlands, in 2009, 284 rogatory letters. For example, in 2006, it was 263. So, every year, the rogatory letters increase.

I can give you statistics about the number of rogatory letters sent from the Federal Prosecutor’s Office in Belgium to The Netherlands, but it is not very interesting. Why? Because the local prosecutors in Belgium send most of the rogatory letters directly to the local competent authorities in The Netherlands. They don’t send their rogatory letters addressed for The Netherlands to the Federal Prosecutor’s Office. So, we don’t have an idea of the active rogatory letters sent to The Netherlands [from Belgium]...

**Interviewer:** When does your office get involved in cases of international law enforcement cooperation? Is it in big cases? From what I understand, local prosecutors in Belgium will cooperate with their counterparts in the Euregion, most of the time, but in large cases... when does it get brought to you?

**Interviewee 37:** Yes. In important files—in large cases—local prosecutors have to [pass the case to the Federal Prosecutor in Belgium]; this is written down in the legislation for the Federal Prosecutor’s Office. They have to inform the Federal Prosecutor of the large cases of organized crime and terrorism. So, for example, a big drug smuggling case... the local prosecutor working in the Euregion—like Hasselt or Tongeren—they have to inform us.

**Interviewer:** And then, do you carry the case?

**Interviewee 37:** Yes. They have to notify us—on a standard paper [i.e., form]—just one page. They have to use that standard form... We can ask for such a paper, and I can show you what it looks like. They put the name of the perpetrators, the qualifications of the crimes, a short explanation, and then they send it to us.

Then, we also have—if it’s really a big case—but this is the exception—we can tell the local prosecutor to stop. We can stop the inquiry, [so] we [i.e., the Federal Prosecutor’s Office] will take the case. This is called, if I translate it literally, it is “federalization.” So, we will make, from a local inquiry, a federal inquiry...

So, the Federal Prosecutor will appoint one of us to go on with the inquiry in this important case of organized crime. But, we will go on, as we do not have a national police service, we’ll just go on with the local police service working on the case, and we will also go on and cooperate with the local judge working in the Euregion. We do not have national judges of investigation for the whole country. We only have a Federal Prosecutor’s Office. Also, in Belgium, we don’t have a Federal Court.

**Interviewer:** So, the Federal Prosecution Service is really unique?
Interviewee 37: Yes, we are unique... We only have a Federal Prosecutor’s Office. So, “prosecutors” means prosecutors who are competent for the whole territory of Belgium, but this is limited competence to organized crime and terrorism. So, if you go to court, if we have a federal inquiry, we are only competent for organized crime and terrorism. If I worked in international cooperation, as I work now, then I’m competent for every file where there is a link with international cooperation.

Interviewer: So, there’s a difference?

This Federal Prosecutor went on to explain that the Federal Prosecution office in Brussels is composed of five sections: (1) the Organized Crime Section, which is composed of nine federal prosecutors who attend court to prosecute cases of organized crime, such as drug trafficking and human trafficking cases; (2) the International Cooperation Section, which is composed of federal prosecutors who do not go to court, but rather host a “help desk”/“contact point” that is comparable to Interpol, but for Belgian prosecutors and international colleagues from around the world; (3) the Special Missions Section, which is staffed by five federal prosecutors and is also like a “help desk”; (4) the Terrorism Section, which is composed of four federal prosecutors who attend court to prosecute all cases of terrorism with a Belgian dimension; and (5) the Humanitarian Law and Military Law Section, which prosecutes crimes committed by Belgian soldiers on special missions abroad, such as Afghanistan or Kosovo. Accordingly, the two sections of the Belgian Federal Prosecution Service of most interest in the present study were the Organized Crime Section and the International Cooperation Section.

One Belgian prosecutor provided more information concerning the tension between the Belgian Federal Prosecution Service and the local prosecution services in Belgium:

The major problem of federalization... well, there are several problems. You will perhaps already know from your interviews that, if there is a big case—it is not every day that there is a big file of organized crime in the Euregion—there are a lot of other cases—small ones, etcetera. The approach [i.e., mandate] of the local prosecutors is not limited to organized crime... If there is a big one [i.e., case], you know that local prosecutors prefer—and that is one of the obstacles... [The Federal Prosecutor’s Office tries] to “federalize”—to take over the prosecution—and one of the first and biggest [obstacles] is that [the local prosecutors] are also interested in the nice, big cases in the border region. They are also competent to prosecute, and [since] they only have a few big cases of organized crime in a year, they like to keep those files at the local level. (Belgian Prosecutor, Interviewee 4)
Clearly, it is the *mandate* of the Belgian Federal Prosecution Service to handle cases of serious transnational organized crime that have a connection to Belgium—including those cases that arise in the Meuse–Rhine Euregion. Table 6.2 below reveals that the Federal Prosecutor’s Office prosecutes many cases that fall within their jurisdiction.

**Table 6.2: Number of Cases Handled by the Federal Prosecutor’s Office in Brussels, Belgium for the Years 2006 to 2011**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>1010</td>
</tr>
<tr>
<td>2010</td>
<td>242</td>
</tr>
<tr>
<td>2009</td>
<td>875</td>
</tr>
<tr>
<td>2008</td>
<td>794</td>
</tr>
<tr>
<td>2007 &amp; 2006</td>
<td>2299</td>
</tr>
</tbody>
</table>

*Source: Qualitative data for the present study.*

Yet, as the one Belgian Prosecutor stated above, cases of serious transnational organized crime in the Meuse–Rhine Euregion do not always get brought to the attention of the Belgian Federal Prosecutor’s Office. These facts were confirmed in another interview with a Belgian prosecutor:

**Interviewee 41:** If a crime by a big organization goes through all these places—Liège, Verviers, Hasselt, Tongeren, Maastricht, Germany—sometimes, they ask the Federal Prosecutor to come, and he takes the case in his hands, because it’s too big, because it’s too many districts—it’s too complicated for us, and we do not have the abilities to handle it...

**Interviewer:** So how often is that the case—where the Federal Prosecutor has to be involved?

**Interviewee 41:** It is very rare.

**Interviewer:** How rare? Can you assign a number to it?

**Interviewee 41:** I’d say one or two times a year. I know of one drug case.

**Interviewer:** And when did that happen?

**Interviewee 41:** Last year.

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64 These statistics represent all the criminal cases where the Belgian Federal Prosecutor is competent (*i.e.*, cases of organized crime, terrorism, humanitarian law, and genocide). The Belgian Federal Prosecutor’s Office does not gather statistics in such a way so as to isolate the cases of serious transnational organized crime and terrorism from the other types of cases that they handle. It was explained, however, that since there are not many files of terrorism, the majority of the cases processed via their office must concern organized crime.
Interviewer: And when that happens, the whole file is put toward the Federal Prosecutor and you don’t have any part of it anymore?

Interviewee 41: In that case, the Federal Prosecutor took the whole file.

In sum, there seems to be some tension between the local prosecution level and the federal prosecution level due to their somewhat overlapping mandates, and also the geographic distance between the Meuse–Rhine Euregion and Brussels, which creates a situation wherein some cases of serious transnational organized crime may not get referred to the Belgian Federal Prosecution Service.

In Theory, Belgian Prosecutors Lead the Criminal Investigations—Until a Belgian Examining Magistrate Takes Over

In terms of who leads criminal investigations in Belgium, the situation seems to be very similar to what was found in The Netherlands: the literature states the theoretical arrangement, but there is either confusion or a disjuncture in practice. Essentially, the literature states that, in theory, the prosecutors in Belgium are the leaders of criminal investigations (see Parmentier, 2000:167; Van Daele, 2005:51; Van Daele & Vangeebergen, 2009:10). In contrast, one Belgian police officer explained how it usually works in practice:

A great difference between the Belgian and Dutch police is, for example, the leading of an investigation. In Belgium, it is the investigator who is leading the investigation—not for 100% [of the investigation], but for a big part of the investigation, it is the investigator who says to the prosecutor, “That is our proposal.” But, in The Netherlands, it is the prosecutor who says, “And now, we are going to do that, and that, and that.” [Emphasis added] (Belgian Police Commander, Interviewee 43)

This Belgian police commander’s observation coincides with the literature:

In practice, however, the police carry out the investigation, while the public prosecutor only determines the direction of the inquiry, rather than being present when a specific task is performed… However, [it] has to be noted that it is the police who initially ascertain whether or not an offence has been committed, and thus decide whether or not a report should be made. (Van Daele, 2005:51–52)

Another Belgian police commander, however, offered an opposing view:
You must know that the inquiries in Belgian investigations are led by the prosecutor in Belgium... he really leads the investigations. (Belgian Police Commander, Interviewee 22)

The exact same debate was found among some Belgian prosecutors themselves. For instance, one Belgian prosecutor explained:

In Belgium, the prosecutor has little power over the police. (Belgian Prosecutor, Interviewee 6)

In contrast, another Belgian prosecutor stated:

In Belgium, the prosecutors dominate the police. (Belgian Prosecutor, Interviewee 2)

Perhaps this paradox can be reconciled by acknowledging that when a case is being handled by the Belgian police, the Belgian police remain competent, but as soon as Belgian prosecutors become involved, the prosecutors are theoretically supposed to lead the investigation. Then, when a Belgian examining magistrate gets involved in the case, the entire dossier is transferred to him/her, and they lead the case for the time that the dossier is in their purview.

Belgian Examining Magistrates: “Juges d’Instruction”

In Belgium, there are juges d’instruction.65 One Belgian examining magistrate provided information about this job function, as compared to the role of a Belgian prosecutor:

Some [investigative] techniques... are prohibited for the prosecutor. For instance, wiretaps, search warrants for houses—that is something a prosecutor cannot do. And if he needs those things, he will have to go to the investigating judge, which in this case, is me or one of my colleagues, and then we take over the investigation completely. So, from that point on, once the prosecutor goes to an investigating judge, it is the investigating judge who is the only person responsible for the investigation. The prosecutor can keep following up with a file, but he cannot give any orders, or comments to the police force. It is up to the investigating judge to do so.

When we look for the truth, we have no interest in whether or not the suspect will be convicted or not. It is our job to try and find the truth. So my colleagues—who will later be the judges in the case—have a

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65 The English translation of this term is “examining magistrates.”
complete file, and can make a decision based on every possible piece of information there was to gather.

So, once we take over the investigation, and we give orders to the police, at a certain point, when we believe the investigation is complete, then we give it back to the prosecutor. Then it’s up to the prosecutor to decide whether there’s enough evidence against someone to charge him with criminal effect, and if the prosecutor does so, then the case goes to trial, and it’s up to my colleague judges to decide whether he is guilty or not, and if he is guilty, to decide what the punishment should be. So, that is our responsibility in a nutshell...

The great difference between a prosecutor and myself is that [investigating judges] have no interest in whether or not the person is guilty. We are not the ones who prosecute the suspects later on. So, it is a guarantee that a suspect will not only get a fair trial, but also a fair investigation. He can also ask—once he knows that there is investigating going on—he can go to the investigating judge to ask if the judge can investigate things that might be in his favour, things like a witness who could confirm that the suspect has nothing to do with the facts of which he is charged. So, he has the possibility to ask the investigating judge to investigate things which are in his favour. We call it charging and discharging—both [of which] we have to investigate. It is not up to us to decide whether someone is guilty or not. That is something that we are prohibited to express. Of course, we have an idea of something; when we put someone in jail awaiting his trial... you won’t put someone in jail who you think is innocent. So, you have, of course, an idea, but we are not allowed to express that opinion. We have to stay neutral, and we have to stay independent. (Belgian Examining Magistrate, Interviewee 7)

While there are some similarities between Dutch examining magistrates and Belgian examining magistrates, there are also some differences. As one Dutch police commander explained:

The role of the juge d’instruction in Holland is totally different from the juge d’instruction in Belgium—they have different qualifications. So, the juge d’instruction in Holland has different qualifications than the juge d’instruction in Belgium, which is also sometimes a barrier. (Dutch Police Commander, Interviewee 23)

One Belgian examining magistrate provided more information about the differences between Dutch and Belgian examining magistrates:

There are differences between Belgium and The Netherlands.

In The Netherlands, there are no investigating judges. In The Netherlands, the judges are called “rechter commissaris.” It is not the same as a Belgian investigating judge. There is a difference. An investigating judge’s duty is to look for the truth. We are not the ones who will make a verdict in the cases later on...
And when he needs certain things—like wiretaps—he goes to the Dutch judge—the *rechter commissaris*—to perform that single investigation technique, after which the *rechter commissaris* gives back the file to the public prosecutor...

So that is the main difference. The public prosecutor remains the person responsible for the investigation in Holland, whereas in Belgium, the investigating judge takes over the investigation. There is a great advantage, because it helps us have a full view on the case. We have more information, which allows us to decide whether or not we allow the police to over-hear telephone calls, or to search a house, or things like that. We have a full view on the case. So, this is somehow different in Holland, where the *rechter commissaris* does not always know which way the investigation is going... When I speak to colleagues of mine, they are, in my opinion, less informed than in the Belgian system. (Belgian Examining Magistrate, Interviewee 7)

Clearly, Belgian examining magistrates play a larger role in the process of international police and judicial cooperation than Dutch examining magistrates. One Belgian prosecutor provided a succinct account of judicial case processing in Belgium:

During the investigation, it goes like this... it starts with the public prosecutor. The public prosecutor can say if they even want to do a case. They can drop cases also. Then, it goes to the investigating judge. Then, it goes to the *Chambre du Conseil*.66 Then it goes before a court judge. (Belgian Prosecutor, Interviewee 15)

One Belgian examining magistrate provided more information about the *Chambre du Conseil*:

When I detain someone, within five days, he appears in front of the Chamber of Counsel, which is a colleague of mine—who will also overview things. And, even if the Chamber of Counsel confirms my decision, there are also means of appeal, and things like that. So, I am not the sole person—I’m not almighty. There are checks and balances in the system which are, of course, in favour of the suspect. (Belgian Examining Magistrate, Interviewee 7)

These were the only two references made to the Belgian *Chambre du Conseil* in the interview data. Accordingly, this entity did not figure prominently in the process of international police and judicial cooperation.

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66 The English translation of this term is "Chamber of Counsel."
Belgian Mayors

Like the Dutch mayors, Belgian mayors “…also have authority over the local police” (Van Daele et al., 2010:474). Yet, in cases of international police and judicial cooperation, it is the Belgian federal police that would become involved, not the local police. When the Belgian federal police act in an administrative capacity, they are responsible to their Minister of the Interior—not the mayor (Van Daele et al., 2010:474). This is in consonance with the interview data, which revealed that the interviewees did not make much reference to the mayors of Belgium. One Belgian police commander simply commented:

You know, a mayor here [i.e., in Belgium] has the responsibility for the security in his city/country, but in Germany, it is not so; it is the police who do that... a mayor in Germany doesn’t have the same missions and competences as in The Netherlands and Belgium. (Belgian Police Commander, Interviewee 36)

On the basis of the data as a whole, it appears that Belgian mayors do not play a prominent role in the process of international police and judicial cooperation.

Belgian Government

As stated at the beginning of this section, the Belgian system is “complicated.” This fact applies to the composition and operation of the Belgian government as well. One Belgian police commander provided some insight into the situation:

Interviewee 30: It’s very tricky politically in Belgium. You know, we have a language war going on; it is not so very harsh these days, but it used to be very tricky. Everything in Belgium is being weighed on a scale [to ensure] that every language and every region has its finger in the system. It is very difficult in Belgium.

Interviewer: Is it equal? As in, do the three languages get equal representation?

Interviewee 30: They have their own governments. Belgium has seven different governments. We have the federal government [governing] police, money, nuclear things, and so on. Then, you have a Flemish government, a French-speaking government, and a German-speaking government. Then you have a government especially for Brussels and the 19 communities. Then you have a community [government] for the Southern region of Belgium, and one [government] for the North region. So, we have seven different [government] communities, but they are all ministers. And, that gives a total of, I think, 78 or 79 Ministers/Secretaries of State. So, we have
too many [Ministers/governing bodies]. That makes it, sometimes, very difficult to get something done.

The tension that arises due to the cultural and language divides in Belgium is palpable. Police and justice organizations operate within this sensitive context. Readers may recall that over the course of mid-2010 to the end of 2011, Belgium was without a government (i.e., 541 days)—the longest a country had been without a government in world history (Harding, 2012:78; Waterfield, 2011). This type of situation carries implications with respect to the direction and funding of government organizations.

**Belgium’s “National Safety Plan” (NPS)**

The Belgian *National Plan de Sécurité* (NPS) is a strategic plan for the Belgian Federal Police issued every four years. In discussing the criminal justice landscape in Belgium, three Belgian officials drew attention to Belgium’s NPS. One Belgian Police Commander remarked:

> Each country has their own priorities. We have a National Security Plan [in Belgium], and it’s not the same in Belgium, The Netherlands, or Germany. Our priority [in Belgium], is to fight the criminality inside our country. [Emphasis added] (Belgian Police Commander, Interviewee 19)

Table 6.3 below shows that Belgium’s policing priorities have remained quite constant over the last few years:

**Table 6.3. Evolution of Belgium’s Policing Priorities, According to Belgium’s “National Safety Plans”**

<table>
<thead>
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<tr>
<td>Serious violent offences (armed robberies)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Patrimonial offences (e.g., fraud concerning inheritances)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Financial offences (fraud, corruption)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Drug-related offences</td>
<td>✓</td>
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<td>Computer crime offences</td>
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<td>Environmental offences</td>
<td>✓</td>
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<tr>
<td>Domestic violence</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Terrorism</td>
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<td>✓</td>
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</table>

67 The English translation is “National Safety Plan.”
It is important to stress that international police cooperation has been and remains a priority for Belgium (Belgian Federal Police, 2008:31; Belgian Federal Police, 2012:17). The other interesting point to be made here is that stolen vehicle trafficking is not listed as a policing priority in Belgium’s NPS, yet it is a crime type that has demanded attention in the Euregion. As discussed above, several officials mentioned stolen vehicle trafficking as being problematic in the Meuse–Rhine Euregion, with Liège being a hot-spot for this crime type. Significantly, two Belgian officials confirmed that, even though the priorities for Belgium are set by the Belgian government, the different districts can add local priorities to the NPS as necessary (Belgian Prosecutor, Interviewee 15; Belgian Police Commander, Interviewee 43).

### 6.2.2.3.3. German Criminal Justice System

The German criminal justice system is an inquisitorial system that stems from civil law, specifically the Bürgerliches Gesetzbuch (BGB) of 1900—not the Napoleonic Code. The German penal code is the Strafgesetzbuch (StGB). Significantly, German criminal law states that if a criminal act comes to the attention of the police and/or prosecution service, the police must investigate, and the prosecution must prosecute (Weigend, 2005:214). This is called the “principle of legality,” which is to be contrasted against the Belgian and Dutch “principle of opportunity.” One German prosecutor spoke about the nature of the principle of legality in Germany:

> In Germany, the prosecution office has to prosecute every known crime... If we get knowledge, we have to start at once.  
> We can’t prosecute everything—it is one of our biggest lies, but we at least try. We cannot afford to say, “No, we will wait three months” [i.e., like how the Dutch may say, due to their “Weigh Commission” process]. No, we have to start at once...
There is a safeguard in the law—if I don’t prosecute on time, I myself am a criminal, and I could go to jail. I don’t [want] that. The police, by the same law, are also obliged to prosecute. So, I can call it blackmail: “If you don’t do it, I will come out after you… I will prosecute you!” In practice, there is no discussion. If I say [to the German police], “You will do this and this for me,” they will do it. (German Prosecutor, Interviewee 11)

The slight flexibility/discretion that German prosecutors have in choosing whether or not to prosecute a crime was confirmed by the literature, which explained that the principle of legality is to be applied within reason. For example: “[Section] 153 of the German procedural code says that the public prosecutor may dismiss a case if the guilt of the suspect is marginal only” (Albrecht, 2000:246; see also Siegismund, 2003:62–63).

The principle of legality also has implications for the length of a German police investigation. One Dutch police commander stated:

Germany… if they have a problem, the colleagues start with the investigation, and they can continue the investigation until it’s done—until they, for instance, have arrested the suspect. (Dutch Police Commander, Interviewee 23)

Recall that the Dutch approach is quite different, since it requires that an investigation should be completed within a certain length of time, and with a certain amount of resources—regardless of the investigative outcome at the end of the set time limit (i.e., whether arrests have been made or not).

**German Police Structure**

The composition/organization of Germany carries special importance for the workings of the criminal justice system. One Belgian police commander explained:

And, in Germany, they are working with "Bundesländer," which means [states]. Germany is a federal state. I think they have [16] states within the federal state. For instance, North Rhine–Westphalia is a Bundeslände—it is a state within a state. They have their own government and they are controlling the police. So, if I read something from Bavaria [which is another German state], I don’t have to phone the police in North Rhine–Westphalia, because they can’t do anything for me. I have to know which Bundeslände—which state—I have to phone, and that knowledge is very important. My German colleague knows, by map, where he has to call to get something. (Belgian Police Commander, Interviewee 30)
To be clear, Germany is divided into 16 Bundesländer. With respect to international police and judicial cooperation in the Meuse–Rhine Euregion, the Bundeslände of interest is North Rhine–Westphalia, which extends beyond the outer limits of the Euregion, and contains the city of Aachen within the Euregion.

One German police commander provided information about how the composition of Germany organizes the composition of the German criminal justice system:

Okay, Germany has 16 states. North Rhine–Westphalia is the biggest state—it has 18 million people. Now, we are in North Rhine–Westphalia (NRW). There is a Ministry of the Interior. In one part of the Ministry of the Interior is the police. And now in North Rhine–Westphalia, we have 48 local police areas, like Vancouver. One of these is Aachen—Polizeiprasidium Aachen.

But we also have three head police organizations. One is training and schooling for NRW. It is called LAFP—Landesamt für Ausbildung, Fortbildung.

Another is called LZPD—Landesamt für Zentrale Polizeiliche Dienste Nordrhein–Westfalen. If you need new computers, or special technical items, or if you need personnel for special situations [this organization would be able to help].

The third is called LKA—Landeskriminalamt. It is for very important situations, such as gang murders, etcetera.

Now, we are in one of these 48 local police areas. So, now, we are in Aachen. Now, you see the same organizational structure in each of the 48 local police jurisdictions.

You have one division for criminals, you have one division for traffic, one division for public order, and one division for the Department of Internal Affairs and Personnel. That is for all 48 local police jurisdictions. (German Police Commander, Interviewee 27)

The Landeskriminalamt (LKA) is a state level police investigation bureau. Although one of the mandates of the LKA is to target organized crime, no one from the LKA was interviewed for the study due to the time and resource constraints associated with the present study.

In a separate interview, another German police commander provided more information about the organization of the German police:

In Germany, the one who makes the priorities in the fight against criminality—that’s the police. They don’t have to talk with the prosecutors to make a strategy on the fight against crime.
The German police—the Aachen police—is organized in special branches of departments. We have a department for burglaries, we have a department for car theft [etc.].

Here, you can go to Aachen, and you can ask for a file from five years ago. If it’s car theft, you will always find it in the department for car theft [investigations]. But in The Netherlands, it doesn’t work that way. They have only projects.

In Germany, we have only one [leader of the police]—we have the police president. He is a [politician], and he sent from the Ministry. He is chief of the district... In Germany, you get orders from the Ministry, to the police president, to the officer [it is the chain of command going downward]...

We [i.e., The Netherlands and Germany] have two different forms of organizations. The police in The Netherlands are organized by regions—by the local police authorities. They have very strong chief officers. They are only controlled by the “Target Agreements.” In Germany—in North Rhine–Westphalia—we are organized from the top to the bottom, and what the Minister wants is done in the districts. So, we have two different organizations [organizational structures]...

Interestingly, in addition to local police forces (e.g., Aachen) and state level police forces (i.e., the LKA), there is also a Bundeskriminalamt (BKA), which is located at the federal level. For all intents and purposes, the Bundeskriminalamt can be likened to a “Federal Bureau of Investigation.” Interestingly, the Bundeskriminalamt sometimes plays a role in international police and judicial cooperation in the Meuse–Rhine Euregion, since one of the mandates of the Bundeskriminalamt is to deal with international cases of serious transnational organized crime—much like the Belgian Federal Prosecution Service. Moreover, it appears that the Bundeskriminalamt is supposed to take over cases (in Germany) when a JIT is formed. One German police commander explained that:

Interviewee 34: You need an “okay” from the Minister of Justice here in Germany—so it’s very high-founded—for a Joint Investigation Team. And for that reason, we don’t have it until now. For nearly 10 years, we have not had a Joint Investigation Team. I, myself, only know of two JITs that worked by the Bundeskriminalamt...

Interviewer: So, because the process to get a JIT is so complicated in Germany, you have only had two JITs in the past 10 years?

Interviewee 34: That I know of. And those were JITs that were founded on the works here in Aachen. Those were JITs where the Bundeskriminalamt (BKA) in Wiesbaden, Germany does work. I think it is the same like the FBI. It is a federal unit on Bundes level... It is the police organization... on the federal level. Each [German state] has its own police [i.e., LKA]. But, there is one level up, and that is Bundes, and that is the federal level. And they have [had] two Joint Investigation
Teams, that I know of. But here, in this Euregion, on the German side, we do not have a JIT...

In Germany, we have a law—it is the Bundeskriminalamt Gazette, Article 3. Inside Article 3, there is the stance that the combating of cross-border crime is done by the federal Bundeskriminalamt, not by the [local] police authorities like Aachen.

Clearly, this means that this study should have included the BKA. Unfortunately, this fact only became clear when it was too late to schedule more research interviews. As such, it is with regret that no representative from the Bundeskriminalamt headquarters in Weisbaden, Germany was interviewed for this study.

**German Prosecutorial Structure**

The prosecutorial structure in Germany is hierarchical, and perhaps best described by a German prosecutor. In the words of one such interviewee:

In Germany, the structure is as follows: several prosecutors work in sections under the supervision of a “First Prosecutor”... The “First Prosecutors,” and all the other prosecutors, are under [the] supervision of the Chief Prosecutor. The Chief Prosecutor himself is under the supervision of the General Prosecutor. The head of the prosecutor’s office is, like in Holland, the Minister of Justice.

In Germany, justice is the task of the 16 different states. [North Rhine–Westphalia], our state, has the same size and as much inhabitants as Holland. It [also has] 19 prosecution offices supervised by [three] General Prosecutors. Germany also [has] a Federal Prosecution Office, but they only do prosecution in cases of treason, espionage and politically motivated crimes [that] are threatening the existence of the Federal State. (German Prosecutor, Interviewee 11)

In some respects then, the German prosecutorial structure is quite similar to the Dutch prosecutorial structure.

*In Theory, German Prosecutors Lead the Criminal Investigations*

The situation in Germany with respect to who leads the criminal investigation is very similar to the situation in both Belgium and The Netherlands. Specifically, the German police reported:

In Germany, the police and prosecutors are two separate organizations, and the prosecutor cannot [direct] the police. (German Police Commander, Interviewee 34)
Yet, in theory, German prosecutors are supposed to lead criminal investigations (Siegismund, 2003:60–61). According to the literature:

> [t]he public prosecutor has been the undisputed master of the pre-trial process in accordance with the law. It is the prosecutor’s sole responsibility to collect, and evaluate, evidence with a view towards deciding whether to file formal charges against a suspect or not…

...the prosecutor can give general instructions to the police on how particular cases are to be handled and can designate areas for priority investigation (within the boundaries set by the principle of mandatory prosecution…). He has, moreover, authority to request the police to perform designated acts of investigation (Sect. 161 subs. 1, CCP) (Weigend, 2005:205, 208–209).

This was confirmed by one German prosecutor. The interview dialog unfolded as follows:

**Interviewer:** So, this is interesting… In Germany, the police lead the investigation—is that correct?

**Interviewee 11:** No [laughter]. The leader of the investigation is the public prosecutor. And, you have to sometimes remind the German police about that—that the public prosecutor is, according to the law… we formally ask the police to do an investigation, and to do “this and this.” We send the dossier to the police and say, “Please, hear Witness X regarding these questions.” And they have to do it. The public prosecutor’s position in the investigation is higher—he is the chief—and the police are his deputies—his servants—let’s call it this way. You know what I mean.

The literature confirmed the tension between the police and prosecutors by revealing that: “…in practice, it is the police who are leading the investigations…” (Siegismund, 2003:72).

The point to be made—across all three countries—is that virtually everyone points to himself/herself as the leader of the investigation, regardless of whether they are a police officer, prosecutor, or examining magistrate. The tension and differences in perceptions about who leads the investigation influence the process of international police and judicial cooperation, as will be discussed further below.

**German Examining Magistrates**

There is a dispute in the literature about whether or not Germany has so called “investigating judges.” On the one hand, some argue that Germany no longer has “investigating judges.” For example, consider the following passage:
As far as the relationship between the judiciary and investigative authorities during pre-trial proceedings is concerned, in Germany judges do not have investigative powers. Contrary to other European criminal justice systems, a judge of criminal investigation does not exist anymore. However, the judiciary performs a very important role in pre-trial proceedings as judges are in the position to control strategic decisions made during criminal proceedings by the police or the public prosecutor. Therefore, according to German conceptions of the relationship between prosecution services and the police, the police are placed in principle under the guidance of prosecutors when investigating a criminal case... (Albrecht, 2000:254–255).

On the other hand, others argue that Germany does have “investigating judges”:

If the public prosecution office considers a judicial investigation to be necessary it will have to make the relevant applications to the Local Court, to be decided by the investigating judge: section 162 of the CCP; what is meant here [are] particularly coercive measures, like a search (section 102 et seqq. of the CPP), seizure (section 94 et seqq. of the CPP), and remand detention (section 112 et seqq. of the CPP). Under specific conditions certain coercive measures may also be ordered in exigent circumstances by the public prosecution office acting on its own (see e.g. section 105[1], first sentence, of the CCP for the search of private premises) (Siegismund, 2003:62).

Essentially, this debate can be reconciled by recognizing that the term “investigating judge” is used quite loosely to describe examining magistrates in different countries. The fact remains, however, that examining magistrates in Belgium play a much larger role in an investigation than examining magistrates in The Netherlands or Germany, since among other things, Belgian examining magistrates normally grant permission for certain investigative tactics, but they also take over criminal investigations.

With respect to Germany, there are, of course, judges who grant permission to the police to perform certain investigative tasks, such as house searches. The name of this type of examining magistrate in Germany is “untersuchungsrichter,” which translates into “investigation judge.” It seems, however, that the role of this type of judge in Germany is limited—as it is in The Netherlands. One Belgian police officer explained:

In Germany and Holland, they don’t have [the Belgian] type of [investigating] judge. They have a judge, who has to give his [approval] to sign the telephone tap [request]. He has to look over the shoulder [of the police], [to ensure that] everything is legally in order, and then he signs the wiretap and house search [requests for] the investigation,
and so on. But, he’s not the leader of the action. That’s different in Belgium. (Belgian Police Officer, Interviewee 10)

One German prosecutor confirmed that German examining magistrates do not figure prominently in the process of international police and judicial cooperation:

The Belgian [examining magistrates] have an important role in their system; they are the ones who are guiding the inquiry.

In Holland, the [examining magistrate] is only involved for certain measures, such as telephone tapping, searching of houses, arrest warrants. Then, he is asked by the public prosecutor, with motivation, “Please, give me permission.” It is the same law in Germany.

[A German examining magistrate] is, let’s say, not involved in joint investigations—he has no leading role. He is only involved if I ask him, and then, for him, it makes no difference whether it is based on a German investigation, or my own investigation, or a foreign investigation.

So, if you had an interview with a German judge, I don’t think it would have brought you any further... They are certainly part of the system, but they are not directly involved. (German Prosecutor, Interviewee 11)

Since the role of an examining magistrate in Germany is similar to the role of an examining magistrate in The Netherlands, and due to the unfortunately limited amount of time and resources available for the present study, regretfully, no German examining magistrates were interviewed for this study.

**German Mayors**

None of the interviewees commented on the role of German mayors in the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. As was the case in Belgium, it seems that German mayors do not play a prominent role in the process of international police and judicial cooperation.

**6.3. International Police and Judicial Cooperation in the Meuse–Rhine Euregion—Usually Without the Help of Larger International Bodies**

Perhaps what makes the study of international police and judicial cooperation in the Meuse–Rhine Euregion so interesting is that, for the most part, the police and justice
agencies in this Euregion cooperate directly with each other—without the assistance of larger international bodies such as Europol, Eurojust, or Interpol. As one Belgian prosecutor stated:

[Intelop, Europol, and Eurojust] are not having to do with the Meuse–Rhine Euregion... Eurojust and Interop are more vast—[they are] beyond the scope of your study. (Belgian Prosecutor, Interviewee 41)

In a separate interview, one Belgian examining magistrate provided a succinct rationale:

If it is two countries, it is easier to do it together and directly with our colleagues—particularly with those countries [that] speak the same language as us.. (Belgian Examining Magistrate, Interviewee 16)

Many of the police and justice officials reported that it is “easier” to establish direct communication with their cross-border colleagues, so as to facilitate more expeditious case processing than what Europol, Interpol, or Eurojust have to offer, since those organizations “lengthen the line” of communication, which slows down the process. More in-depth comments made by the police and justice officials in this regard are provided below, to help explain why international police and judicial cooperation has developed in the Euregion without the help of larger international organizations.

6.3.1. Europol

While several officials noted that the security at Europol is very good, and that Europol can provide analytical support in cases of serious transnational organized crime that affect two or more Schengen countries, Europol’s services are not normally used in cases of serious transnational organized crime in the Meuse–Rhine Euregion because: (1) as one Belgian police commander stated, “They are not so visible for us” (Belgian Police Commander, Interviewee 22); (2) they lengthen the line of communication, by adding an extra step/entity in between an official and his/her cross-border colleague; and (3) Europol does not have an operational component. The “bottom-line” about Europol with respect to international police and judicial cooperation in the Meuse–Rhine Euregion was summarized by a Belgian police commander, who stated:

Interviewee 10: In Europol, they also look over [our] shoulder about how we cooperate.

Interviewer: They are trying to learn from you?
Interviewee 10: Yes.

While Europol is undoubtedly valuable in certain instances, it does not figure prominently in international police and judicial cooperation in the Meuse–Rhine Euregion.

6.3.2. Interpol

With respect to Interpol specifically, the dominant opinion was captured succinctly by two Belgian police commanders, who explained the situation:

Interviewer: According to my understanding, you are able to cooperate generally on your own—without the help of Interpol, Europol, or Eurojust, which makes this even more interesting.

Interviewee 43: Yes, if you go through Interpol, it takes a lot of time, at the moment. So, we are not interested to go [i.e., cooperate] by that way...

Interviewee 44: Since we have all those new tools, like the Internet, cell phone... We can just call our counterpart directly.

Considering the nature of the Meuse–Rhine Euregion, and especially the closeness between the people, it is not surprising that the police and justice officials choose to cooperate directly with each other.

6.3.3. Eurojust

Eurojust is an organization that facilitates the coordination of transnational cases in Europe. Like Europol and Interpol, Eurojust does not have an operational function. Rather, it is simply staffed by legal experts who can provide advice and coordination to member states when called upon. Also like Europol and Interpol, Eurojust is not often called upon in cases of serious transnational organized crime in the Meuse–Rhine Euregion. The exception is when a criminal case also concerns a country outside of the Meuse–Rhine Euregion. One Dutch prosecutor explained the possibility:

Interviewee 39: [When] some cases concern countries outside of the Meuse–Rhine Euregion, such as France, the UK... So, when three or four countries are involved in the case, you will have a lot of help speeding things up from Eurojust. They can speed up a mutual legal assistance request that you may have sent another country, and, they can plan/organize a coordination meeting for you within their bureau in The Hague, if your case involves four or five other member states. They know who to invite from each of the countries. They will have interpreters there sitting for you, and then they can make “appointments” in the case [i.e., they can decide who does what—
what “action items” France will do, what action items the UK will do, etc.].

**Interviewer:** How often is Eurojust involved in cases of serious transnational organized crime in the Meuse–Rhine Euregion?

**Interviewee 39:** Not so often—maybe once a year—because for most cases, we cooperate directly with our neighbouring countries and we don’t need Eurojust. But, I want to say that when we needed Eurojust, they were very helpful. In other words, I am a big fan of Eurojust. A lot of people are skeptical about Eurojust, but I think it’s because they don’t use them.

These facts and sentiments were echoed by Belgian examining magistrates in separate interviews.

### 6.4. The Historical Development of International Police and Judicial Cooperation in the Meuse–Rhine Euregion

Based on need, international police and judicial cooperation in the Meuse–Rhine Euregion began in a very “grassroots” (i.e., “bottom-up”) manner. One Belgian prosecutor explained:

...when I entered this job.... nobody was working with their neighbour on the other side of the border in Belgium, Germany, and The Netherlands. They didn’t even know the colleagues on the other side of the borders. I've been a prosecutor for [over] 20 years now. We’ve made a lot of progress since then. (Belgian Prosecutor, Interviewee 2)

International police and judicial cooperation in the Meuse–Rhine Euregion has since flourished into a sophisticated enterprise. In this subsection, interview data pointing to these beginnings and developments are presented to illustrate the huge advancements that have taken place in this field over the last century.

#### 6.4.1. The First International Police Cooperation Contacts in the Meuse–Rhine Euregion

The beginning of international police cooperation in the Meuse–Rhine Euregion can be traced to approximately 1928 or 1932. One Dutch police commander recounted:

I have even seen a picture from 1932—a picture of the police chiefs of Maastricht, Germany, and the Belgian police—they talked about it in
Then, in 1969, the tri-lateral working group for the police—NeBeDeAgPol—was formed. One German police commander explained:

In 1969, NeBeDeAgPol had the first meeting of the police chiefs of Germany (Aachen), The Netherlands (Limburg South), and Belgium (Eupen). It was a voluntary meeting. We thought that we have to meet and discuss the problems we have, because the frontiers make investigations difficult. We wanted to know how can we trust the borderlines and work together for better success in investigations. And, those people (the founders of NeBeDeAgPol) found that they must be in regular discussion and hold continuous meetings. (German Police Commander, Interviewee 1)

Several senior police officers from Belgium, The Netherlands, and Germany stated that they were always in contact with their cross-border colleagues throughout their career—even before the implementation of the Schengen Agreement. As one Dutch police commander put it:

We had always, from the beginning—1971/1969—we [the Dutch police] have always had contact with the German police. We give each other information, but it was only on the floor. (Dutch Police Commander, Interviewee 3)

In a separate interview, one Belgian police commander added:

Even before Schengen we were working together. It was the Eupen (Belgium) and Aachen (Germany) police that started working together, because they are both German-speaking, and they had a small border [police] station. They’ve been working together since the early 1980s. It was police–police contact—there were no treaties at all, and, everything had to go through the prosecutor, and they had to ask for things officially. Normally, that takes time. (Belgian Police Commander, Interviewee 30)

These facts were corroborated by other interviewees.

The first coordinated and tactical international police cooperation activities in the Meuse–Rhine Euregion appear to have originated through the initiative of the Germans.

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68 For more info, see http://www.nebedeagpol.eu/.
One German police commander provided information about the German “Surveillance and Arrest Team” that was established in 1990 and is still operative today:

Let’s begin with 1990. At that time, we started here with a new team— with a “Surveillance and Arrest Team”—with a look, at this point, coming to the Schengen process agreement. The controls at the borderlines were stopped. The customs service [left], and the police here [left] the border line. So, we missed here, about 400 to 500 agents from one year [1989] to the other [1990]. Aachen is a department with around 1,200 police agents, and there were another 400 to 500 federal officers and customs services, and they [left] from 1989 to 1990. So, we got a big hole in police work here, and at the same moment, the borderline control stopped.

So, the criminals from The Netherlands to Germany, and in the other direction, could change their country without control. So, we got big problems with drug trafficking, and also with car thefts. We have gangs—Dutch gangs—that specialize in car and bike theft, and they come here to pick cars, and they leave with them [on] the Dutch side. They go to garages; the cars were changed with the chassis number, and then sold again. So, we have, for some years, big problems, and for that reason, there was a new team founded—the “Surveillance and Arrest Team”...

This team is still working [today]. It was founded in 1990 as the “Grenzraum-Fahndungs-Kommando” (border area-tracing-command) with 11 members, all of them German police officers. It was founded [because]... of rising crime-rates in [the] context [of] the opening of the borderlines, especially drug trafficking, car thefts, and burglary.

Since 1994, our team very often cooperates with the Dutch “observatie-team” (surveillance-team). During the actions they change officers (i.e., one German officer [goes] to the Dutch team, and a Dutch officer [goes] to the German team) for better communication.

This team [is]... a German unit with 13 police officers... Today, they also cooperate with the Dutch team in common actions, but the way of cooperation has changed. In the past, we did our surveillance on Dutch property often ourselves. Today, they are exerted to take the surveillance on and to give it back when the suspect comes back to the borderline.

But remember: the team is... still a German team without [a] constant Dutch liaison officer. [It is] only during a cross-border action [that] liaison officers are exchanged. (German Police Commander, Interviewee 34)

The elaborate legal framework regulating international police and judicial cooperation in Europe was slowly developing in the background while the “bottom-up” international police cooperation contacts were occurring on a daily basis in the Meuse–Rhine Euregion.
6.4.2. Development of the Legal Framework Regulating International Police and Judicial Cooperation in Europe

The legal framework regulating international police and judicial cooperation in Europe was reviewed in Chapter 2 above. As such, the same materials will not be reproduced here. The interview data concerning this subject, however, is presented below in chronological order according to the evolution of the legal framework over time to continue with the “story” of international police and judicial cooperation in the Meuse–Rhine Euregion, as explained by the police and justice officials themselves.

Although the interviewees did not comment on every relevant international legal instrument, they did choose to comment on a few of them. When juxtaposed against the legal analysis presented in Chapter 2 above, it is interesting to observe:

1. the interviewees’ knowledge/awareness of the international legal developments,
2. which legal instruments have been of most importance to them in their international work.

As one Dutch prosecutor stated:

We can have very good legislation, [but] even so, I think that we have a lot of legislation that we haven’t even used already. Of all the tools we have, maybe we have used half, and the other half we haven’t even used. (Dutch Prosecutor, Interviewee 39)

The interview data support this observation. Therefore, the interview data reveal the highlights of the international legal agreements, as they relate to international police and judicial cooperation in the Meuse–Rhine Euregion—according to the practitioners themselves.

Before proceeding, it is important to stress that the legal framework regulating international police and judicial cooperation is indeed law. This point was confirmed by a German prosecutor, who stated the following:

**Interviewee 38:** EU-states are bound to follow EU-conventions, treaties, agreements, decisions in general, but they are free [with respect to] how to implement all those into their own law.

**Interviewer:** Which organization oversees it (and can impose penalties for non-compliance)? Is it the International Court of Justice in The Hague?

**Interviewee 38:** European courts in Strasbourg, France and Luxembourg, Luxembourg are “supervising” how EU-states comply.

**Interviewer:** What are the sanctions for non-compliance?
Interviewee 38: Sanctions can be imposed by the EU-commission, but this has been done very reluctantly in the past and somehow [is] more “symbolic” than financially “hurting” countries.

Interviewer: Are the steps in mutual legal assistance codified/mandated in each country’s procedural law, or is mutual legal assistance more an administrative process that has been developed by each country to meet investigative needs as required?

Interviewee 38: Taking into account my answer for [question 1], codification/mandation is interpreted differently in EU-states. To give you an example: Ireland simply adopted the Eurojust Decision when transforming it “1:1” into national law; Germany created a major Act on implementing the Eurojust Decision, with a lot of different articles. In other words, the police and justice officials have grown increasingly obligated to cooperate with one another over the years, not only because of the increase of serious transnational organized crime in the Euregion, but also because of the legal framework.

6.4.2.1. “Benelux Treaty” (1962)

The first treaty to be mentioned by some of the interviewees was the “Benelux Treaty” of 1962. Several Dutch, German, and Belgian officials commented on the importance of this treaty in the context of international police and judicial cooperation. One German police officer commented on this treaty as an “outsider,” since Benelux does not include Germany:

The other countries—Belgium, Luxembourg, and The Netherlands—have a contract from 1962 [i.e., “Benelux Treaty”], I think. It was the first international contract of cross-border police cooperation in Europe. They could exchange liaison officers from 1962 on. (German Police Commander, Interviewee 34)

In another interview, one Belgian police officer simply stated:

The “Benelux Treaty” makes it easier [for us in Belgium] to cooperate with the Dutch. (Belgian Police Officer, Interviewee 10)

Several police officers expressed gratitude for this treaty.

6.4.2.2. Convention Implementing the Schengen Agreement (1990)

Many police and justice officials commented on the impact of the Convention Implementing the Schengen Agreement (1990), with specific regard to how it: (1) enhanced cross-border living in the Meuse–Rhine Euregion, (2) made it easier for criminals to operate across borders, and (3) strengthened the ability of police and justice
officials to combat serious transnational organized crime by allowing more intense international cooperation. One German police commander demonstrated an excellent understanding of the history and content of the Convention Implementing the Schengen Agreement (1990), and how it has operated to enhance cross-border police work:

In 1995, the "Schengen Processing Agreement“ began to work. It was started by France. France was, at that moment, the leading country in the European Union...

We had cooperation in the years prior to 1995, but then we had to stop at the borderline. So, if we worked together, we go on the German side to the borderline; and then on the Dutch side, the Dutch police have to take over. So, we [had] no chance to go cross-border.

And, from 1995, there were international contracts [treaties, etc.] that allow [us] to go cross-border.

The main part, after all of these things, is that we want to work on our own side, and we don’t want to go across the borderline, but if there’s some special reason, it is allowed to do it.

So, [crossing the border] is allowed for the reason of surveillance. If you have suspects you are following, and they leave your country [Germany] and go cross-border to Belgium or The Netherlands, and there is no surveillance team from the other country that can take over, you are allowed to follow them. You have to call via radio to say, “Hey, we are coming with reason.” [We have to say] how big is the team, how many cars, and for what reason we are following. But, you can [only] follow for so long, and then the Dutch police or the Belgian police will say, “Please stop,” or, “We [will] send some people to take over.”

The second choice is you can follow suspects [in hot pursuit]... then you are also allowed to follow him cross-border, and to arrest him on Dutch or Belgian territory, but you cannot take him with you back to Germany. You have to wait there, and you have to call the Belgian or Dutch colleagues; they [will] take him over. Then, the German prosecutor has the chance to send a letter rogatory to get him back.

The third thing that is done by the "Schengen Processing Agreement“ is information exchange. If there is someone that German police controls [i.e., takes into custody]—if the suspects are Dutch citizens—we can call the Dutch police and get information about them, [such as]: “Are they known to police? And, for what reason are they known?”—for drug-related offences, and so on.

Those are the three big things that are organized in the "Schengen Processing Agreement.” Surveillance is Article 40. Police pursuit is Article 41. Information exchange is Article 39. (German Police Commander, Interviewee 34)
In a similar vein, one Belgian examining magistrate discussed how the *Convention Implementing the Schengen Agreement* (1990) impacted international judicial cooperation in the *Schengen* space:

**Interviewee 16**: When you have an international request, for example, we here make the international request, we have to send it to our prosecutor, [and] for us [in Belgium], maybe we have to make a translation… Then after, it has to go to… the General Prosecutor’s office. Then, it has to go to the Ministry of Justice. After, from the Ministry of Justice, it goes to the Ministry of Foreign Affairs. From the Ministry of Foreign Affairs in Belgium, it goes to the Ministry of Foreign Affairs in the country where we want to do something.

**Interviewer**: Oh my goodness—every request has to go through this chain of command?

**Interviewee 16**: No, not in the *Schengen* space.

But then after, when you were in the foreign office in the foreign country, you have to go the other way [down the chain of command], from the Ministry of Justice, to the General Prosecutor’s office, to the judge’s office, to the prosecutor, and then to the police. So, you see how long it can take, outside of *Schengen*.

But in *Schengen*, it’s different. In *Schengen*, we can go straightaway to our colleagues… prosecutor or judge. (Belgian Examining Magistrate, Interviewee 16)

Indeed, Article 53 of the *Convention Implementing the Schengen Agreement* (1990) allows for mutual legal assistance to be done through direct judicial cooperation within the *Schengen* space. Clearly, the police and justice officials viewed this convention as a landmark instrument that has helped enhance international police and judicial cooperation in the Meuse–Rhine Euregion.

### 6.4.2.3. “Treaty of Bergen op Zoom” (1999)

The “*Treaty of Bergen op Zoom*” (1999) also figured prominently in the history of international police cooperation in the Meuse–Rhine Euregion. This temporary treaty was drafted specifically for the Euro 2000 Soccer Championship. One Dutch police commander spoke about this treaty at length:

So, it was very good for us to have those treaties. For instance, we had, after *Schengen*, we had—together with Belgium—the soccer championship—the European soccer championship [UEFA European Football Championship (hereinafter referred to as “Euro 2000”)]; Belgium and Holland organized it. But we did not have—until then—the “*Benelux Treaty*” [i.e., the “*Treaty of Senningen*” (2004)]. So, they made a treaty only valid during those championships; it was called the
"Treaty of Bergen op Zoom." In those same days, as what was arranged in that treaty, we had, later on, the "Benelux Treaty" [i.e., the "Treaty of Senningen" (2004)]. So, we have now more possibilities...

Events, for instance, when we have major soccer games, we have hooligans who are trying to do everything, but not what is good. We try to assist each other by having spotters from other countries in the stadiums, but also, when necessary, to have mobile squads from those countries to help our forces. What you see is, for instance, that when we had the European Soccer Championship organized by Belgium and Holland ("Euro 2000"), we had a lot of liaison officers from several countries. We did not have the possibility, [at] that time, to have mobile squads from Germany. And, we had the luck that, for instance, in Aachen, just across the border, they have what they call a "hundertschaft" [in German], " [which means "group of one hundred"], and that is a mobile squad that is available 24 hours a day for major incidents. So, we don’t have such a team here in our region. The "Treaty of Enschede" (2005) says that, in the worst case, we could ask our German colleagues to help us, so when we have unforeseen trouble with hooligans, for instance, and knowing that there is a squad of 100 German police officers just across the border, it’s much easier to get those 100 men here in five minutes, than it is to get my Dutch colleagues from Eindhoven, or wherever. So, the possibilities the treaties give are very huge and valuable. The beginning was the "Treaty of Bergen op Zoom"—the treaty was only for the soccer championship for Belgium and Holland ("Euro 2000")...

The "Treaty of Bergen op Zoom" is not valid anymore. It was only valid during the soccer championship, but based on this treaty, we got the "Benelux Treaty" [i.e., the "Treaty of Senningen" (2004)]... So, based on the "Treaty of Bergen op Zoom," we got the ["Treaty of Senningen"]... with more possibilities.

Thus, the temporary “Treaty of Bergen op Zoom” (1999) served to inspire the permanent “Treaty of Senningen” (2004). This is another example of how international police cooperation in the Meuse–Rhine Euregion has grown "bottom-up," and on an "as needed" basis.


A number of police and justice officials commented on the benefits of the European Arrest Warrant in helping to facilitate international police and judicial cooperation. One Belgian police commander explained:

The big difference too—with the Schengen space—is the International Arrest Warrant. So, before Schengen, if, let’s say, Belgian authorities wanted to arrest someone abroad, the judge had to deliver an International Arrest Warrant. Now, with the Schengen space, they deliver a European Arrest Warrant. What is the difference? One of the
main differences is that this one gives permission to the other countries to do all-in-one—so, search, arrest, seizures—and when, let’s say, I go to Italy to pick up the man they arrested for me, I come back with the things that were seized from the person, and it is very easy. Before that, it was heavier because, okay, the police search and arrest... okay, he’s arrested... but he was not alone—he had a car, he had stolen goods, and we would like that. So, we have to send another letter rogatory, and so on. That’s a big difference that you will probably hear about.

[An] International Arrest Warrant is an extradition. So, when you go to pick up the person, it’s an extradition. A European Arrest Warrant is not an extradition. Italy surrenders the arrested person to Belgium, for instance. That is one of the main differences. It is easier for everybody. (Belgian Police Commander, Interviewee 21)

Like many of the advancements in international police and judicial cooperation, the European Arrest Warrant is still relatively new. Indeed, in a separate interview, another Belgian police commander commented:

So, each country has agreed [to the European Arrest Warrant], but it is a new system, and it must evolve. (Belgian Police Commander, Interviewee 20)

This was the general sentiment expressed by many police and justice officials with respect to the legal advancements in international police and judicial cooperation.

6.4.2.5. “Treaty of Enschede” (2005)

A number of the German and Dutch officials commented on the “Treaty of Enschede” (2005), which is a German–Dutch police and judicial cooperation treaty. Readers will recall from Chapter 2 that this treaty is very similar to the Benelux “Treaty of Senningen” (2004). Of particular note here is that no similar treaty exists that obligates Belgium and Germany to work together in a similar fashion. One German police commander explained the situation:

Interviewee 34: The Netherlands has another contract—the German–Dutch contract for police and justice—from [2005] [i.e., “Treaty of Enschede”]. And, so we have more things that we can work out together.

And Belgium... we are still waiting for this contract. They’ve been working on it for years, but the government in Belgium changes very quickly. And, when they start to do this contract, it is only for a year, or two years’ time, and then the government changes again, and so...

Interviewer: I didn’t know that.
**Interviewee 34:** You have the problem in Belgium—there are three languages, there are three different parts: a small German part, a big Dutch part, and a big French part. And, you also have very, very different [political] parties there. So, they don’t have a very powerful government over years. The government changes, mostly every year or two years. So, we are still waiting to get a special contract between Belgium and Germany...

**Interviewer:** So, Germany wishes to have this contract with Belgium, but Belgium is so slow, that it is just not happening?

**Interviewee 34:** Yes.

We can do the usual things—from the "Schengen Processing Agreement"—[like] surveillance, or information exchange—but all the other things that are allowed [between Germany and] The Netherlands are not possible because the contract is not there.

This is a very interesting observation, but the lack of an explicit Belgian–German police treaty that is similar to the Benelux “Treaty of Senningen” (2004) and the German–Dutch “Treaty of Enschede” (2005) does not prohibit Belgian and German police officers from cooperating in the ways provided by the “Treaty of Senningen” (2004) and the “Treaty of Enschede” (2005). Specifically, Table 2.4 above revealed that, when compared side-by-side, there is a significant amount of redundancy between a number of treaties. As such, all the substantive points of issue covered in the “Treaty of Senningen” (2004) and the “Treaty of Enschede” (2005) are also covered by other treaties—which relate to all three countries—except with respect to the issue of joint police training.

**6.4.2.6. Prüm Convention (2005)**

The Prüm Convention (2005) received a significant amount of commentary among the police officials and one German prosecutor. These officials explained how this convention has made international police cooperation easier, by allowing for “spontaneous information exchange,” including information that relates to DNA and license plates. One German prosecutor simply stated:

We have the "Treaty of Prüm"... which allows for the spontaneous exchange of information. So... at least in the first step, [you are no longer] bound to formal mutual legal assistance. (German Prosecutor, Interviewee 38)

So, this is an example of a treaty streamlining the process of international police cooperation, by removing the need for official letters rogatory to exchange basic police information. In a separate interview, one Dutch police commander provided more detail:
We have two kinds of information. First, we have police information that we can exchange with Germany, without an official request.

And, we have information that can only be given by a Dutch prosecutor to a prosecutor in Aachen [i.e., DNA information]. That is a new contract, and they call it the "Treaty of Prüm." Remember how we were talking about the information regarding DNA files? Well, that is information that we can only give the prosecutor.

And, information about what the guy did in the past, that is police information, and we can give that information to the police in Belgium or Germany. (Dutch Police Commander, Interviewee 3)

In another interview, a Belgian police commander provided an example to show that the Prüm Convention is so forward-thinking that the infrastructure to support its possibilities has yet to be put in place:

**Interviewee 30:** You know the "Prüm [Convention]"? Prüm allows us to check license plates in all the EU countries, so it’s allowed, but we can’t do it because the computer system does not exist, yet.

And you know the system called “EUCARIS”—the European Car and Driving License Information System? All the European countries should link their national system to this system, or otherwise, if you type in a license plate, then you have a car registration number, owner, address and that’s all.

**Interviewer:** And this is already in place?

**Interviewee 30:** It’s in place on paper—[because of the] Prüm [Convention]—but not in practice. I spoke to someone from Brussels... and they thought 2011, at the earliest.

In sum, the police officials were excited about the possibilities offered by the Prüm Convention (2005), even if some of the possibilities have yet to manifest.

### 6.4.2.7. Integrated Emergency Response (Police, Fire, Ambulance) in the Meuse–Rhine Euregion

Finally, the interview data revealed that a number of treaties regulate an integrated/cross-border emergency response in the Meuse–Rhine Euregion. One Dutch police commander explained:

**Interviewee 3:** If it happens that there is an accident, where there is a fire, it can be that the ambulance from Aachen goes to Heerlen, and is quicker than all of the Dutch ambulances.

**Interviewer:** So, that agreement is in place now?

**Interviewee 3:** Yes. For fire brigades too. There is one helicopter for insured people—it goes to Belgium, Germany, and Holland.
Interviewer: And what treaty allows that? Is there a treaty that governs that?

Interviewee 3: It is arranged by the government. It is also made by the Minister of Internal Affairs. He is the man who made the contracts with Germany and Belgium, for the police.

Table 2.4 above revealed that the main international legal instruments regulating emergency response in the event of “major events, disasters, and serious accidents” are: the “Treaty of Enschede” (2005), the Prüm Convention (2005), and the Council Decision of 2008/615/JHA (2008). The development of international cooperation in this regard strengthens the case for closer international police and judicial cooperation in general.

6.4.3. Development of Structures for International Police and Judicial Cooperation in the Meuse–Rhine Euregion

The interviewees spoke at length about the various structures for international police and judicial cooperation that have been developed in recent years in the Meuse–Rhine Euregion. Although there are several structures, the key structures are: NeBeDeAgPol, EPICC, and the BES. One Belgian prosecutor recounted how the advancements in international police and judicial cooperation began:

The point of vision was very important in starting the whole project. I think the vision was most strong by the people of Maastricht, because they came with the idea, and also their higher level, I would say—you have the prosecutors at the basic level, and then you have a higher level—and they all have a vision that: “We need to do something in the Euregion.”

There were already some studies from [Prof. Dr.] Cyrille Fijnaut... studies that said there was a kind of problem there, and so, I think that the vision was in The Netherlands, and they started the whole project. They had the idea, and then they came to [Belgium], and they came to talk to the leading officer here, and he was very much charmed by the idea, and he said “Yes, we need to go for that.” I think it was very important—the vision to do something—I think it was very creative. We need to have someone to work for the Euregion, so that resulted in the contract that the Belgian Jurist at the BES has. So, it’s important to succeed—there was a kind of vision. It was our Dutch colleagues who started the whole project. And even now, the Dutch are facilitating it because we meet in Maastricht, they have a meeting room, there are translators... But it is thanks to their prosecutor, and also the higher level, who believed in the idea, and believed that... something [should be] done.

Now, I don’t know, because it’s not so that the Euregion is the most unsafe area—that is not the case. But I think it’s very specific for The Netherlands because Maastricht is almost fully surrounded by
foreign countries. So, when something happens, the criminals are directly in Belgium or in Germany. So, I think that they needed to ask for much legal assistance, but also, Belgium and Germany, they ask for very much legal assistance from Maastricht, and I think it is there that the vision has become that, “We need some structural cooperation,” because when you see it on a map, geographically, it is almost totally surrounded by Belgium and Germany... (Belgian Prosecutor, Interviewee 13)

Numerous interviewees acknowledged the Dutch officials as being the driving force of the advancements in international police and judicial cooperation in the Meuse–Rhine Euregion. Considering that: (1) the Dutch are lacking in police resources, and (2) are facing pressure from Belgium and Germany to cooperate in cases of serious transnational organized crime—not only because of their geographic position of “being caught in the middle,” but also because of their lax drug policies, it is not surprising that the Dutch have been the key drivers of the advancements in international police and judicial cooperation in the Meuse–Rhine Euregion. In this subsection, descriptive data on the development of the structures for international police and judicial cooperation are presented to further establish the huge advancements that have been made so far.

6.4.3.1. Structures for International Police Cooperation

The primary structures for international police cooperation in the Meuse–Rhine Euregion are namely: NeBeDeAgPol, EPICC, and the Joint Hit Team (JHT). The tertiary structures for international police cooperation include: the Dutch SGBO, the Dutch EOT, the Dutch OT, and the German “Surveillance and Arrest Team” (GFK). Each of these structures is discussed below.

6.4.3.1.1. The Evolution of a Working Group Structure for International Police Cooperation: NeBeDeAgPol

The first structure that was created for international police cooperation in the Meuse–Rhine Euregion was NeBeDeAgPol (Nederlands Belgisch Deutsch Arbeitsgemeinschaft der Polizei). As one Dutch police commander explained:

NeBeDeAgPol... is a forum [of] the highest Dutch, [Belgian] and German police bosses... [The steering committee is composed of the] Chief

69 These structures are identified as tertiary in the present dissertation because although they were not created for international police cooperation per se, these structures are nonetheless actively involved in international police cooperation.

70 This translates into “Dutch, Belgian, German Working Group of the Police.”
The steering committee of this structure began meeting informally in 1969, on the initiative of the Aachen Police Chief. Neither a Memorandum of Understanding, nor a “Gentleman’s Agreement” formalized the composition of this multi-level group. Rather, NeBeDeAgPol has a “status document” that has allowed for flexibility in the evolution of its structure. One Belgian police commander explained:

Until 2003, [NeBeDeAgPol’s] structure was different. There was only one permanent working group. Now, we have five working groups. You need to have flexibility in your structure, because you need to adapt to the reality. Maybe, in five years, we will have another structure, and that must be possible, because if you make a structure that has a definition that is written in a treaty, you will have difficulties to change the structure, because you will have to change the treaty.

We have a structure that we made on our own between us [i.e., the key police leaders in the Meuse–Rhine Euregion]. It’s an agreement between us, and if we need to adapt it, it’s very easy to do it. We can do it. We don’t have to change a treaty for it... (Belgian Police Commander, Interviewee 36)

Indeed, NeBeDeAgPol has evolved into a sophisticated, multi-level working group.

Figure 6.4 below presents the organigram of NeBeDeAgPol. The components of NeBeDeAgPol that are of most interest in the present study are highlighted in bold in Figure 6.4 below, since these are the components of NeBeDeAgPol that received the most attention in the interviews with the police officials. Accordingly, each of these components is discussed briefly below.

**NeBeDeAgPol’s Strategic Level: The Steering Committee**

As aforementioned, the steering committee of NeBeDeAgPol is composed of three police chiefs. NeBeDeAgPol is run democratically, and as such, the presidency of the team rotates among the three police chiefs. To explain the mandate of this team, one Belgian police commander stated:

NeBeDeAgPol is like a “think tank”; they think [about] what we can achieve, what timeline, and what is the cost. (Belgian Police Commander, Interviewee 30)
In a separate interview, another Belgian police commander provided more information:

[The three chiefs of police] meet every six weeks, in the direction committee, to discuss all sorts of security problems related to police work... So, [they] are there to promote trans-border collaboration, and to develop tools and methods to make it possible... (Belgian Police Commander, Interviewee 36)

It is important to stress that NeBeDeAgPol is just an inter-agency, cross-border working group. As such, it does not have a physical office space or an operating budget. One Belgian police commander explained:

NeBeDeAgPol is a structure that does not have any proper money or budgets. [They] come together, and if [they] decide that [they] will
make a common action—a common control—it is with our manpower—with the money or budget from each of our services. But, there is no “NeBeDeAgPol budget.” (Belgian Police Commander, Interviewee 36)

This is significant, because it means that for anything to be done within the realm of international police and judicial cooperation, the stakeholders should agree to the common action, which is achieved through meetings and discussion. Perhaps the most important of these meetings is the Annual Strategic Conference.

**The Annual Strategic Conference**

Every year, usually in late November or early December, the BES organizes a large strategic conference for the police and justice officials involved in international police and judicial cooperation in the Meuse–Rhine Euregion. Although this conference is called “The Strategic Conference of the Prosecutors of the Meuse–Rhine Euregion,” “…the chiefs of police are invited to participate in the debates at this conference” (Belgian Police Commander, Interviewee 22). This is the only time that most of the police, prosecutors, and judges involved in international police and judicial cooperation in the Meuse–Rhine Euregion meet on a strategic level. One Belgian police commander observed:

> So, this meeting is making the link between the police world, let’s say, and the legal world. (Belgian Police Commander, Interviewee 19)

One Belgian prosecutor provided more insight about what happens at this conference:

> Once every year, we have a big strategic conference...

During the strategic conference, we try to get a view of criminality—the criminal offences that take place in the Euregion. We do that on the basis of figures—the police [i.e., crime analysts] analyze crime during the year, and at the conference, they will come with statistics, and they will say that, “We see an increase in this, or a decrease in that,” and, on the basis of those numbers... we try to prioritize crimes/criminal offences.

Every year, we try to agree on three priorities on which we want to cooperate for the coming year, and it is usually the same priorities every year—drugs [i.e., ecstasy laboratories and cannabis plantations], human trafficking [i.e., forced prostitution/sexual slavery], and burglaries in homes... And each priority gets its own working group, which [is composed] of police officers from the three countries, and they have to work together, and they have to make an action plan for the coming year on how they want to tackle that type of criminality. (Belgian Prosecutor, Interviewee 15)
These strategic priorities have been the same since 2008. As Interviewee 15 explained in the interview transcript excerpt noted immediately above, “each priority gets its own working group.” Another Belgian prosecutor explained, in greater detail, the workings of the conference:

The [police] chiefs go to the conference, and the front-line [police] officers meet afterwards in the working groups to make the priorities—to work them out, [to] exchange information, to see if they can have common investigations, etcetera. The chiefs say, “These are our priorities,” and then the working group of the front-line officers have to put it into practice. (Belgian Prosecutor, Interviewee 13)

This fact helps explain the multi-level structure of NeBeDeAgPol, and more specifically, why there are different working groups at the tactical level (i.e., for combating drug crime, burglaries, and human trafficking).

**NeBeDeAgPol’s Operational Level: The Chiefs of the Judicial Police**

At the operational level, the chiefs of the judicial police in Belgium, The Netherlands, and Germany also meet regularly. One Belgian police commander explained:

[At] the tactical level, you also have the chiefs of judicial police meeting regularly. So… the chief responsible for the judicial police of Limburg South, the chief responsible for the judicial police of Aachen, and also all the six directors of the judicial police of Liège, Hasselt, Tongeren, Verviers, and Eupen—they also have some meetings, once a month. (Belgian Police Commander, Interviewee 22)

The strategic decisions made by the executive level (i.e., the top police chiefs) guide the middle-managers’ (i.e., the chiefs of the judicial police) formation of the operational plans, which are then used to shape tactical plans at the investigator level.

As illustrated in the passage noted immediately above, however, the interviewees’ discussion of NeBeDeAgPol’s strategic, operational, and tactical levels revealed a terminology usage difference between Europe and North America. Specifically, some of the European police commanders used the word “tactical” with reference to the judicial chiefs of police, and the word “operational” with reference to police investigators.

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71 Granted, this is a tangential issue, but it deserves attention in the body of the text nonetheless due to the confusion that would undoubtedly arise among readers if this issue was neglected.
This European terminology usage differs from North American police practice and literature. By way of some background explanation, the terms “strategic,” “operational,” and “tactical” originated in the military milieu, and were adopted into the police lexicon because police agencies are inherently para-military organizations. To begin, the term *strategic* refers to the macro-level within which decisions are made by the executive that take into account the “big picture.” The definition of this term appears to be universally agreed upon.

In North America, however, the *operational level* refers to the level that is one step below the strategic level, but one step above the tactical level; thus, the order of the levels, from macro to micro, is: strategic, operational, and tactical (Aepli, Ribaux, & Summerfield, 2011:12, 24, 39, 78, 83, 84, 104, 105, 107; Melton, 2011:9). Moreover, the operational level of any given police service features the *Operations Division*; within the Operations Division are specialty units/squads, such as the patrol unit, traffic unit, vice unit, etcetera (Holden, 1986:155; Thibault *et al.*, 2007:113). *Operational plans* are drafted by the middle-managers as directives for the line-level (Swanson *et al.*, 2005:644–645).

Also in North America, the *tactical level* refers to the frontline/investigator level, and concerns deployment for specific situations (Aepli *et al.*, 2011:24). Significantly, at any given level (*i.e.*, strategic, operational, or tactical), there are concomitant tactics, which are “…the ways to achieve a goal defined by a strategy” (Aepli *et al.*, 2011:83). Table 6.4 below illustrates the differences between the different levels, according to the different types of tactics. Additional crime-fighting tactics used at the tactical level include: information sharing, searches, seizures, and arrests (see Melton, 2011:9; see Swanson *et al.*, 2005:644–645). Accordingly, the North American usage of the terms is followed in this dissertation.
Table 6.4: Strategic, Operational, and Tactical Policing Levels by Tactics

<table>
<thead>
<tr>
<th>Policing Level</th>
<th>Brief Description</th>
<th>Examples of Tactics</th>
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<td>Strategic Level</td>
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<tr>
<td>Tactical Level</td>
<td>Patrol/line-level deployment.</td>
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<td>- Surveillance</td>
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<td></td>
<td></td>
<td>- Use of Force Techniques</td>
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</tbody>
</table>

Source: Adapted from Aepli et al. (2011:84, Table 2.49).

NeBeDeAgPol’s Tactical Level—The Police Investigators

As illustrated in Figure 6.4 above, the tactical level of NeBeDeAgPol consists of five main working groups. Indeed, one German police commander summarized the situation:

We have five special working groups under the NeBeDeAgPol headline. They are: (1) [serious] crime, (2) prevention, (3) traffic, (4) public relations, and (5) advanced/continuation training [i.e., education]. It’s a way to develop and keep the police up-to-date regarding knowledge and new practices. (German Police Commander, Interviewee 1)

In a separate interview, and in reference to the NeBeDeAgPol Working Groups, one Dutch police commander stated:

In most of these [forms of] cooperation, joint Euregional patrols [by police officers in uniform] are possible.
All these [forms of] common cooperation are based on the ["Treaty of Senningen" (Benelux), the "Treaty of Enschede," and the "Treaty of Prüm"]. (Dutch Police Commander, Interviewee 31)

It is important to stress that there are many opportunities for joint patrols in the Euregion; it is not just because of the “Working Group for Traffic” that joint patrols are possible.

The “Working Group for Serious Criminality” is of most interest to the present study, because this working group focuses on serious transnational organized crime in the Meuse–Rhine Euregion. As such, the foregoing discussion focuses on this working group,
and in particular, its sub-level working groups for combating drug crime, burglaries, and human trafficking.

**Working Group for Serious Criminality**

Within the Working Group for Serious Criminality, there are additional working groups designed to address the crime-fighting priorities that are determined at the Annual Strategic Conference. One Belgian police commander explained:

> Then, we have some working groups in the types of crimes that are seen as a priority [i.e., the working groups under the “serious criminality” umbrella]. We have one working group for drugs, one for property crime/burglaries, and one for human trafficking. They also meet once per month. (Belgian Police Commander, Interviewee 22)

Although there are two additional working groups under the Working Group for Serious Criminality (i.e., intelligence/source handling and counter-terrorism), the three working groups of most interest in the present dissertation are the working groups for drug crime, burglaries, and human trafficking, since those are the working groups that the interviewees highlighted as the most important in international police cooperation in the Meuse–Rhine Euregion.

The NeBeDeAgPol Working Groups are composed of police officers who either volunteer, or are chosen by management, to perform that work. In one interview, one Dutch prosecutor suggested that police officers volunteer to work in one of NeBeDeAgPol's working groups:

> There are police officers doing something for NeBeDeAgPol in their spare time, and they like it. When a police officer who has very good language skills—who speaks two other Euregional languages—and he likes to cooperate or do something [to help facilitate international police cooperation], he would be part of a working group of NeBeDeAgPol. (Dutch Prosecutor, Interviewee 39)

In contrast, in another interview, two Belgian police commanders explained that police officers are “hand-picked” to work in a NeBeDeAgPol Working Group. These two Belgian police commanders also explained the tasks of the tactical level working groups:

**Interviewee 19:** The chiefs of the police [NeBeDeAgPol] and the BES decide the priorities—drugs, robbery, human trafficking—and we choose in our service/unit a person [i.e., a police specialist] who is responsible
for each of the prioritized crime types]. And, each of the responsible police specialists from the three countries are brought together to meet, let’s say, four or six times a year. And, these specialists organize specific actions on the ground. We make controls [at] the border, for instance, at the same time. We coordinate our work.

Interviewee 20: But in these groups, we speak about cases also; we [do] not [just] plan actions...

Interviewee 19: But we also analyze, we decide, we discuss—to find some solutions.

Interviewee 20: The objective of these groups is also to detect new phenomena in the big phenomena.

Interviewer: Trends.

Interviewee 20: For example, in drugs, concern[ing] plantations—we can learn from the other country the new techniques [that] are used by the criminals to make plantations, [and how] to catch the plantation. It is an exchange of [police] experience [and criminal intelligence] too.

In each team, there is somebody who must report the results of the team to NeBeDeAgPol, or to the BES. But, this leader [of each team] changes each year. Each year, it is someone from another country...

Clearly, police officers involved in international police cooperation should possess certain attributes/skills. In a separate interview, one Belgian prosecutor added that the NeBeDeAgPol Working Groups are composed of specialist investigators:

And from all the districts in Belgium, The Netherlands, and Germany, from our region, they send their specialized police officers to the specific working groups. If you have human trafficking, the specialized police officers from Maastricht go to the working group for human trafficking, the ones for drugs go to the working group for drugs, and the specialist investigators for burglaries and home invasions go to the working group for burglaries and home invasions. (Belgian Prosecutor, Interviewee 15)

In sum, the specialist police officers who belong to one of the NeBeDeAgPol Working Groups meet regularly to plan joint actions, discuss cases, share information, and share ideas—all according to a work plan with operational and strategic goals.

Software Tools Created by NeBeDeAgPol to Facilitate International Police Cooperation in the Meuse–Rhine Euregion

NeBeDeAgPol commissioned the development of two software tools to facilitate international police cooperation in the Meuse–Rhine Euregion. The tools are: (1) the “Vademecum” and (2) a CD-ROM containing a glossary of judicial police terms translated in the three languages. These two tools are discussed briefly below.
Vademecum

The Vademecum was created by NeBeDeAgPol and the University of Gent (Belgium) to assist front-line Belgian police officers who find themselves involved in handling a cross-border case, but may not necessarily know what to do next. The Vademecum is a software program embedded within the Belgian Police Intranet system. Essentially, when a Belgian police officer has a question about what he/she should do next in a cross-border investigation, or what is possible, they can open the Vademecum, type their question, and the Vademecum will lead the user to the correct answer by asking a series of additional questions—much like a flow-chart (i.e., “If yes, then...” or “If no, then...”). Two Belgian police commanders briefly explained this tool:

**Interviewee 19:** We are [constructing] a [software] program to answer the questions of procedure [concerning cross-border police cooperation]. For instance, if I need to go [to] The Netherlands, [and I am wondering] “Can I take my gun with me?” [Then] I ask this question on my computer, and my computer says, “Yes” or “No” and gives me the reason/legal basis to explain why the decision is so.

**Interviewee 20:** It is a database/website available for everybody [in Belgium], but it is in progress. It’s under construction.

In a separate interview, two other Belgian police commanders explained this tool in greater detail:

**Interviewee 36:** It is an operational tool for all the police [officers] on the streets, so that they have answers for their questions about cross-border cooperation.

**Interviewer:** A resource for the frontline?

**Interviewee 36:** Yes—it is for the frontline... It is based on questions that police [officers] can have. They will say, “Okay, I will cooperate with my Dutch colleague. When I go in The Netherlands, what are my competences? What can I do there? May I control the identity of someone? May I use my weapon?” and so on.

And, you can control [the tool] very quickly. So, if you have a... police [officer] after a thief, they go through the border... they can phone the centre, and they can look, and they can say, “Okay, you can do this, that, and that...”

So, you see, sometimes, when you go to meetings, you will hear that cross-border cooperation is a matter of specialists—only specialists know how you have to do it, and so on. That is not good. We want every police [officer] in the border region [to] know what is possible or not, because we have treaties with a lot of possibilities. So, the people
who live here have the right to live in security, and have the right to ask that police services use all the possibilities given by the treaties. That is, I think, normal.

So, we made a project [using part of the] budget of the Federal Police in Belgium—a scientific project. It is for scientific research. And, we asked the University of Gent to develop a product that gives a quick and complete answer to the questions that police [officers] can have. So, we [held] a meeting with experts from special units—from local police, federal police, traffic police—everything—every service of the police. And we made a list of questions that police [officers] ask, or have, when they work in the border region. These questions were put on five different files by the University.

And, you must know that there are a lot of treaties. Those treaties sometimes talk about the same things, but in a different way. Or, some treaties do not speak about some things, so it’s not easy for a police [officer] to know [the answer when they ask themselves] “Which treaty do I have to work [with] now? Or [when they ask themselves] “For this matter, where do I have to look to find an answer?” So, all these treaties are all here in this little application [i.e., the Vademecum]. And, because it’s the Euregion, we asked the University (of Gent) to do it for the collaboration with Germany and The Netherlands. So, it is the collaboration between Belgium, Germany, and The Netherlands. You’ll see that there are five different files: trans-border actions, rogatory commissions, information exchange, exchange of people, and special police tools/materials/equipment. And then, also, the competences of police abroad.

So, here, I will show you. For instance, mixed patrols… when a Belgian police chief plans to make an action with The Netherlands, and he says, “It would be nice if we would have a common patrol between Dutch and Belgian police [officers].” So, it’s a Belgian police chief, he wants to do it with The Netherlands… [Interviewee 36 then selects these options using the tool]

And, then you have other questions. “Can it be an initiative of each police [officer]? Is there a limit in time and space? What are the competences? How can a police [officer] show his information? What are the trans-border possibilities?

So, can it be an initiative of each police [officer]? You have, at first, a quick answer: “No.” Why? Because the local chief of police must decide. It cannot be that each police [officer] decides it.

And, where do you find this? Well, you find this [answer] in the “Treaty of Benelux,” and the “Treaty of the Implementation of Benelux.” You see?

**Interviewer:** Amazing.

**Interviewee 36:** You can go back, of course—if you want to go now to the other question: “Is there a limit in time and space?” Yes... you have here a little explanation, and you have the text of the treaty...

**Interviewee 35:** You can also [ask]: “What can be done by a German or Dutch police [officer] in Belgium?”
So, if a Belgian police chief receives a question from The Netherlands, then he will have here all the same [information/answers]. He can determine that, “If I [agree that] the Dutch police come to my region, what may they do, and what [aren’t they allowed to] do?”

**Interviewee 36:** We also ask, because I [mentioned] that sometimes, you have one matter that figures in more than one treaty—you have more than one treaty about a house search. So, if the police need a search warrant in The Netherlands, then you have the answer to that, “Okay, it is possible, but you need a paper from the prosecutor to do it. You cannot do it on your own as a police [officer].” And, you see that there are two treaties that say something about this item. And, in the quick answer, the University says, “Use the “Benelux Treaty”—that is the better of the two for this,” because there are more possibilities, and so on. So, you see, even if you have more than one treaty, even if there is a great difference between the treaties, this tool will tell you which treaty you will have to use.

And now, we have introduced a new project to add France and Luxembourg. So, we will have this tool for all the neighbour countries of Belgium.

**Interviewee 35:** And, you must know that The Netherlands and the German police are interested to have it for them too. This—here—is from the Belgian view, but they want to make it from the German view, and from the Dutch view.

**Interviewee 36:** And, the goal of this tool was to have only one tool for all purposes. So, if you have an urgent case—you have a pursuit—there is a control, and the police pursues a car, and they go in the direction of the frontier—so, the police can ask the centre: “Now, I will [head in] the direction of The Netherlands. May I cross the border?” And, you will have, with this quick answer, you can directly answer to the team, “Okay, yes you can do it,” or “No—stop.”

But, if you are a police chief who plans an action—a big control with a neighbour—you have time—you are in your office and you can look more in detail, then you go, and you have the text of the law, and you can read it, and see all the details, and so on. So, you have one tool for the urgent cases, but also for preparing. So, that is only an example...

**Interviewer:** Who is using the tool right now? Is it just Belgian police officers?

**Interviewee 36:** Until now, it is for police officers in Belgium, and it is the beginning. So, we only have it in one language [Flemish]; we translated it to French and German, so that all the Belgian police [officers] will have it.

**Interviewer:** So, it’s in all the three languages now?

**Interviewee 36:** Yes.

And, we asked [the University of Gent] now to add the two [other] neighbour countries of Belgium: France and Luxembourg...

But now, you have it in Belgium... It is already on our Intranet.  

**Interviewer:** Among all the police in Belgium?
Interviewee 36: Yes.
Interviewer: How long has it been on the computers?
Interviewee 36: Two weeks. It’s new.
Interviewee 35: It’s not finished.
Interviewer: It is still a work in progress.
Interviewee 35: Yes, and there must be someone who [continually] makes the updates.
Interviewee 36: But, I think this is really a good way to facilitate cross-border cooperation. You have to bring this cooperation down from the specialist level to the front-line level, and [the Vademecum] is one way of doing it. It is not the only way of doing it.

This passage was very interesting—not only because it explained the tool in great detail, but also because it revealed an underlying premise/philosophy that is shared by some members of upper police management in the Euregion, namely that international police cooperation should be something that all frontline police officers know how to do, and engage in whenever the opportunity presents itself. On the one hand, this approach seems logical; every police officer should know how to engage in international police cooperation, because that is where the process of cooperation starts—at the front-line. Therefore, all front-line police officers should be aware that the offence in question may be transnational, and they should also know their powers and the cooperation process. However, as the remaining findings chapters in this dissertation will reveal in great detail, many variables can affect the larger process of cooperation. Specifically, once the process of international cooperation reaches the point where it is clear that the offence in question has an international dimension, then specialists (i.e., detectives, prosecutors, examining magistrates) should be summoned, to help control the process of international police and judicial cooperation, and ensure its success. As will be argued in this dissertation, international police and judicial cooperation is indeed a specialist function—contrary to popular belief in the Meuse–Rhine Euregion. This fact will be supported with evidence and discussed at length in the findings chapters below.

It appears that the Vademecum has been very well-received by the police officers in Belgium. In a follow-up communication, after the Vademecum had been in operation for approximately a year, one Belgian police commander stated that: “Our colleagues of [the] local and federal police told us that they use it very often” (Belgian Police Commander, Interviewee 36). Another Belgian police commander commented:
It’s very practical. In one view, you can say, “Okay, I am doing a cross-border observation. What do I need? Who do I have to phone? Who do I have to [make] contact with? When is it official? When is it not official? What can I use? What can’t I use in my further investigations?” Therefore, it is very practical for us. (Belgian Police Commander, Interviewee 9)

It also appears that the *Vademecum* is a practical and user-friendly tool that is successfully serving the Belgian police. In this light, the *Vademecum* may go far in promoting/facilitating international police cooperation.

**CD-ROM Glossary of Police Terms**

NeBeDeAgPol also created a CD-ROM containing key police terms in the French, Dutch, and German languages. As one Belgian police commander stated:

> We try to make tools for the personnel. We have a CD-ROM with the translation of every judicial police term. (Belgian Police Commander, Interviewee 19)

Users of this CD-ROM may open the glossary, look up the foreign police term of interest, and instantly read an accurate translation of this term in one of the three target languages. The CD offers the ability to translate police terms according to the following language pairs: French/Dutch, French/German, and German/Dutch.

**6.4.3.1.2. EPICC**

The Euregional Police Information Coordination Centre (EPICC) was founded by NeBeDeAgPol to help facilitate international police cooperation—especially the *information exchange* part of the process—in the Meuse–Rhine Euregion. Established in 2005, EPICC is staffed by Belgian, Dutch, and German police officers who work side-by-side in a building in Heerlen, The Netherlands (Block, 2009:16). The following sections present descriptive data about EPICC’s formation, mandate, organizational structure, staff, databases, and information sharing process.

**Formation of EPICC by NeBeDeAgPol**

EPICC has an interesting history. It started slowly, on the basis of a need for enhanced cross-border information exchange at the police level. EPICC became a reality through the joint effort of the officials of the three countries. One Dutch police commander explained:
EPICC was founded by the steering group of NeBeDeAgPol. The three police chiefs said that: “We have to make the exchange of police information easier than calling across the border or faxing across the border.” Those chiefs of police said, a few years ago, that: “We have to go and work something out—that we have a tri-lateral police force unit for the exchange of police information”... (Dutch Police Commander, Interviewee 31)

In a separate interview, a Belgian police commander continued recounting the history of EPICC:

After that, the Maastricht, Lüttich (i.e., Liège), and Aachen University started a project to computerize this thing. And we had computer contact—a system for mailing each other, and a video-conference system, as a project to see what was possible and what we could do. That was called “PALMA,” which stood for “Police Aachen-Liège-Maastricht.” Out of that grew EPICC, when it came together here in Holland in 2005. (Belgian Police Commander, Interviewee 30)

Thus, EPICC began as a pilot project. One Dutch police commander corroborated this fact, and when asked about who funds EPICC, explained that:

It started with money from the EU as a project. Since 2008, it is no longer just a project, but part of the solid structure of the police in the Meuse–Rhine Euregion, and since that moment, equally funded by the three countries (i.e., Police Limburg South, Police Aachen, and the Federal Belgian Police Department Eupen). (Dutch Police Commander, Interviewee 26)

The fact that EPICC is jointly funded between the three countries underscores its egalitarian nature, as well as sets a precedent for the co-funding of future tri-lateral projects in the Meuse–Rhine Euregion.

The Rationale behind Heerlen

A special note should be made to elucidate the rationale behind Heerlen, The Netherlands as the location of choice for EPICC. One Dutch police commander explained:

We have a problem, and I forgot to mention it. The German data-lines are not allowed to go farther than, I think, 10 or 15 kilometers out[side] of the German border. So, that is also why EPICC is not situated in Maastricht, for instance, but in Heerlen. It is not allowed, in German law, to have data-lines cross the border more than 15 kilometers. Security problems, or Internet interfaces—I don't know what the main problem is... (Dutch Police Commander, Interviewee 28)
In another interview, a Belgian police commander provided more insight as to why Heerlen was chosen as the site for EPICC, by stating:

Heerlen was chosen [as the location for EPICC] because it is near Germany and Belgium, but also because the Dutch have the money to do that. (Belgian Police Commander, Interviewee 19)

These are important parameters to be kept in mind with respect to ideas regarding advancements in international police and judicial cooperation.

**Mandate of EPICC**

As stated above, EPICC was created to facilitate information exchange among the police in the Meuse–Rhine Euregion. Essentially, when a front-line police officer in the Meuse–Rhine Euregion realizes that the case he/she is handling features a cross-border dimension, he/she can call one of the police officers at EPICC to access information from one of the partnering countries’ police databases. For example, if a Belgian police officer stops a suspect driving a vehicle with German license plates, the Belgian police officer can call EPICC to speak to his Belgian contact, who would then ask his German police colleague to check the German police database to retrieve the necessary information, which would then be relayed back to the front-line Belgian police officer conducting the street check. One Belgian prosecutor explained:

They can exchange information like license plate numbers, the criminal history of suspects, and if they have a criminal record. (Belgian Prosecutor, Interviewee 41)

Intelligence, however, cannot be shared via EPICC. As one Belgian police commander stated:

EPICC, for instance, can tell us where they live, what kind of car they have, the number plate of the car, and so on, but they don't... they are not allowed to tell us, "Hey, in Holland, there is some intelligence about these [people], because last year, they were involved in an investigation on drugs, and this may still be ongoing." All this weak [soft] information cannot be shared within the three countries, and that is very... [bad]. (Belgian Police Commander, Interviewee 10)

This is because of the different national laws regulating the management of intelligence. Nevertheless, the reviews about EPICC were all very positive. The following passage
represents the dominant view of EPICC held by the police and justice officials in the Meuse–Rhine Euregion:

[EPICC] is the central point for police information exchange... It's a very good model of information exchange between three countries. They [produce] a weekly newsletter with the most important facts/suspects between the three countries. They ask us to identify some people/vehicles. It is very good. It’s very positive. (Belgian Police Commander, Interviewee 20)

In a separate interview, two other Belgian police commanders elaborated on EPICC’s role:

Interviewee 10: So, that is the role of EPICC—not only sharing information, but also a little bit analyzing the information, writing down some [incidents to draw our] attention [to them].

Interviewee 9: Yeah... So, new procedures that [criminals] use to produce synthetic drugs, or new procedures in plantations, and so on.

Interviewer: Trends in criminality and MOs.

Interviewee 10: Yes. Or, “Hey, I wanted to get your attention about this. The people in Aachen have found a girl and she’s talking about... [be on the lookout] for this German car with this number plate, because it is running in the Euregion.” So, [we get] very concrete [information] sometimes.

Sometimes, there is analysis, or sometimes, it’s a [news] flash—[like], “This person is arriving with this car. Be careful when you see him. We are looking for him.” Things like that.

Interviewer: Like “flags.”

Interviewee 10: Yes, that’s right. So, that’s their role [at EPICC], and I think it is very good.

To be clear, however, EPICC does not employ crime analysts. One Belgian police commander stated:

EPICC does not have any criminal analysts. They do not have their own analysts, but they can ask the different analysts from the three countries to make a meeting, and to analyze a fact [crime] or a situation. [There is] nothing permanent [in EPICC regarding a crime analyst function]. (Belgian Police Commander, Interviewee 19)
In sum, the police officers who work at EPICC gather information, conduct basic analyses, disseminate information reactively (i.e., upon request) and proactively (i.e., via bulletins that feature discussions about trends in criminality, *modi operandi*, “BOLOs”).

It is important to note that EPICC serves a large cross-border community. As one Dutch police commander explained:

There are 16 states in Germany, and North Rhine–Westphalia is one state. Eighteen million people live in North Rhine–Westphalia. The Meuse–Rhine Euregion has 4 million people, but because North Rhine–Westphalia is now, since the last couple of years, also part of EPICC, the total area that EPICC serves is now about 20 million people. So, it’s very big—a very big area. The Netherlands only has 16 and a half million people, Belgium has 10 and a half million people, but... [EPICC serves]... 20 million people—North Rhine–Westphalia, and the Meuse–Rhine Euregion. So, our local centre is the biggest information centre for The Netherlands and the whole [of] Belgium, and it is just a “local” centre... [in the eyes of]... Germany [laughter]. (Dutch Police Commander, Interviewee 26)

In other words, the demand for such a centre—and other forms of international police cooperation—is huge.

**Organizational Structure of EPICC**

EPICC’s organizational structure can be examined from the strategic, operational, and tactical levels. At the strategic level, EPICC is governed by the three top police chiefs of South Limburg, Eupen, and Aachen, respectively. One Dutch police commander explained:

EPICC is a little bit of a strange duck in the water. It is a community—it belongs to NeBeDeAgPol, which is the Dutch, Belgian, and German community of police officers. So, the highest police officers in the Meuse–Rhine Euregion, which is the Chief of Police for the region of Limburg South, the Chief of the Federal Police in Belgium for the region of Eupen, and the Chief of Police in Aachen. The three of them are NeBeDeAgPol, and they are [the] chiefs [of] EPICC. (Dutch Police Commander, Interviewee 26)

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72 Police acronym for: “Be on the lookout for...”
For operational governance, EPICC has an additional three operational police chiefs for “quality and speed.”\(^{73}\) As explained by one Dutch police commander:

> [There is] a process at EPICC to guarantee quality and speed... When a German colleague doesn't [follow] the process... [an EPICC police chief from a different country] can correct him as well. Or, he can correct a Dutch colleague, or a Belgian colleague. (Dutch Police Commander, Interviewee 26)

Thus, the organizational structure and governance of EPICC is truly egalitarian.

Another factor that likely helps explain EPICC’s success is the nature of its governance. Specifically, EPICC’s operational police chiefs report directly to the NeBeDeAgPol police chiefs. One Dutch police commander explained how it works:

> And because EPICC is under the control of the highest chiefs—it is not delegated—we only report to the highest chiefs, so it makes it very fast and flexible, because the chiefs say, “Okay, it’s your responsibility. At the end of the year, I want to see results and they have to be good, and how you get there, I support you—go ahead.” So, the three [police chiefs] can make decisions very fast. So, if one [operational police chief at EPICC] says, “Oh my God! Now we have to do this!” [They] say, “Okay, okay, we go.” So, it makes [the operational police chiefs at EPICC] very fast and flexible. (Dutch Police Commander, Interviewee 26)

Closeness in cooperation was a theme that arose in the analysis of the data, and will be discussed at greater length in the foregoing findings chapters.

At the tactical level, it is significant to note that numerous police cultures work together, side-by-side, under the same roof at EPICC. One Dutch police commander explained:

**Interviewee 26:** We have eight different police cultures in EPICC, and that is the most difficult process, because they know exactly how to do their work—they are really good people—they know their job—that's not the problem. The problem is to let them work together.

**Interviewer:** So, the different cultures in EPICC are because there are five different cultures in Belgium?

**Interviewee 26:** It also has to do with The Netherlands. These are the different cultures at EPICC:

\(^{73}\) It is interesting to note that the chiefs of EPICC were chiefs of their respective regional police forces prior to their secondments to EPICC.
1 – Netherlands – Limburg South
2 – Netherlands – Limburg North
3 – Netherlands – Royal Marechaussee (Dutch Military Police, Ministry of Defence)
4 – Netherlands – IRC – (International Centre for Legal Aid; mix of prosecutors and police)
5 – Germany – Aachen – Local police
6 – Germany – North Rhine–Westphalia (LKA)
7 – Belgium – Federal Police of Belgium
8 – Belgium – Local Police of Belgium

The Royal Marechaussee of The Netherlands is border police/military police. It is a national organization. There is border police and also military police, guarding the military house—guarding the Queen.

Germany is built out of 16 states. North Rhine–Westphalia is one of them.

So, together, there are eight different cultures in EPICC, and we have to let them work together and cooperate.

The IRC is from The Netherlands, and it is a mix of prosecution and police—only from The Netherlands.

So, four types of police from The Netherlands, two types of police from Germany, and two types of police from Belgium. Three languages, and three nationalities...

There are eight different cultures.

Since then, an additional group has been added to EPICC. In a follow-up communication, the same Dutch police commander explained that:

The German national police force [i.e., BKA] joined the EPICC effectively with one function on a daily basis. (Dutch Police Commander, Interviewee 26)

Naturally, this addition is viewed as a positive development.

In terms of finding the “middle-ground” among the different police cultures with respect to daily operations, one Dutch police commander explained the situation:

**Interviewee 26:** There are eight different cultures... every country has its own days off for one thing or another—for religion, for the Queen, for whatever. In EPICC, it’s three different sizes, so, if the Dutch say, “Tomorrow, our Queen has her birthday, so everybody in The Netherlands has a day off,” but not in EPICC, because Germany and Belgium don’t have this date, so [EPICC has] to stay open. So, people
say in EPICC, “No, you can’t have a day off—you have to stay, because it’s open.”

**Interviewer:** So, the Dutch still have to work on holidays?

**Interviewee 26:** Yes, but everybody else as well. They have different days off, at different moments, but EPICC has to be managed. So, when people say, “Oh, our Queen has her birthday tomorrow, so we have a day off,” we say, “No, you don’t” [laughter].

Essentially, the EPICC employees only have a day off if all three countries have a day off, such as Christmas. The egalitarian nature of EPICC emerged prominently in the interview data in several ways, and again, is likely a huge contributing factor to EPICC’s great success.

In terms of the working arrangements at EPICC, the “working floor” consists of a large open room that is populated with “islands” (*i.e.*, three desks pushed together to form a triangle) each respectively staffed by one Dutch police officer, one German police officer, and one Belgian police officer, to facilitate easy and fast communication, since each police officer has access to his/her country’s police databases. The police officers who work at EPICC are highly experienced and receive their wages from their “home” police agency.

### Information Systems and Databases at EPICC

EPICC houses multiple police information systems from the EU, Belgium, The Netherlands, and Germany. It is important to gain a general understanding of the multiple information systems that the police in the Meuse–Rhine Euregion are working with, since as will be discussed in greater detail below, the police and justice officials of this Euregion are hopeful that a joint tri-lateral database can be established in the near future. Accordingly, several of these information systems/databases are identified and discussed below, to further establish the *status quo* of international police cooperation in the Meuse–Rhine Euregion.

#### EU Level Information Systems

The two main EU level information systems housed in EPICC that the interviewees made reference to were the Schengen Information System (SIS) and EUCARIS. Several of the interviewees described the systems, and pointed out their limitations. One Belgian police commander described the Schengen Information System:
Every country has their own information. The Schengen Information System works like this... [the interviewee then draws the following diagram, presented in Figure 6.5 below]...

**Figure 6.5. The Schengen Information System, as Reported by Interviewee 30**

When the Schengen Information System was [launched], you have in Strasbourg, the central Schengen Information System, and every country—Belgium, Holland, Germany, France, etcetera, they have their own national Schengen Information System...

You are doing a search, for a stolen car, for instance, and you look in the Belgian system for the stolen car. This [stolen car information] is put in my own Belgian database, and when someone in France is checking this car, he puts the license plate in his computer, and the central information system is on "second base," checking all the systems in all the different countries [to see] if this license plate is known. It [checks] twice every second, for instance.

But this information is not in a common database, because that was a step too far for the countries. They are providing information [*i.e.*, making it available upon request], but they are not sharing it. And when you have a "hit" on a Schengen entity, we have to ask the [indiscernible] bureau to inform the other country what is going on with this car. You only get [information like] “This car license plate [was] stolen,” or “This person has a search warrant,” or “Someone is missing.”
That is all you get. Therefore, the Schengen Information System is not a database. It is a computer in [Strasbourg] France asking the other national systems, constantly, if some entities are in their Schengen system. (Belgian Police Commander, Interviewee 30)

In a separate interview, a German police commander elaborated upon why the Schengen Information System is the way it is:

**Interviewee 34:** So, in 1995, they founded the SIS system, and so they got information from [all the member countries]. In the beginning, it was seven states: Germany, Belgium, The Netherlands, Luxembourg, France, Austria, and Italy. So, you got information about 250 million people. So, they had a problem. You can’t get all the information into the system—it was too much. So, for example, you can only see in the SIS system if a car is stolen. If you ask for the number plate, and the car is stolen, you get an answer from SIS: “Okay, the car is stolen.” [But], if only the number plate is stolen, you get no answer. It’s too much; you can’t put all the information inside the system. And today, the Schengen Information System, there are around 20 [member] states—it’s more information.

**Interviewer:** Who owns the Schengen Information System? Who maintains it? Who is in charge of it?

**Interviewee 34:** The place where it happens is Strasbourg, in France. But every country—every state—is responsible for the information that he gives to the system. They call it “SIRENE” bureau or office. Every country has its own SIRENE office, and SIRENE sends the information—the files—to the SIS system. They are responsible for the national information that goes to the international system...

Europe is very big [laughter]. And you have one border-line to the USA.

**Interviewer:** Yet we have problems.

**Interviewee 34:** Here, we have 20 or 30 borderlines, 20 states, and millions and millions of people.

Thus, information sharing at the EU level has been impeded somewhat—ironically—since the systems are not large enough to handle so much data.

The EUCARIS database illustrates a different problem. One Belgian police commander explained that even though the required legislation exists, sometimes, it takes time to make a certain EU level police information sharing system a reality (see the quote by Interviewee 30 under subsection 6.4.2.6 above). The EUCARIS system is just one of several relatively new police databases.
**Belgian Police Databases**

In Belgium, the respective police databases are centralized into one national police database called “ANG.” Two Belgian police commanders explained the Belgian situation, as compared to the Dutch and German situations:

**Interviewee 10:** I think you should have an explanation [in your dissertation] about the Belgian system. We have one national police database—the “ANG.” It is the general national database for police in Belgium. We put all the police information—intelligence and information—all together within one national database. That’s a very good situation, because when we look at the German and Dutch colleagues, they have several databases. So, the [police officers] in EPICC are sitting, and when a German colleague asks a question [of] the Belgian, he just has to look in his general database [for Belgium], and “Okay, he is known for...”—and [he gets the] answer.

But, the German or the Dutch colleague has to ask the database of concrete/hard information, he has to check... they all have different names—they have three, four, five, or six databases—and some of them—two or three databases—are not allowed to be giving information to other countries.

**Interviewee 9:** It depends on what level you have in the police force. Some have priorities.

**Interviewer:** Like different security clearances—“secret” and “top secret”?

**Interviewee 9:** Yes. Priorities. When you are a street officer, you can only look up and see if he’s known for something. But intelligence, and so on, you have no permission to look [it up].

This passage raises an important point. Although the Belgian situation is quite ideal, in that they have one main police database for all of Belgium, the same cannot be said for The Netherlands or Germany. With respect to The Netherlands in particular, not all police officers have access to intelligence; only the leader of an investigation team has access to intelligence. This situation can complicate international police cooperation; imagine a Joint Investigation Team wherein most of the Dutch police officers are unaware of the relevant intelligence, while all of the Belgian and German police officers are aware of the intelligence in the case. This matter will be discussed at greater length below.

**Dutch Police Databases**

As stated above, there are multiple police databases in The Netherlands. One Belgian police commander explained:
Interviewee 30: In Holland, they have this system also [i.e., a national police database like the Belgian national police database], but you always have to log in to another system. When I ask a question of my Dutch colleague [at EPICC], like, for a license plate, then he has to ask this question in the people’s registry [database], then he goes to another system, [to see] “Is this man known to police? Was he in prison?” You need five or six “log-ins” to check this.

Whereas in Belgium, it’s all linked. They have different systems, and they are based on our national number [e.g., social security/insurance number]. We have a national registration number; it is a date of birth backwards, and then a number.

Interviewer: But in The Netherlands, the different databases are not linked?

Interviewee 30: They are working on it, but you know, [such progress] goes slow, and very slow.

Like The Netherlands, the same situation exists in Germany.

German Police Databases

In Germany, the police databases are organized according to the Bundeslandes (i.e., states). One German police commander explained:

It is different. We are organized in Bundeslandes. So, if we are looking to systems about [license] plates, or if this person is known [to] the police, we can look at the whole of Germany. (German Police Commander, Interviewee 34)

As well, Germany also has national police databases.

The Idea of a Tri-National Database

As aforementioned, the police and justice officials in the Meuse–Rhine Euregion are currently discussing/exploring ways to create a tri-national police database to simplify and enhance cross-border information exchange. In one interview, two Belgian police commanders explained:

Interviewee 44: The problem is that EPICC, until now, they have three countries there [in EPICC], and the Belgian police [officer] cannot look in the computer of Dutch or German colleague, and vice versa. So, [a Belgian police officer] still needs to ask other colleagues to verify the information: “What do you have at that moment?” So, if I have something, or I need something from a German colleague, I call my colleague, [who] I know very well, and I ask him, “Is Mr. X known by
you, and for what?” And they have the answer right away—quickly—via EPICC. They are good at some things, but they are less good in some other things.

**Interviewee 43:** We need, here in the Euregion, and even in all of Europe, we need one database for everything. Then, we [would] not have these problems.

There was a general consensus among the police and justice officials with respect to the desirability of a joint police database, and its current impossibility due to a lack of explicit law allowing the same. The following statement summarizes the current situation in the Meuse–Rhine Euregion with respect to cross-border information exchange among the police:

> So, you can bring together the police officers in charge of those cases, and they can just exchange personal information around the table, but not in a joint database. That is what is possible today. (Belgian Prosecutor, Interviewee 13)

When asked about the progress in this regard in a follow-up communication in the spring of 2011, one Belgian police commander explained:

> Unfortunately, there [has been] no progress. The different laws in the three countries don’t allow a common database.

Beginning [in] 2012, the Dutch authorities will organize a seminar with representatives of universities and specialized police services of the three countries. The theme is “a better exchange of information in the Euregional area”... If I have some information, I’ll send you an e-mail. (Belgian Police Commander, Interviewee 36)

No such e-mail has been received by the researcher to date, and the joint police database idea remains a lofty goal for the police and justice officials in the Meuse–Rhine Euregion.

**Information Management**

Since the police officers who work at EPICC are highly experienced in international police cooperation, and are thus aware of the differences in law between the three countries, they also serve as educators to the line-level police officers who contact them for assistance. One Dutch police commander explained the educational role of EPICC, in terms of information management:

> And in EPICC, [they] have to manage the information in a good way, because there are treaties, of course, but also different national legislation. For example, in The Netherlands, we have a law that says you can use police information to handle permissions for opening a café
or something \textit{i.e.,} the \textit{BIBOB}. In Germany, that is not allowed. So, when there is a German who wants to open a café or something, or a hotel, in The Netherlands, the Dutch people who work with permission for this ask EPICC, “Can you give me information on this German?” And, [the police officers at EPICC] say, “Yes, we can, but I won’t, because it’s not allowed, because German law says that you can’t use police information for this purpose.” So, [the police officers at EPICC] have to explain that. [The police officers at EPICC] have to manage not just the treaties, but also the differences between national legislation. That’s why a centre like EPICC is very, very important to tell the colleagues on the street “Why not,” or “Why yes.” A centre like EPICC knows these things, so [they] really help the colleagues, in an operational way, in their work. Just tell the truth to the colleagues; [if they ask] “Can you?” [then say] “Yes” or “It’s not allowed because…” Explain it to them. (Dutch Police Commander, Interviewee 26)

Therefore, EPICC not only \textit{facilitates} information exchange, but also \textit{regulates} such activity.

\textbf{Information Sharing Process at EPICC}

There is a specific process that the police officers at EPICC follow when sharing information. One Belgian police commander explained:

In EPICC, you have Belgian police, Dutch police, and German police. But, the Belgian police [officer] cannot see what is in the German terminal; he has to [pose] a question to his German colleague, he answers him, and then we get the answer. (Belgian Police Commander, Interviewee 43)

Another Belgian police commander elaborated upon the information sharing procedure at EPICC, using Belgium as a starting point to illustrate the example:

The Belgian, Dutch, and German EPICC police officers... do not have access to each other’s police databases. This is the actual way of working:
- Police officer in Belgium contacts his Belgian colleague in Heerlen
- Belgian EPICC officer evaluates the question
- Belgian EPICC officer generates a question-form \textit{i.e.,} logs the request for information on ESLI [for] the Dutch and/or German EPICC officer
- Dutch/German officer provides the requested answers
- Belgian EPICC officer returns the reply to the applicant.

(Belgian Police Commander, Interviewee 30)
The Dutch, German, and Belgian police officers cannot look at their colleagues’ police databases in EPICC because of a lack of enabling legislation. Thus, the request for information registration log (i.e., “ESLI”) was developed and instituted at EPICC.

**Euregional Log System—EPICC’s “ESLI”**

Since the police officers at EPICC consult multiple databases to answer any given question presented to them by a line-officer from Belgium, The Netherlands, or Germany, EPICC instituted a special registration log process—not a database—to record all requests for information, and releases of information. One Belgian police commander provided information about this system called ESLI:

**Interviewee 30**: Then, the colleague [at EPICC] answers the question—[they] fax or mail back the answer. Then, the system called “ESLI” links the three countries together. “ESLI” stands for “Exchange System of Legal Information.”

At first, they called it “extremely simple,” but it’s not extremely simple. It is not so good. But they are doing the registration of all the questions asked, and answers given.

Normally, when it works like it should, like, when [they] ask for a license plate or a name, the system [says] that, “This license plate has been asked about before”—once, twice, or three times, by that, and that, and that police station. So, [we] can inform [our] colleagues. For instance, [they can say] “The Gent Police in Belgium is interested in these people too.” Maybe they are working on the same cases—the same group.

**Interviewer**: Like flags? (i.e., automatic system-generated notifications that show one police officer that a police officer from another police service is looking at the same case/entity of interest).

**Interviewee 30**: It’s not a flag system, because [at EPICC, the police officers] are doing it [themselves].

In Belgium, we have the flag system. When I ask for a name, and so on, then [the police officer who is interested in that person] is going to [get an automatic system-generated notice that another officer is also interested in that person]. But on ESLI, for instance, if I ask for a German license plate, ESLI is telling me that Holland asked for this plate three months ago too.

**Interviewer**: Okay—I understand. So, after the police officers at EPICC find information on ESLI, then what happens?

**Interviewee 30**: Then, they fill out the answer form generated by ESLI. So, they can give the specification of the car, for instance, or if the owner is known, where he lives, if he’s married, and if he has antecedents—previous criminal records. Then, he can link all the [entities in ESLI].
In ESLI, [the police officers at EPICC] have [the capacity to enter information about] a person, a car, a phone number, a location, or a firm [business]. So, you can link, for instance, that this car belongs to this person, and this person has a link with another person, or a phone number, and you see the links between entities.

**Interviewer:** I understand that in EPICC, there are three police officers to each “island,” and every officer has access to their own home country database. But, they also have ESLI.

**Interviewee 30:** ESLI is a mutual system... ESLI is not a database...

When every country puts their information on their own database, ESLI can check it. But, Germany cannot check what [a Belgian police officer] asks in Holland, because this is information between Holland and Belgium. And when this tri-national database would exist, then we can see the whole picture—for the three countries—Belgium, Germany, Holland. Now, when [a Dutch colleague] asks [a Belgian police officer at EPICC] a question, [the German colleague] doesn’t see it, because the situation doesn’t concern [Germany]. Maybe [it will concern Germany] later. But, at this point, [ESLI] is not a common database. [The police information] is held on different databases, because we are different countries. We have to work together, according to Schengen, but we cannot have a common database; it is not allowed.

Thus, the ESLI question/answer registration system is the closest means by which the police officers at EPICC are able to juxtapose information for the purpose of very basic analyses. Table 6.5 below delineates some basic workload statistics regarding the total number of questions and answers received/handled by EPICC.

**Table 6.5: Total Workload (Q & A) for EPICC for 2006 to 2010**

<table>
<thead>
<tr>
<th>Year</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>38,788</td>
</tr>
<tr>
<td>2007</td>
<td>55,024</td>
</tr>
<tr>
<td>2008</td>
<td>56,254</td>
</tr>
<tr>
<td>2009</td>
<td>51,372</td>
</tr>
<tr>
<td>2010</td>
<td>52,526</td>
</tr>
</tbody>
</table>

*Source: Adapted from EPICC (2011).*

In two separate follow-up communications, one Belgian police officer and one Dutch police officer, respectively, explained the reason for the decreased number of queries beginning in 2008. The Dutch police officer stated:

> From 2008, we organized that simple questions (license plate numbers, etc.) will go somewhere else, and more quality questions will [go] more to the EPICC. That is why the numbers will go down from this year,
but the questions [take] more time because they are more difficult.
(Dutch Police Commander, Interviewee 26)

The final point to be made about these workload statistics is that it was not possible to isolate the number of queries from Belgium, The Netherlands, or Germany, which explains why the data are lumped together.

Advantages of EPICC

EPICC boasts numerous advantages. First, it enhances international police cooperation by intensifying the bonds between the police officers involved, which allows for a greater understanding of the different police cultures and processes, as well as the strengthening of the social network. One Dutch police commander explained:

**Interviewee 31:** [The police officers at EPICC] have so many contact points in Europe. They can almost have police information from every country in Western Europe. We have contact points—like EPICC—in every state in Europe—every state has the same as EPICC, and they know each other, and they call each other for police information.

So, for instance, when I want something from Spain, our colleagues in EPICC call the common centre [CCPD—“Centre de Coopération Policière et Douanière”74] for the French/Spanish border in Le Perthus (France), they gather the information from Spain, and from Le Perthus, information comes back to EPICC, and EPICC gives it to the colleague. It’s a complete network for police centres.

**Interviewer:** Is EPICC kind of like a mini Europol?

**Interviewee 31:** Yes. The nicest thing about it is that when Europol or Interpol want direct and short [quick] information, they call EPICC. We have more direct contact than Europol or Interpol. They have contacts, but it takes much longer; it is a question of knowing someone, for instance, in Greece, or Spain, or Portugal. They have the contacts by official ways, but that takes a lot of time. But our colleagues in EPICC, they call directly to their colleagues in that centre, or fax, or mail them, and within a few minutes, or half an hour, or an hour, they have the information back. So, the speed goes more quicker than Europol or Interpol.

Thus, EPICC speeds the process of information sharing, by situating the resources (i.e., both human and electronic) side-by-side under the same roof, thereby shortening the line of communication. Another Dutch police commander confirmed this by stating:

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74 The English translation is: “Centre for Police and Customs Cooperation.”
Normally, to get that kind of information, when you ask Interpol or Europol, you need three or four weeks... In our centre, it is three or four minutes. (Dutch Police Commander, Interviewee 26)

This was a common comment among the police officials from all three countries.

EPICC also allows for the juxtaposition of information, despite the absence of the joint database, so as to enhance basic crime analyses and quicker coordinated cross-border police responses in real-time. One Dutch police commander explained:

For instance, when we have a bank robbery here in Maastricht, you are in two minutes in Belgium, and in five minutes in Germany. So, the suspects, when they drive a car after a robbery, they are—in no time—[across] the borders in the regions around us in the neighbour countries. So, when we know what kind of car left the burglary or robbery, we have our police communication centres, which have contact with each other, and they give a “Euregional Arm,” which means that they say to the communication centers in Belgium and Germany that, “We have a suspect. He left after a robbery in Maastricht in a car like that, with [this] license plate. Do have a look.” Then, we have arranged that we have several spots—several highways—where police cars have to look out for it, in the Euregion. That is also what we have arranged. (Dutch Police Commander, Interviewee 31)

Hence the name EPICC—Euregional Police Information Coordination Centre. The additional advantages of EPICC are discussed in the remaining findings chapters.

Examples of Cross-Border Cases that EPICC Helped Solve

EPICC has helped solve many criminal cases. One example was already provided above (i.e., regarding the high-speed car chase on a German autobahn involving vehicles stolen from Brussels by a Russian organized crime group, which was ultimately intercepted by a police helicopter). Another poignant example is as follows:

For example, last year, there was cooperation between a database from Holland with Germany; we matched a murder from 20 years ago here in Heerlen, with a suspect in Germany. Last week, the suspect came to the court and he confessed to the murder he committed 20 years ago. Now, they compare the databases of DNA, and there are about 20 matches, just here in the Euregion. (Dutch Police Commander, Interviewee 3)

This is a powerful testament of the amazing results that can be achieved through international police and judicial cooperation.
6.4.3.1.3. The Joint Hit Team (JHT)

Several of the interviewees spoke about the Joint Hit Team (JHT) at length, which was very helpful, since the JHT is to be distinguished from other international police cooperation initiatives, such as the Joint Investigation Team (JIT) concept. To begin, the key distinguishing features of the JHT can be summarized as follows:

This is a team of police officers of Holland, Belgium, Germany, France, and Luxemburg. There are two JHTs in The Netherlands: one in Breda and one in Maastricht. They act under the responsibility of the Ministry of Home Affairs, so not NeBeDeAgPol. The sole purpose of these teams is fighting the drug nuisance in the border regions. (Dutch Police Commander, Interviewee 31)

In one interview, three police officers discussed the background of the JHT, and how the JHT operates, in great detail:

**Interviewee 33:** The main problem... in France... is that there are a lot of French citizens [who] cross the French–Belgian border, and the [Dutch] border, especially in the region of Maastricht, in order to buy drugs. Most of them buy hard drugs—heroin, cocaine—and also amphetamine, and ecstasy pills. So, as soon as they have bought those drugs, they go back to France, and most of them are users of those drugs, but because they’ve taken a lot of risk, they sell [some] of those drugs in France, so they create a lot of social problems. The reason why they cross the border to do that journey to Holland is because the price of the drugs is much less expensive in Holland, as compared to France. It is just a question of price. They will not do that if the price was almost the same.

So, the French, Dutch, and Belgian authorities really thought that it was a big, common problem for us, and our authorities decided to create the Joint Hit Team, in order to fight this problem. The action of the Joint Hit Team is really focused on the narcotic tourist—the drug tourist—they just come for a couple of hours to buy drugs, and then go back to their home.

**Interviewee 31:** A Joint Investigation Team is more on a national level. Our Ministry of Internal Affairs, and a Ministry of Internal Affairs from another country, have to say that, “Together, we have a big problem”—for instance, an investigation in manslaughter, or prostitution, or whatever. Then, you have the possibility to arrange, on a national level, a JIT. But, both of those countries—or three countries—have to have the same problem, and then you make a Joint Investigation Team, and you make agreements within those Joint Investigation Teams for tri- or bi-lateral cooperation, for a shorter line in the [investigation] of your case.
Interviewee 32: The Joint Hit Team... we call it “hit and run”—they are short investigations. The guy who sells drugs, the guy who buys the drugs—we investigate that, and that is the end of the story. The rest of the information is going to other teams.

It is a quick response from our force—it’s very fast, I think. Short international context, directly to react—that is the strength of our team.

Interviewer: Whereas JITs do longer projects?

Interviewee 31: Yes—it can take months—for instance, a year or more. Those are major investigations. We had one, a few years ago, together with Belgium and Germany, [concerning the] theft of motorbikes. It was a major investigation that took almost one year...

Now, we have common patrols in the border region, together with Dutch and German police officers. It is a normal site at this moment.

Interviewee 32: And when we pass [across and into] the Belgian border, then the Belgian colleague is, at that moment, the chief of the team.

Interviewee 31: Because he is responsible in his country.

Interviewee 32: We don’t stop at the border. We pass the border with our investigation activities, and Belgian law is leading at that moment.

Interviewer: So the leadership of the team changes based on where you go—but it’s the same team.

Interviewee 31: Because we don’t have investigation competences as a foreign officer. So, when you bring a colleague from the same country, he is the one who is responsible, and his foreign colleagues act under him at that moment.

Interviewee 33: And, if he says, “No, it’s not possible by the Belgian law to do that,” or if he says, “Yes, it is possible, we can do that,” so, we do what he says because we trust him—he is in his own country, so he knows what is possible by the Belgian law, and what is not really possible at this moment, or what could be possible with a special request from a judge, so we respect what he says, and it would be the same if we go [to another country].

Interviewee 32: In our teams, our leadership style is more like coaching, as opposed to formal authority.

Interviewee 33: But all the people [foreign police officers] coming on the [Joint Hit Team]—they know that they will have to deal with another culture, and a foreign language. Sometimes I speak French, sometimes I speak English, sometimes... Dutch. So, we deal with many languages. It’s a multicultural team. So, when the colleagues—when the Dutch, Belgian, German, or French, or Luxembourg colleagues are coming here [to The Netherlands to work on a Joint Hit Team], they know that they will have to sometimes speak English, sometimes speak French, maybe German, so we have to share our culture and experience.

It’s a highly motivated team.

All the people coming here... I think it [should be] a good point in their professional career, otherwise they don’t ask to come here
[to The Netherlands to work as part of a Joint Hit Team]. Otherwise, they stay on their own team—their local, original team—and they work [as usual]. But I think the reason why the job is efficient [here] is because everybody here knows what’s going on, on that team, and they know that they will have to share experiences with foreign police officers. It’s a multicultural team. So, if they come here, then they know that they will work with Dutch, Belgian, and German [colleagues], and I was very much ready for that. It was very interesting, also for my personal life, not only for my professional life. It was for both aspects of my life. It’s very interesting.

**Interviewee 32:** We all have the same drive like this. It is a very highly motivated team. Everyone volunteers for these teams. The Joint Hit Team recruitment is on a volunteer basis.

**Interviewer:** So... you volunteered to come to work on this team?

**Interviewee 33:** Absolutely, otherwise it would not work, because if someone said, “Okay, you are going to leave your own country and you have to work in Holland with Dutch, German, and Belgian colleagues, and you have to speak in English or whatever language”—so, I think, a police officer would not be able to work [in those circumstances] if they don’t want to do it. It’s just like saying to a Canadian colleague, “You will have to go to Paris and work.” If he doesn’t want to go to Paris, the job won’t be efficient at all. You must find very volunteering people to leave your own country—to leave your own, sometimes, family, friends, and colleagues—to come to another country and work every day—daily shifts with [new international] colleagues. You must be very motivated.

**Interviewee 32:** There is such a [waiting] list of Dutch colleagues from the Euregion who would like to participate on this Joint Hit Team.

**Interviewer:** Really, there’s a waiting list?!

**Interviewee 32:** Yes, and normally, they don’t want to leave the team either. I’ve seen many big eyes, with big moustaches, who had tears in their eyes because they have to leave [the Joint Hit Team].

**Interviewer:** Really?

**Interviewee 31:** Because it is not a job for life.

**Interviewer:** It’s short?

**Interviewee 32:** At this moment, it is a job for only two years.

**Interviewer:** Is it a secondment?

**Interviewee 33:** It’s a contract for two years.

**Interviewee 32:** [They] are now making some paperwork [proposals], and [they] are offering [proposing] that we start from the first of June, for five, six, or seven years, with the guys and girls on the team.

**Interviewer:** Excellent—I think that would be much better.

**Interviewee 31:** Yes, because you invest in those colleagues, in international cooperation, and after two years, you say, “Goodbye,” and all the knowledge is gone...
Besides that, we have common police patrols—Dutch/German or Dutch/Belgian—in one police car, every day, around the border regions. So, one day, we drive with a German police car, and the other day, we drive a Dutch police car with a German police officer in it. And, in the meantime, it is a common sight that when something happens on our streets, that you will see Dutch and Belgian, or Dutch and German police officers come out of a police car. It’s normal now. In the beginning, it was that [people were saying], “A German police officer here in our country?” But now, it is common...

Those police patrols only drive during the daytime—from Monday to Friday. We want to increase those common patrols, but we are also still in a testing [phase] to see if it has value, because when it doesn’t have any added value to do common patrols, we stop, because when nothing is added to our work, it doesn’t make sense that you have two police officers talking about procedures in Belgium and Holland. So, it has to be something that has value. If not, we stop it. But, so far, during the daytime, it has additional value.

The literature confirms that: (1) these teams are designed to address drug crime in the Meuse–Rhine Euregion, and that (2) Belgium is involved in this project. Specifically, Fijnaut and Spapens (2010) state that:

police teams called Joint Hit Teams (JHTs) have been created, which focus on drug-dealing houses and drug runners. The first team was formed in 1998, based on an agreement between France and The Netherlands (Di Bie et al., 2004). JHTs are now active on the main motorways leading to the Dutch part of the Meuse–Rhine Euregion. A team of police officers from The Netherlands, Belgium, Luxembourg and France monitors the roads into Belgium and France. Recently, a German–Dutch JHT was also formed that concentrates on smuggling routes into Germany. (Fijnaut & Spapens, 2010:120)

This is significant, because there were some contradictory statements among the interviewees regarding whether or not Belgium is involved in the Joint Hit Team. After consulting with several Dutch and Belgian officials, it was concluded that Belgium is indeed involved in the Joint Hit Team. As one Belgian prosecutor stated:

Yes, Belgium is involved in the Joint Hit Teams since the beginning [i.e., 2004]... However, Belgium only delegates one police officer to the JHT, and he/she is replaced every year, which is too short [of] a period of time to really do anything. By the time he/she is up to speed someone else takes his/her place and the new guy has to start from scratch. (Belgian Prosecutor, Interviewee 15)

This was the general sentiment regarding Belgium’s involvement in the JHT. On the one hand, Belgium is involved. On the other hand, Belgium’s involvement is
minimal, since Belgium only donates one police officer to this team, and that police officer changes on a yearly basis, with each new Belgian police officer coming from a different district in Belgium. By way of comparison, France also donates one police officer to this team, and Germany usually donates two police officers to this team.

6.4.3.1.4. The Dutch Special Staff for Major Events/Incidents (SGBO)

The Dutch Special Staff for Major Events/Incidents (“Staf Grootschalig Bijzonder Optreden” or SGBO) is also worthy of note. One Dutch police commander explained:

[The] SGBO... is a Dutch staff (police officers from our region) which comes together [for] major incidents, such as capital fires in the border region, major events, major incidents in the chemical industry, etcetera. In this staff, there is always a German and Belgian liaison officer present. (Dutch Police Commander, Interviewee 31)

Another Dutch police commander offered additional information about this team:

[The] Staff [for] Special Events is a... national matter. [For example], when there is a big demonstration in Maastricht for some reason, and we expect a lot of people who contain risks, the Dutch police will [compose] a team just for that event. This team will be led by a staff of police chiefs. This staff is formed by a very “high” senior leader (Commander overall), and he has a Chief [of] Information, Chief [of] “Blue Cops,” Chief [of] Detectives, Chief [of] Connection Works, Chief [of] Mobility, Chief [of] Guarding and Securing Objects/Persons and a Chief [of] Logistics. All these chiefs have a proper number of people who work for him in their own speciality. (Dutch Police Commander, Interviewee 26)

In addition to this, the German police have made a staff of 100 police officers available to respond to any incidents in the Euregion as necessary. Moreover, the Meuse–Rhine Euregion has implemented measures to ensure a coordinated response to emergencies (fire/ambulance) that occur within the Euregion.

6.4.3.1.5. The Dutch EOT

The Dutch “Euregional Opsporing (Investigation) Team” (EOT) is to be distinguished from the other police investigation teams in the Meuse–Rhine Euregion. The Dutch EOT is a permanent team, composed of approximately 25 Dutch police detectives. Although this Dutch police team is still subject to the decisions of the Dutch “Weigh Commission,” it is offered for Euregional investigations concerning major organized crimes. One German police commander explained:
The EOT... officers there do their work predominantly inside their bureaus. They do their investigations by telephone or by computer, they do hearings, they [execute] arrest warrants or search warrants and sometimes they take part [of] a [search], but normally they work inside their bureaus. The EOT [combats the] fight against organized crime... [especially] cross-border organized crime... (German Police Commander, Interviewee 34)

Although this team has the word “Euregional” in its title, interestingly, it does not always focus on Euregional investigations. Sometimes, this team focuses solely on regional incidents that occur within South Limburg, because this is a Dutch team after all. Two Belgian police commanders explained:

**Interviewee 44:** There are regional [South Limburg-specific] things [i.e., investigations] that [the EOT] has to do also.

**Interviewer:** Okay, so they call the EOT “Euregional,” but their mandate is not just Euregional. They do other things as well.

**Interviewee 43:** They do Dutch regional things as well.

Considering these facts, there have been some discussions about transforming this team into a truly Euregional investigation team, by adding Belgian and German police officers. In a separate interview, the following discussion ensued with two other Belgian police commanders:

**Interviewer:** So, this EOT is staffed by the Dutch?

**Interviewee 10:** Yes—it is completely Dutch.

**Interviewee 9:** But, they are trying to enlarge it to [make it so] that the Belgian and German colleagues will be a part of it.

**Interviewee 10:** So, for information sharing, you have EPICC—it’s also in Heerlen. Everybody who has seen EPICC says that it does a very good job—there’s no doubt about it. And, within the building of EPICC, there is a Belgian, a Dutch, and a German colleague sitting together. It’s excellent.

So, they wanted to do the same job with the EOT—somewhere, within one of the three countries—let’s say for instance, in Heerlen—if we put this Euregional Investigation Team (EOT), not only with the... Dutch colleagues, as it is now, but also, with, let’s say, with 10 Belgian colleagues, and 10 German colleagues, working together in one city or one place, and [focusing only] on Euregional investigations—on drugs, human smuggling, weapons, robbery [etc.].

This will be discussed further in Chapter 9 of this dissertation, since this idea relates to possible advancements in international police cooperation.
6.4.3.1.6. The Dutch “Observatie Team” (OT)

In addition to the Dutch EOT is the Dutch “Observatie Team” (OT). Essentially, this team is an observation/surveillance team. As one German police commander explained:

OT means “Observatie Team,” the Dutch word for surveillance team. They do only surveillance. The difference to our German [surveillance] team is, they do no [arrests]. The OT of Limburg-South is very often the partner team to our team during cross-border surveillance. (German Police Commander, Interviewee 34)

This observation team is worthy of note because it works in the context of international police cooperation with the German surveillance team, as discussed immediately below.

6.4.3.1.7. The German “Surveillance and Arrest Team” (GFK)

In 1990, the German “Surveillance and Arrest Team” was established. One German police commander explained:

This team is still working [today]. It was founded in 1990 as the “Grenzraum-Fahndungs-Kommando” (border area tracing command) with 11 members, all of them German police officers. It was founded for the reason of rising crime rates in [the] context [of] the opening of the borderlines, especially drug trafficking, car thefts, and burglary.

Since 1994, our team very often co-operates with the Dutch “Observatie Team” (Surveillance Team). During the actions they change officers (one German officer [goes] to the Dutch team, and a Dutch officer [goes] to the German team) for better communication. This team still exists today as a German unit with 13 police officers... Today, they also co-operate with the Dutch team in common actions, but the way of co-operation has changed. In the past, we did our surveillance on Dutch property often ourselves. Today, they are exerted to take the surveillance on and to give it back, when the suspect comes back to the borderline.

But remember, the team today is still a German team without [a] constant Dutch liaison officer. [It is] only during a cross-border action [that] liaison officers are exchanged. (German Police Commander, Interviewee 34)

The German “Surveillance and Arrest Team” differs somewhat from the Dutch OT. Continuing from the above statement, this German police commander explained:

The “GFK/KK 43.1” is an operational team. They work out of their cars, they do surveillance, [and] they arrest suspects. They don’t work on occasion on their own, [but rather], they get an appointment by a
processing office \([i.e., \text{they conduct surveillance and arrests for other police specialty units}]\). After finishing the surveillance \([\text{and/or}]\) the arrest, they give their report to this processing office and they have nothing to do with the development of the case. (German Police Commander, Interviewee 34)

In sum, the German “Surveillance and Arrest Team” executes arrests, whereas the Dutch OT does not.

### 6.4.3.1.8. “Schengen Observation Teams”

The Schengen Observation Teams also help facilitate international police cooperation, even though they are not “international” \(\text{per se}\). To be clear, every member state of the EU has a Schengen Observation Team, and these teams assist with \textit{Schengen}-related requests. Two Dutch police commanders explained the Schengen Observation Teams as follows:

**Interviewee 31:** On several levels, we can cooperate. For instance, we can cooperate with our observation teams... telephone taps.

**Interviewee 32:** We have an international “Schengen Observation Team.”

**Interviewer:** And does the international Schengen team work only for the Meuse–Rhine Euregion? Or is it larger than that?

**Interviewee 31:** It’s larger than that, because the Schengen Observation Team is for the whole province of Limburg, and it has to be... they are paid by our Ministry of Internal Affairs. Normally, they do business for our region, but when there’s something for Schengen cooperation, they have to act for that. That’s a priority...

Each police region has one or more observation teams (part of the regional Criminal Investigation Departments). In the border regions, there are also the so-called “Schengen Observation Teams” \((i.e., \text{[which were established] after we signed the Schengen Agreement in 1985}]\). Normally, \([it is] business as usual, but when we get from our national office \((i.e., \text{The Hague})\) a \textit{Schengen} request for observation, then this request has priority.

Normally, the observation teams are pure[ly] national (no foreign police officers). In \([the] case of a cross-border observation, we have to ask for permission (Article 40 of the \textit{Convention Implementing the Schengen Agreement}) to follow an object in a foreign country. Mostly always, the \textit{Schengen} team of that country takes over the observation. The observation teams (and also the \textit{Schengen} teams) are based in their own country.

Since we have no borders any more (\([as of] \text{June 14, 1985}\)) we have those priority \textit{“Schengen” observation teams}. All the member states of \textit{Schengen} have \textit{Schengen} teams.
So... it is not an “international” team. Each member state (Schengen) country has one or more border Schengen observation teams and they have to be ready when an official request is made by a member state.

Thus, it can be seen how the Schengen Observation Teams are quite like the other observation teams working in the respective countries. The only difference here is that the Schengen Observation Teams remain purely national, and do not transform to include the involvement of foreign police officers. Rather, they are designed to simply help facilitate international police cooperation with respect to the fulfillment of Schengen requests.

6.4.3.2. Structures for International Prosecutorial/Judicial Cooperation

Two formal structures help facilitate international prosecutorial/judicial cooperation in the Meuse–Rhine Euregion, namely: the Bureau for Euregional Cooperation (BES) and the Dutch IRC. In addition to these formal structures, a multi-level working group that mirrors the hierarchical structure of NeBeDeAgPol has also been formed at the prosecutorial/judicial level. Each of these structures is discussed below.

6.4.3.2.1. Bureau for Euregional Cooperation (BES)

The “Bureau voor Euregionale Samenwerking” (BES) (Bureau for Euregional Cooperation) was established by virtue of the idea, effort, and funding of members of the Dutch Public Prosecution Service in Maastricht. The subsections below present descriptive data concerning the formation, mandate, and funding of the BES.

Formation of the BES

In 2004, two forward-thinking/visionary Dutch Public Prosecutors saw the need for a Euregional organization to help facilitate international police and judicial cooperation. After some discussions and negotiations, the BES was borne. One Belgian prosecutor explained the history of the BES:

There was also cooperation in this region, but it was informal. Every year, the public prosecutors of this region would come together—over dinner, or over a piece of pie, or a nice glass of beer—and then, we would just casually talk about problems. And sometimes, they would say, “Yes, we have the same problem on our side, and maybe we can work together.” Or, “I have this MLA that is stuck. Can you please talk to your public prosecutor—your magistrate—to get it moving again?”

And then, [two Dutch Public Prosecutors] came up with the idea, “Wouldn’t it be better if we could organize a structure/bureau that could
do that for you? That would make sure that promises are kept, that would do research on the legal level, for instance—is this possible? Is that possible?—put [cross-border] liaisons in place, [who] can be contacted from each country with specific information and questions from other countries? And, this [would be] a structure that [would] facilitate international cross-border cooperation”… (Belgian Prosecutor, Interviewee 15)

These facts about the establishment of the BES were corroborated by other justice officials (for example, see the statement made by Interviewee 13 under subsection 6.4.3 above).

Commenting on the absence of a formal written agreement to establish the BES, one Dutch prosecutor stated:

As far as BES [is] concern[ed], there was no treaty or MOU used to set it up. The founding of [the] Bureau was based upon the development and growth of the cross-border crime in our region and… a declaration of intent drawn up by the Chief Public Prosecutors in the Dutch, Belgian, and German part[s] of the Euregion… (Dutch Prosecutor, Interviewee 40)

Another Dutch prosecutor commented on the uniqueness of this bureau:

We made a separate, new organizational institute—the Bureau—and that is the only one there is in Europe. We found out that there is nothing like what we have here in Europe, on the justice [prosecution/judiciary] level. There is only one bureau for justice cooperation in Europe. I can say that for sure. We tried to find out through our colleagues if there is something like [the BES], and the only thing that looks like [the BES] is Eurojust, but that is on the European level.

Eurojust is an institute of the European Union, so it has representation from the 27 member countries in The Hague that work on the European level. They don’t do cases. They help, they assist, they coordinate between the countries, and they have a large budget of millions of dollars…

But on a regional, and more to the field level, where we fight crime between three countries, [the BES] is a one and only bureau… (Dutch Prosecutor, Interviewee 39)

The beauty about the BES is that it was designed to be easily accessible by all police and justice officials in the Meuse–Rhine Euregion. The BES is located in a wing of the Maastricht Court House, and is staffed by legal experts, including Dutch prosecutors, one Belgian jurist (i.e., legal expert/lawyer), and one German magistrate.
Mandate of the BES

The mandate of the BES is to facilitate international police and judicial cooperation in combating serious transnational organized crime in the Meuse–Rhine Euregion. One Belgian prosecutor summed up the role of the BES very well:

BES organizes meetings with magistrates from the three countries... BES is where prosecutors/magistrates meet to discuss transnational crime and go further with the case, and decide what they can do... They also discuss things like, if one of the countries asked for an MLA and it has not arrived, then one of the magistrates can ask why it hasn’t arrived. They communicate [and liaise]. (Belgian Prosecutor, Interviewee 41)

Another Belgian prosecutor stated:

[The justice officials at the BES] are not doing the cases; [they] are facilitating and coordinating, and helping them to do the cases in their own districts. In the Euregion, it is not the idea that the prosecutors [at BES] will do the cases themselves. They are only facilitators and coordinators... If prosecutors want something from the other country, then they can go through their contact point at BES. (Belgian Prosecutor, Interviewee 15)

Indeed, the BES has been likened to a “mini Eurojust” by some observers. One German prosecutor explained:

[A] former Eurojust President... [calls the BES] “Little Eurojust,” and this is true, because... Eurojust [is] between 27 member states in the end... And, with the three [countries] here [i.e., in the Meuse–Rhine Euregion], it is nearly the same problems, and the same attitude [regarding] how we try to solve it. So, it’s the right description to call the [BES]... “Little Eurojust.” (German Prosecutor, Interviewee 38)

Considering the nature of the organization, it is indeed accurate to consider the BES a “mini Eurojust.”

The general opinion among those officials who commented on the BES was that the organization is valuable. One Belgian prosecutor remarked:

It is valuable to have colleagues, for instance, at the BES [who] you can contact informally. [It makes for] what I call the “little duty road.” It is a positive thing. So, from door-to-door—virtually. From here to Maastricht is just a short phone call. If something is not going the right way, then we can speed up its correction. It is a "positive." (Belgian Prosecutor, Interviewee 12)
Considering that the BES is staffed by legal experts who are very well-connected in their home countries, one would naturally expect this organization to fulfill its role with great success.

In addition, the staff at the BES organize the Annual Strategic Conference in the Euregion (as discussed above), as well as other conferences, seminars, and training sessions. One Belgian prosecutor mentioned:

[The BES] also [tries] to organize [seminars] once every two years—a seminar on the topic of international law—so everyone in the region can come together, and they get to meet one another face-to-face, and talk, even after-hours, on cultural things—maybe an hour in a café... [but the BES hasn’t] organized one in a couple of years due to financial constraints... (Belgian Prosecutor, Interviewee 15)

The general sentiment among the police and justice officials is one of appreciation for the efforts of the BES to bring the group of stakeholders together in these various forums, so they may get to know one another, which ultimately helps facilitate international police and judicial cooperation.

**Funding of the BES**

There was some confusion among some of the interviewees regarding the funding of the BES. On the one hand, some interviewees stated that the BES is funded completely by The Netherlands. For example, one Belgian prosecutor stated:

BES is financed only by The Netherlands. They pay 500,000 Euros for the pilot project... (Belgian Prosecutor, Interviewee 15)

On the other hand, other interviewees explained that the BES is partly co-funded. For example:

The salaries of the prosecutors in BES are paid by their home countries. But everything else in BES—the computers, paper, telephone—it’s all paid for by the Dutch taxpayer. So, the Belgian and the North Rhine-Westphalia Ministers of Finance only will pay when the pressure is too strong on them, but voluntarily, no. So, up until now, this project has been paid for by the Dutch taxpayer... (Belgian Prosecutor, Interviewee 2)

To be clear, the Belgian jurist position is funded by the Federal Prosecution Office in Belgium, the German magistrate position is funded by Germany, and the Dutch prosecutor
positions are funded by the Dutch Prosecution Service. Everything else at the BES is indeed funded by the Dutch taxpayer. In one interview, two Dutch prosecutors explained:

**Interviewee 40:** First of all, it was our Board of Prosecutors General who financed [the BES]...

**Interviewee 39:** Our central board [of Prosecutors General] in The Hague. Every prosecution service gets its money from this central office until now.

**Interviewee 40:** [The staff at the BES] are trying to get finances from the three countries within this year or next year.

**Interviewee 39:** [The BES] already [has] two colleagues from the other countries. Their salaries are paid by their respective country. But, [the BES has] more expenses here... [the BES has] a lot of costs for translations into the three languages.... It’s about 50,000 Euros... every year on [translations], and [the staff at the BES have] travel expenses. [The BES gives]... them computers.

**Interviewee 40:** And, once in a while, [the staff at the BES] organize a conference in the Meuse–Rhine Euregion. [The BES pays]... for all of them to [attend].

It is important to emphasize that the Dutch officials are paying for more than their “fair share” of costs for Euregional projects. To make the BES more Euregional, co-funding is being sought from Belgium and Germany by the Dutch officials.

**Different Perceptions about the BES**

Discussions about the BES revealed some very different perceptions about the organization, along with different levels of understanding regarding the organization’s mandate and work, among some of the interviewees. The first interesting finding was that the name of the organization contains the word “Euregional,” and it was created to help facilitate international police and judicial cooperation in the Euregion. Yet, partly due to the nature of its funding program, the BES is not considered to be truly “Euregional” by some of the interviewees. One Dutch prosecutor stated:

BES is a Dutch organization; it is not Euregional, it is not international. Maybe I can explain it better by telling you that we want to make BES—which is now for Maastricht—we want to make it Euregional, which means... you probably have heard, we have in the meantime a prosecutor from Germany, and there is a Belgian jurist. So, since they are there, it is already a sort of Euregional organization, but it always ends to the money; the whole system is not paid by Belgium, Germany, and Holland in the same way. It is mainly paid by our organization [i.e., the Dutch Public Prosecution Service]. We are trying to make it a Euregional organization, in which the three countries, from the aspect
of justice, come together to fight crime—to cooperate on crime-fighting... We have already organized in BES a lot of expertise, but that could be done even more... [Right now, it’s] fundamental—we are doing our best. (Dutch Prosecutor, Interviewee 8)

In another interview, one Belgian police commander echoed the above-noted statement made by the Dutch prosecutor (Interviewee 8), while also suggesting that another reason why the BES is not a truly “Euregional” organization is because it lacks proper/official representation from the stakeholder districts in the Euregion. This Belgian police commander stated:

**Interviewee 22:** You must know that the permanent structure of BES is not really a Euregional structure. BES is actually a creation of The Netherlands. They work in The Netherlands, and they... really promote the cooperation between the justice [officials] of the three countries. They want to promote it, and one tool to promote it is the BES, of course. So, they created BES in The Netherlands, but we do not have a prosecutor from Belgium who is represented in the BES. There is one jurist who comes from the Federal Prosecutor, but okay, it is not a real representative for Liège, or for the prosecutor of Verviers—you know what I mean?

So, the representative of Belgium—the jurist who is there—will never take an inquiry and say, “Okay, I will lead this inquiry for Belgium.” He is not a prosecutor. And I think that the prosecutor of Liège or Verviers will never accept that someone at the BES will take an inquiry concerning the district of Liège. They would probably say, “It is my inquiry, and I will lead it... from Liège, and not give it to a colleague anywhere else.”

**Interviewer:** Even if it had the tri-country element to it? They would still want to keep it in Liège?

**Interviewee 22:** Yes. They [i.e., the colleagues at BES] will probably look to get some information from Germany or The Netherlands, and some cooperation also, but not to lead the investigation...

It is, of course, a fact that cases can only be handled by a *prosecutor*, and that the cases are handled by the respective districts involved, and not by the BES. One Belgian prosecutor confirmed this fact:

**Interviewer:** Are all requests for mutual legal assistance in the Meuse–Rhine Euregion supposed to go through the BES? Or, is it only that when the officials come across *difficulties* in international cooperation that they should contact the BES for help?

**Interviewee 15:** No MLAs go through the BES, although [they] often get a copy, so that [they] can follow the execution. [The MLAs] have to be sent directly to the competent judicial authority. In The Netherlands,
that is the IRC. In Belgium, [it is] the Public Prosecutor, and in Germany [it is] the Staatsanwaltschaft. They execute the MLA.

The BES is frequently asked to intervene and make sure that... [MLAs are] executed in a reasonable amount of time [for example, consider urgent cases]. [The BES officials also] intervene when there are judicial and/or operational problems, to see if [they] can help. And, [they are] sometimes also asked to identify the competent judicial authority.

Essentially, the BES was designed to play the role of a facilitator/contact-point/liaison in international police and judicial cooperation.

The next surprising finding concerned the perceived status/legitimacy of the BES as an organization. On the one hand, the staff at the BES, as well as some other police and justice officials, view the BES as a formal structure/organization. For example, one Belgian prosecutor stated:

We have an office for the three countries [i.e., BES]... (Belgian Prosecutor, Interviewee 24)

On the other hand, some of the interviewees did not recognize the BES as a formal structure/organization. For example, one Belgian police commander critically remarked:

The BES is not a real structure. It is a group of different persons. For instance, the secretary of the BES is a member of the Public Prosecution Service of Maastricht. She is not a member of the structure of the BES. She [does the secretarial work] of the BES, outside of her job [in addition to her work for the prosecution service].

It is NeBeDeAgPol that is the real structure.

In the end, it is by the means of the police that we are progressing. [Emphases in original] (Belgian Police Commander, Interviewee 19)

Yet another Belgian police commander stated:

BES [is a] steering group of Euregion[al] prosecutors and lawyers. (Belgian Police Commander, Interviewee 10)

While all of the above statements appear to be contradictory, they are also all true. They are simply the result of viewing the same entity in different ways (i.e., different perceptions/perspectives).
6.4.3.2.2. The Dutch IRC

The second main structure for international prosecutorial/judicial cooperation is the Dutch “Internationaal Rechtshulp Centrum” (IRC) (International Mutual Legal Assistance Centre). Although this organization is strictly Dutch, it facilitates the processing of requests for mutual legal assistance that The Netherlands sends and receives to/from different countries, thereby enhancing international cooperation with its partnering countries.

There appeared to be some confusion among some interviewees about whether the IRC processes all incoming/outgoing requests for mutual legal assistance concerning The Netherlands. In speaking about the process of mutual legal assistance, one Belgian examining magistrate explained:

In Holland, it is more organized. There is the IRC, which more or less centralizes all requests for mutual legal assistance coming in. But, of course, the outgoing requests, going from Holland to Belgium, for instance, are made by the magistrates who are responsible for the case, so there can be a number of magistrates. There is not really a central body [in Belgium, like the Dutch IRC]. (Belgian Examining Magistrate, Interviewee 7)

In contrast, a Belgian prosecutor stated that the IRC does indeed process all incoming/outgoing requests for mutual legal assistance from The Netherlands:

All the mutual legal assistance requests that we send to Maastricht or to Roermond go to the IRC in Heerlen, and all the mutual legal assistance requests that Maastricht and Roermond have for Belgium, also transition through the IRC. So they have a complete view of all of the mutual legal assistance requests coming in and going out. (Belgian Prosecutor, Interviewee 15)

This fact was confirmed by a Dutch police commander, who also commented on the staff composition within this organization:

**Interviewee 28:** And, then you have the IRC, which handles MLAs to [and from] all over the world. IRC [facilitates] judicial assistance. IRC is only judicial.

**Interviewer:** This is really nice. You have it all in one building.

**Interviewee 28:** Yes. IRC is a joint venture between the prosecutors’ office and the police forces. [There] are always two police persons/liaison officers, two prosecutors’ assistants, and three or four
administrative workers... [There] are now eight people working... at the IRC.

Essentially, the Dutch IRC is a “clearing house” for all incoming/outgoing requests for mutual legal assistance concerning The Netherlands. Interestingly, there are a number of IRCs in The Netherlands. One Dutch prosecutor explained:

All the IRCs are responsible for their own region. IRC Limburg handles all the MLAs for the Province [of] Limburg asked by other countries. IRC Limburg sends all the MLAs coming from our partners in the region Limburg to every country in the whole world. (Dutch Prosecutor, Interviewee 29)

In this light, the processing of requests for mutual legal assistance in The Netherlands appears to be quite streamlined and efficient.

**Mandate of the IRC**

The mandate of the IRC is to fulfil requests for mutual legal assistance received and issued by The Netherlands. As such, the staff at the IRC help facilitate the extradition and prosecution of accused persons. One Dutch prosecutor explained:

We extradite persons to foreign countries, [on] the condition that they may return back to Holland to further undergo their sentence of imprisonment, which is given in the foreign country. And, there are two options. They can come back and they have to [complete] the rest of the imprisonment, or they will get a new trial here in Holland, and then they are sentenced again, but then, to Dutch matters.

There are also requests from foreign countries to prosecute persons. In most cases, they are Dutch [people] who have committed a crime in a foreign country, and then, they ask us to prosecute them here.

There are also many requests [for] hearing persons, as a witness or a suspect, by police, in the case of criminal offences or trafficking offences. So, it is a very bright team. (Dutch Prosecutor, Interviewee 29)

The staff at the IRC also assigns mutual legal assistance requests to Dutch police teams for fulfillment. One Dutch police commander explained:

I am a police officer and I am busy with the operational investigations... So, we receive a request from the foreign countries, and we are looking whether they are supposed to be done by the police or some other forces in The Netherlands. Then, we register those requests [for MLA], and we send them out to the police forces...
And now, [the police officers at the IRC] have so much work that [they] do not always have the possibility to visit the Belgian crime squad or the German crime squad, which is obviously one of [their] main tasks as liaison officer[s]. The liaison officer is not only sitting at the desk writing MLAs and calling other parties, and so on, but, he is also to visit the investigation teams. When [the IRC] receive[s] an MLA from another country, for a house search [for example], [they] try to be present at the briefing, but also the Belgian and/or German colleagues are present. So, [they] have a lot of phone contact, and then, we see each other at the briefing of the search warrant or something like that...

[The IRC has] two liaison officers, and [they] are very involved in the cases, and [they] are working sometimes 24 hours a day, because [they] feel responsible for the cooperation. If somebody calls [the IRC] for surveillance in the German borders, and we have surveillance in The Netherlands, they have to inform the central authority in The Netherlands, the central authority calls [the IRC] to be aware of surveillance in [the] Euregion, and [they] have to inform a Dutch surveillance team. But, [there are] only two surveillance teams... in this region—so, they are often not able to do surveillance. So, the Dutch and German surveillance teams call [the IRC] for requests, like, license plate numbers... [or they ask] “Who is living in this house?” [Sometimes, the response could be] “I don’t like to give an answer now because I’m not on duty now, so you have to call back tomorrow when I’m on duty.” So, [some] have a wireless laptop, so [they] can work [remotely at] home, [so they] manage to get this information. So, more could be done. (Dutch Police Commander, Interviewee 28).

The Dutch IRC performs a comprehensive range of work concerning the fulfillment of mutual legal assistance requests. The data excerpt above also sheds some light on the cooperation between the IRC, the Dutch OT, and the German “Surveillance and Arrest Team.”

**Improving the IRC**

As with most of the entities examined in this study, some initial comments were also raised with respect to how the IRC could be improved. One Dutch police commander commented:

The IRC could have more people. So, [there] are now eight people working... at the IRC. If there were more people, [they] could do more in [terms] of cooperation because [they] could do more visits with the operational investigation teams in Germany, Belgium, and Holland, and [they] would do a lot more background work. It could be more efficient [and they] could make more proposals for investigations on Dutch criminals [who] are working in Germany or Belgium. (Dutch Police Commander, Interviewee 28)

Naturally, staffing issues will be revisited in the latter chapters of this dissertation.
6.4.3.2.3. The Evolution of a Working Group Structure for Prosecutorial/Judicial Cooperation

Just as a sophisticated working group structure for international police cooperation (i.e., NeBeDeAgPol) evolved in the Meuse–Rhine Euregion, a sophisticated working group structure for international prosecutorial/judicial cooperation also evolved. One Belgian police commander stated in broad terms:

There is police-to-police cooperation, and justice-to-justice cooperation between the prosecutors. The two main points about cooperation are: the police point of view, and the justice point of view. They are not exactly the same. (Belgian Police Commander, Interviewee 19)

In a separate interview, another Belgian police commander provided additional information:

So, you also have a structure concerning justice. In the Euregio, they actually meet—the prosecutors in Belgium, The Netherlands, and Germany—they also meet together... (Belgian Police Commander, Interviewee 22)

In yet another interview, one Belgian prosecutor commented on the evolution of the structure for prosecutorial/judicial cooperation in the Meuse–Rhine Euregion:

In the beginning of the 1990s, the Chief Prosecutors in Aachen, Maastricht, and Eupen started, in an informal way, to meet once a year. Now, it has become more formalized... so, it was an informal start. The reason for this start was recognizing that, at the police level, it was already done [i.e., NeBeDeAgPol]—in a more regular and more extensive way. So, they established the meeting among the Chief Prosecutors to make it a little more equal. The reasoning was that with the opening of the borders in Europe, and also the flexibility of work-seeking people on every side of the border, and with that, trans-border criminality grew, and the combating of criminality also grew. That was another reason. That is how it grew into the international forum that it is now. (Belgian Prosecutor, Interviewee 2)

This working group structure for prosecutorial/judicial cooperation in the Meuse–Rhine Euregion is similar to that of NeBeDeAgPol, in that it consists of strategic, operational, and tactical levels, as delineated below.
The Strategic Level: The Chief Prosecutors

The Chief Prosecutors in the Meuse–Rhine Euregion compose the team of Directors, who together represent the strategic level of the working group structure for prosecutorial/judicial cooperation. One Belgian police commander stated:

So... on the strategic level... the Chief Prosecutor of Liège meets the Chief Prosecutor of Aachen... and... the Chief Prosecutor of Maastricht, once a year. (Belgian Police Commander, Interviewee 22)

In a separate interview, one Belgian prosecutor explained what is discussed during this annual meeting of the Chief Prosecutors in the Meuse–Rhine Euregion:

[They meet] to make formal agreements—conventions, bi-lateral, and tri-lateral agreements—between the different countries, and agree on future cases/arrangements. (Belgian Prosecutor, Interviewee 6)

Accordingly, the strategic level of the working group structure for prosecutorial/judicial cooperation in the Meuse–Rhine Euregion is quite similar to the strategic level of NeBeDeAgPol, except its focus is on judicial cooperation, and less meetings (i.e., recall that the NeBeDeAgPol Executive Committee meets once every six weeks).

There is also a structure called “Fed Land.” One Belgian police commander explained:

Interviewee 43: We have NeBeDeAgPol, we have BES, and [on] a totally different level, you have “Fed Land.” That is collaboration between the Federal Prosecutors of Belgium, and the Federal Prosecutors of The Netherlands.

Interviewer: Nobody has mentioned that yet. So, that is collaboration between the Federal Prosecutors in The Netherlands and Belgium?

Interviewee 43: [Yes]. And, it is possible to make an investigation a priority for the two countries.

According to one representative from the BES, however, “Fed Land” does not figure prominently into international police and judicial cooperation in the Meuse–Rhine Euregion.

The Operational Level: The BES

The operational level of the working group structure for prosecutorial/judicial cooperation in the Meuse–Rhine Euregion features the BES. Descriptive information
about the BES was provided above, but it is nevertheless important to reiterate that the BES is staffed by legal experts who facilitate the process of international police and judicial cooperation. Accordingly, the BES represents the “middle-ground” between the strategic level and the tactical level (i.e., the operational level).

The Tactical Level: The “Contact Prosecutors”

The tactical level of the structure for prosecutorial/judicial cooperation is composed of the “Contact Prosecutors.” These prosecutors are the key contact points of each district in the Meuse–Rhine Euregion. Together, they compose a “tight-knit” group, wherein everyone knows each other—just like how it is at every level of NeBeDeAgPol. A number of prosecutors from each of the countries commented on the group of “Contact Prosecutors,” and provided information about what is discussed at these meetings, which are held approximately once every two or three months. One Belgian prosecutor explained the evolution of the “contact prosecutor” meetings over time:

Here in this region, we also have meetings every two months, where all the contact points of our region come together, and we can talk about problems, we can share information about the systems...

In the beginning [i.e., prior to October 2006], it was so that the meetings of Contact Prosecutors occurred four to five times a year. During those meetings, we would address: specific topics, some new law or international treaty that could affect our work, problems in the execution of MLAs, and problems in cross-border investigations. [Those meetings were], at that time, [held] without the police.

During the strategic conference of October 2006, the Chief Prosecutors and the Chiefs of Police agreed [on] a set of priorities (i.e., drugs, human trafficking and burglaries or home-invasions). It was decided that the police would implement these priorities, and that they would report their progress to the meetings of Contact Prosecutors. So, from 2007 on, the “meeting of Contact Prosecutors” was supplemented with representatives of the police, who report each meeting on the activities they have undertaken concerning the three [crime-fighting] priorities...

[Even though the police officials attend these meetings], the meetings are still called “meetings of the Contact Prosecutors.” (Belgian Prosecutor, Interviewee 15)

In a separate interview, another Belgian prosecutor provided more information about what happens during these meetings:

**Interviewee 6:** Every three or four months, we have a meeting between all the prosecutors of the countries and we discuss the different problems. It is always the same people [who] meet. So, it is easier to contact these people because we know each other...
Interviewer: So, this meeting that happens every three or four months, does it include prosecutors from each of the key cities in Belgium?

Interviewee 6: Yes.

Interviewer: Plus Aachen and Maastricht?

Interviewee 6: Yes. Aachen, Maastricht, and for Belgium, we have Eupen, Verviers, Liège, Hasselt, and Tongeren.

Interviewer: And only one prosecutor from each district?

Interviewee 6: Yes—the prosecutor who has international cooperation in his dossier/portfolio.

Interviewer: And you are one of those people?

Interviewee 6: Yes.

Interviewer: Does the Federal Prosecutor of Brussels also attend?

Interviewee 6: Yes—a representative attends.

Interviewer: Can you please tell me more about what happens at the meeting?

Interviewee 6: We examine the different problems that we have in different cases, and we speak to find a solution. That is one of the goals of this meeting.

Interviewer: So, do they bring lots of cases to the meeting, and then they prioritize which cases will be handled, or do all of the cases get handled?

Interviewee 6: There are not many cases, so all of the cases get handled. Every prosecutor [who] has a problem takes the problem to the meeting, and we are trained to find solutions, because everyone knows the laws of their own country, so we decide together what can and cannot be done. If we cannot find a solution at the meeting, we go back to the country with the cases, and we speak with other prosecutors, and we try to find solutions in the country... The meeting every three months creates trust between the different prosecutors.

The reviews of the “meetings of the Contact Prosecutors” were positive. In fact, generally speaking, all of the reviews about close international police and judicial cooperation were very positive. It was only when the interviewees spoke of cases wherein the cooperation was not very close that they reported problems.

The “Forum Ad Mosam” for Examining Magistrates and Prosecutors

The examining magistrates are excluded from the above-noted structures for prosecutorial/judicial cooperation because they are independent. So, the examining magistrates have their own forum—the “Forum Ad Mosam,” named after the Meuse River. This conference is held once every two years as a way for the examining magistrates and
prosecutors in the Euregion to get to know one another. A Dutch examining magistrate explained:

**Interviewee 14:** We get to know each other personally, but it is more in the greater circle. I mentioned to you the "**Forum Ad Mosam**"—that is a cooperation forum—the Meuse [River]—I don't know whether you speak Latin. It is a kind of foundation that brings together, every two years, judges and prosecutors from Belgium, Germany, and The Netherlands... and then, only the Meuse–Rhine Euregion... and many languages. In Belgium, there is Dutch, French, and German. Those languages are represented [at the forum]. Then, there are also judges from Germany and The Netherlands—from Maastricht and Roermond—and, also judges from Liège. So, that is the kind of cooperation in which every two years there is a day in which you meet people, and there are discussions about certain things, and there are dinners.

**Interviewer:** So, is the purpose more social or is it more business?

**Interviewee 14:** Both. By day, there are discussions about legal subjects, for instance international cooperation—how do we do things, how do you do things, and in the evening there is a dinner. And sometimes, excursions by day. It takes one day only—one every two years. So, you meet your colleagues, and it is very nice—you discuss things.

Clearly, the forum is positive and beneficial. The interesting point to be made here is that only one examining magistrate in the Euregion mentioned this forum.

**Annual Seminars between Belgium and The Netherlands—Not Germany**

Other Euregional forums are the annual seminars held for the public prosecutors in Belgium and The Netherlands. One Belgian prosecutor explained:

Every year, there is a seminar between the public prosecutors of Belgium, and the public prosecutors of The Netherlands, on topics of international crime. It is every year, but every two years, there is a basic seminar course, in which we explain the basic differences and similarities between our systems. We explain how the police works, how the judicial cooperation works, and then, on the afternoon of the second day, there is usually some other topic of international law—European Arrest Warrants or MLAs. And, the next year, it's a more profound seminar. We [examine] specific topics, for instance: cross-border observation, cross-border pursuit, confiscation in international cooperation, and stuff like that...

[To be clear], this seminar is not hosted by the BES. This seminar is a cooperation between the national institutes for judicial training of Belgium and The Netherlands. They organize it one year in Belgium, one year in The Netherlands and so on...
The German officials aren’t involved [because] of the language problem, I guess. Between Belgium and The Netherlands, we can speak one language, and therefore, there are no translation costs. I believe The Netherlands has a similar seminar with Germany, but we (i.e., Belgium) don’t. (Belgian Prosecutor, Interviewee 15)

The interesting point to reiterate here is that this annual seminar does not involve German officials. While is it commendable that various efforts at cooperation are being made, such efforts should arguably become more inclusive, as opposed to exclusive, particularly as cooperation intensifies.

6.4.3.3. The Integration of NeBeDeAgPol, BES, and Expert Advisors

In conducting the interviews, it became clear that there is close cross-border cooperation, not only amongst the police and prosecutors, but between the two groups together—so much so that the lines between the two groups appeared somewhat blurred upon the initial data analysis—to the point that it was difficult to determine whether NeBeDeAgPol is also composed of justice officials, since justice officials attend NeBeDeAgPol meetings. For example, consider the statement made by one Dutch police commander:

When you saw NeBeDeAgPol, it is not an organization that is doing investigations; it is a community of higher police responsibilities, with court [officials] and prosecutors—the heads of the prosecutors are in it—and they are talking, for over 30 years, about how to improve cooperation. So, it is only a community [that] meets only two or three times a year, I think, and every responsible [official]—my police director, he goes to that; the head of the prosecutors in Maastricht goes to that; the police director from Aachen goes to that—and they come together only two or three times a year, and they discuss what is going well and what is not going good, what shall we improve, etcetera. So, that is the aim of NeBeDeAgPol. (Dutch Police Commander, Interviewee 23)

As readers can see, this Dutch police commander clearly stated that NeBeDeAgPol is composed of both police officers and prosecutors. In the same vein, consider the following exchange that ensued with a different Dutch police commander in a separate interview:

**Interviewer:** What about NeBeDeAgPol?

**Interviewee 3:** Yeah, that’s a team that is working together—it is the team of chiefs of police, and a team of the chiefs of the prosecutors. NeBeDeAgPol.

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Again, this Dutch police commander stated that NeBeDeAgPol is composed of both police officers and prosecutors. The same perspective was even found in Belgium:

> NeBeDeAgPol is the foundation for international law enforcement cooperation in the Euregion. Then, it has grown and changed to include lawyers, magistrates, and so on. And, we arrived at the [current] situation. (Belgian Police Commander, Interviewee 19)

Yet another Belgian police commander stated that NeBeDeAgPol is composed of police officers and prosecutors:

> NeBeDeAgPol is the police chiefs, the prosecutors and some politicians, and so on, from the three countries, thinking about—a “think tank”—about how we are going to [improve cooperation]. (Belgian Police Commander, Interviewee 10)

Upon further inquiry, however, it was established that the two groups are indeed separate and distinct, yet they do come together on many occasions. One Belgian police commander cleared the confusion by explaining:

> The prosecutors are not members of the [NeBeDeAgPol] steering committee, but when necessary, they are invited to NeBeDeAgPol activities (such as the annual meeting of the NeBeDeAgPol members) or in the working groups as experts...

> [Moreover], as you know, there are mixed meetings between the steering group of the NeBeDeAgPol and the chief prosecutors to prepare the strategic conferences to combat organized crime in the Euregio, or to discuss common initiatives… (Belgian Police Commander, Interviewee 36)

Thus, the two respective structures—for the police and justice—have grown quite intertwined, as demonstrated by the Annual Strategic Conference and the “Contact Prosecutors” meetings, both of which have a mixed police/justice complement.

### 6.4.3.3.1. The Relationship between NeBeDeAgPol and the BES

Before concluding this section, it is important to discuss the relationship between NeBeDeAgPol and the BES. As one interviewee put it, “We have a strong connection between justice and police” (Belgian Police Commander, Interviewee 36). There is more to it than that, however. NeBeDeAgPol and the BES play different roles in international police and judicial cooperation, and as such, power and authority are shared between these two teams. In the discussion about the variables that influence cooperation,
two Belgian police commanders offered their perspective on the relationship between NeBeDeAgPol and the BES, which does not run counter to any of the research findings, and moreover actually helps to make better sense of the status quo. Although the variables that influence cooperation will be discussed in great detail in Chapter 8 below, it is important to raise the following data excerpt to the forefront now, to orient readers to the relationship between NeBeDeAgPol and the BES. Essentially, two Belgian police commanders explained the symbiotic relationship between NeBeDeAgPol and the BES as follows:

**Interviewer:** From what I understand, the two entities that have the power/authority in the Euregio are NeBeDeAgPol and BES. Am I right?

**Interviewee 19:** The BES is not a real structure. It is a group of different persons. For instance, the secretary of the BES is a member of the public prosecution service of Maastricht. She is not a member of the structure of the BES. She [does the secretarial work] of the BES, outside of her job [in addition to her work for the prosecution service]. It is NeBeDeAgPol that is the real structure.

In the end, it is by the means of the police that we are progressing.

**Interviewer:** So, if we look at the variables of power and authority—the ability to achieve change—and we look at NeBeDeAgPol specifically, what are your comments and thoughts about that? They created EPICC, so they have power.

**Interviewee 19:** We can say that the authority is the BES and the [prosecutors], but the power [to change things] belongs to the police. EPICC, NeBeDeAgPol, the criminal database—all these items [were] made by the police.

**Interviewer:** So, NeBeDeAgPol is a group of visionaries—they see the big picture, and they have ideas? I’m just trying to understand...

**Interviewee 19:** No—not NeBeDeAgPol. It’s the BES [that does that]. [It’s the BES that has the vision and ideas].

**Interviewee 20:** NeBeDeAgPol is the motor, and BES...

**Interviewer:** BES is the forum for discussion and consensus?

**Interviewee 19:** Yes. Strategy and authority too. They confirm the decision.

If the police decide to stop working [together], then the BES doesn’t exist anymore.

BES is just an authority that puts in legal form what the police [have] already built before.

This is just our idea—[what we are presenting to you] is a theory here about the relationship between the police and the BES. This is not a
[conflicting] relationship. It’s a relationship of confidence, goodwill, and trust between the police [NeBeDeAgPol] and the BES.

**Interviewer:** I guess, what I’m now seeing is that BES has two roles. The first role is that the BES helps with the mutual legal assistance requests.

**Interviewee 19:** Yes.

**Interviewer:** But, BES also has some power in that they hold the strategic conference once a year. So, in that way, BES is almost an addition to NeBeDeAgPol—almost an extension of NeBeDeAgPol. Can we say that? Because, when BES holds an annual meeting, they are helping in that way. That’s what I’m trying to distinguish—the two roles.

**Interviewee 19:** To take an example, it is the same [thing] as a restaurant. For example, the BES is coming to a restaurant, and, they say, “I want to eat that, that, and that.” And NeBeDeAgPol is in the kitchen—and NeBeDeAgPol is the cook—and they come to serve the BES. The BES tastes [the food] and says, “Perhaps a little bit more salt or pepper.” NeBeDeAgPol says, “Yes—you’re right—we’ll give a little more salt.” And then BES says, “Okay, the dish is good.” [NeBeDeAgPol then says], “Alright, [it was] decided that we shall eat [this], and voilà.”

**Interviewer:** So, this description means that for change to happen in this Euregion, the change has to come from the bottom-up—from the individual agencies—in discussion.

**Interviewee 19:** Bottom-up.

**Interviewer:** And NeBeDeAgPol helps facilitate the change.

**Interviewee 20:** Yes. NeBeDeAgPol is the motor. If NeBeDeAgPol doesn’t do anything, the authorities can return to their countries.

According to these Belgian police commanders, NeBeDeAgPol has the power, and the BES has the authority, because the BES can suggest and choose ideas about what is needed on the basis of group consensus, but NeBeDeAgPol is in the position to make the final decision and transform ideas into results.

### 6.4.3.4. Civic Cooperation: Maastricht–Aachen–Hasselt–Heerlen–Liège (MAHHL)

The civic working group known as “MAHHL,” which has representation from each of the key cities in the Meuse–Rhine Euregion (i.e., Maastricht, Aachen, Hasselt, Heerlen and Liège), is yet another manifestation of international cooperation in the Meuse–Rhine Euregion. While the MAHHL naturally does not exclusively focus on international police or judicial cooperation *per se* due to its civic/municipal nature, it nevertheless plays a role in enhancing cross-border relations and cooperation in the Meuse–Rhine Euregion. It is important to provide descriptive information about the MAHHL here, since it may play
a role in enhancing international police and judicial cooperation, from the civic level. One Belgian police commander discussed the MAHHL at length:

**Interviewer:** When was the MAHHL group formed?

**Interviewee 10:** The MAHHL-group was officially established about 20 years ago, in 1989. You can see it as some kind of “joint team” of the five main cities within the Meuse–Rhine Euregion who strongly intended to collaborate with [one] another from [1989 onward].

**Interviewer:** Was this group formed in the spirit of the “Euregio Crime” concept (i.e., of getting everything under one roof)?

**Interviewer:** No, not specifically about “crime.”

The cities of Maastricht, Aachen, Hasselt, Heerlen and Liège [have worked] together since 1989 in a certain close partnership. The mayors of this group meet each other about three or four times every year.

Besides this meeting, seven workgroups [are] active within this entourage. For instance, [the working group of] “economic affairs,” [the working group of] “culture,” [the working group of] “city development”... These workgroups organize different [cross-border] projects (e.g., master classes, shopping days, subsidy demands, climate conferences, etc.)

Since 2001, this partnership has been intensified by organizing the very first common MAHHL-council. This MAHHL council is now being organized every three years.

A second MAHHL-council has been organised in 2004 in Aachen (with a “Resolution of Aachen” as the result... [the] start of a closer co-operation.

The third common MAHHL-council in 2007 in Maastricht pointed [to] three prior themes on which the MAHHL cities wanted to cooperate intensively: (1) traffic and transportation, (2) sustainable development, and (3) culture.

The fourth official MAHHL-conference will be held very soon, on December 18, 2011 in... Hasselt.

Since this council in 2007, these MAHHL cities also organise an Annual Safety Conference... Participants are the mayors and police chiefs of the five cities, and also the prosecutors’ offices and other judicial services. Many themes are being discussed in this conference: public safety, public security, crime-fighting...

The last safety conference was being held in the city of Liège on October 12, 2011 on the theme[s] [of]: human smuggling and human trafficking, illegal immigration, prostitution, lover boys, illegal work, child abuse, abuse of the social security...

The goal for this conference is to build-up a straight knowledge-exchange...

The official goals of the MAHHL cooperative model are:
- better international profiling of the Euregion Meuse–Rhine
- enforcing each other’s position in the world
- better education by working together
- improvement of the public traffic
- creating a better environment
- increasing safety, by decreasing criminality in the cities

They themselves [identify] their task as: “working anonymously behind the curtains, but everybody within the Euregion gets better with the results.”

**Interviewer:** Are there plans to include representation from Tongeren, Verviers, and Eupen in the MAHHL group?

**Interviewee 10:** No, as far as this moment, there are no such plans.

In 2001, the councils of Maastricht, Aachen, Hasselt, Heerlen and Liège signed an official resolution of intense cooperation (in the building of the European Parliament in Brussels). These are [the] five main cities within the Meuse–Rhine Euregion with a very common history, but [each] with a very different personality and atmosphere. Cities like Verviers or Eupen are a lot smaller though.

Although the very first cooperation between these cities [goes] back to [approximately] 1974, [the MAHHL group] [was] already [cooperating] from the very Middle-ages... they together once formed the “Kingdom of Karel The Great” (8th century).

**Interviewer:** What level are the politicians? Are the politicians in this group actually the “Ministers of the Interior” for the three countries?

**Interviewee 10:** The politicians are all of the “local” level. It’s rather a tri-lateral cooperation of the five mayors and the councillors of the five cities.

No minister is involved, but it’s an official institution.

**Interviewer:** Are there plans to incorporate the prosecutors into this group?

**Interviewee 10:** The prosecutors are taking part [in] the annual safety-conference. This conference is one of the “[in]-the-field” initiatives of the MAHHL-group.

**Interviewer:** Of the different cross-border working groups in the Euregion, is MAHHL perhaps the most “high-ranking”/powerful (i.e., more powerful than NeBeDeAgPol?), because it has politicians?

**Interviewee 10:** No, MAHHL is restricted to an intensive cooperation model between five Euregion[al] cities. They all join the Euregion (and NeBeDeAgPol-group). These groups do work simultaneously.

**Interviewer:** Is the “Meuse–Rhine Euregion Foundation” (“Stichting Meuse–Rhine”) also involved in this group?
Interviewee 10: Yes. This MAHHL group is established from the Meuse–Rhine Euregion Foundation. Member(s) of this foundation participate in the MAHHL meetings.

The above-noted facts are important to keep in mind while reading the remaining chapters of this dissertation, and when considering how to improve international police and judicial cooperation. Some of the key points raised here will be revisited in the final chapters of this dissertation.

6.4.3.5. Summary of Structures for International Police and Judicial Cooperation in the Meuse–Rhine Euregion

To briefly recapitulate the above discussion, Table 6.6 below presents a summary listing of the key structures designed to help facilitate international police and judicial cooperation in the Meuse–Rhine Euregion. As Table 6.6 reveals, the Dutch appear to have made the greatest efforts in designing structures to facilitate international police and judicial cooperation. Only one Belgian police commander made a passing note of two structures that are involved in international police cooperation in Belgium (i.e., Commisaire Général du Organisation75 (CGO), and Commisaire Général International76 (CGI). Minimal interview data, however, were gathered on these two Belgian police entities, and as such, they were regrettably excluded from Table 6.6 below.

Table 6.6. Summary of Structures for International Police and Judicial Cooperation in the Meuse–Rhine Euregion

<table>
<thead>
<tr>
<th>Police Structures</th>
<th>The Netherlands</th>
<th>Belgium</th>
<th>Germany</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Working Group Structure (NeBeDeAgPol)</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>2 EPICC</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>3 Joint Hit Teams</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>4 JITs (ad hoc)</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>5 Dutch SGBO</td>
<td>✔</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6 Dutch EOT</td>
<td>✔</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>7 Dutch OT</td>
<td>✔</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>8 German &quot;Surveillance and Arrest Team&quot; (GFK)</td>
<td>-</td>
<td>-</td>
<td>✔</td>
</tr>
<tr>
<td>9 Schengen Observation Teams</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

75 English Translation: “Directorate of Operational Police Information.”
76 English Translation: “Directorate of International Police Cooperation.”
6.4.3.6. The Meuse–Rhine Euregion as a Laboratory for International Police and Judicial Cooperation

The literature review revealed that the Meuse–Rhine Euregion is considered a laboratory for international police and judicial cooperation, according to the academics who live and work in the Euregion. Considering the numerous initiatives designed to facilitate international police and judicial cooperation in the Euregion, it is not surprising that the officials themselves also considered the Euregion to be a laboratory for pilot projects. Essentially, the initiatives in the Euregion generally start as pilot projects. They may be transformed into permanent programs if they are perceived to “add value,” and if there is sufficient funding. Otherwise, these initiatives generally do not continue.

The JIT concept can be considered to be one such pilot project. The following interview data excerpt highlights the JIT concept as a pilot project, and the Meuse–Rhine Euregion as a laboratory for such an experiment. In the words of one Belgian prosecutor:

For us, it is very interesting... to have such a thing [i.e., the Meuse–Rhine Euregion]. We use it, and you will read it, and hear it—this is a laboratory for international cooperation. We use [the Meuse–Rhine Euregion] for experiments. This is the reason why you came from Canada. It is the same for us.

So, I [will] give you one example. The first Joint Investigation Teams... we set up the first Joint Investigation Teams—and we have legislation on that point. We set them up in the Euregion. It was useful to do it there, because all parties involved already knew each other, so we didn’t really take a risk. So, we used the Euregion while setting up the first Joint Investigation Teams—JITs—as an experiment, without nearly any risk.

So, if there is a new instrument to be evaluated, or to be checked, or to be set up, we will use the Euregion. And, [the police and justice

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<table>
<thead>
<tr>
<th>Prosecutor/Judicial Structures</th>
<th>The Netherlands</th>
<th>Belgium</th>
<th>Germany</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Working Group Structure (i.e., Chief Prosecutors/BES/&quot;Contact Prosecutors&quot;)</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>11 BES</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>12 IRC</td>
<td>✔</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>13 Forum Ad Mosam</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

Civic Cooperation

| 14 MAHHL | ✔ | ✔ | ✔ |

Totals 13 9 10

Source: Interview data for the present study.
Although the JIT possibility was made possible by a number of EU-level treaties, as discussed in Chapter 2 above, the JIT possibility has generally not been well-received in the Meuse–Rhine Euregion (and Europe, overall), due to various reasons, such as: (1) its “newness”; (2) the fact that such contracts are demanding, consume resources, and must be approved through a long chain of command in the respective countries; and (3) the perception among many police officials that an equivalent or better job can be done without a JIT. Notwithstanding the above, the Meuse–Rhine Euregion continues to be a laboratory for many cross-border cooperation initiatives.

6.4.4. Key Academic Studies of International Police and Judicial Cooperation in the Meuse–Rhine Euregion

In describing the current status quo of international police and judicial cooperation in the Meuse–Rhine Euregion, several of the officials also spoke about a few of the key academic studies that have been conducted in recent years, in particular the studies by: Spapens and Fijnaut (2005); Fijnaut and De Ruyver (2008); as well as Van Daele and Vangeebergen (2009). These studies were discussed/reviewed in Chapter 3 above (see Appendix B), but will be mentioned again here, from the perspective of the interviewees, since several of the officials highlighted them as significant. Notably, the officials’ understanding of, and attribution of significance to, these studies contribute to the status quo in the Euregion, since these studies have helped encourage international police and judicial cooperation in the Euregion, as well as underscore the necessity of improving matters in this regard.

6.4.4.1. Spapens & Fijnaut (2005)

A total of eight police and justice officials made reference to the study of transnational organized crime in the Meuse–Rhine Euregion conducted by Spapens and Fijnaut in 2005. Published in Dutch, readers will recall that this book set out to examine both the nature and scope of serious transnational organized crime in the Meuse–Rhine Euregion, as well as how to improve international police and judicial cooperation in the Meuse–Rhine Euregion. Most of the interviewees just made a passing reference to this book, such as:
We have some books...

[Interviewee 19 then proceeded to show the Interviewer some thick and heavy books written in Dutch and French]. (Belgian Police Commander, Interviewee 19)

Or, in other interviews, some interviewees asked the researcher:

Do you need the book [by] Mr. Fijnaut? (German Police Commander, Interviewee 27)

In one interview, however, two Dutch prosecutors spoke at length about the findings of this book, and the resulting implications concerning how to improve international police cooperation in the Meuse–Rhine Euregion. Specifically:

**Interviewee 39:** And what has been spoken about here, in the past, many times, is a kind of political thing: “Why don’t we make a copy again based on the idea of the BES, let’s say 50 to 60 investigators who focus only on those transnational cases within the Euregion. It’s written down in the report as one of the most important suggestions by Cyrille Fijnaut in his 2005 report, where he gave the picture of transnational crime. He also gave us about five different strategy suggestions, and one of them was [to] make such a force, of about 50 to 60 investigators—about 20 investigators per country, which is not too much if you have thousands of police officers in this region.

It would be a very nice [police] force to work only on those Euregional transnational cases, because now, if the case starts out in “Country A”—Belgium for example—and they [find] Dutch criminals who steal in their country, or who have drugs produced there, they will have to ask the Dutch police, and hopefully [the Dutch police] will have enough capacity to say, “Yes, we will come along and do an investigation.” One time, it is “Yes,” [but] other times it is “No, we have two murder cases here and we can’t help you with your case.” So, we work now from case to case, and from coincidence to coincidence... “Can we build up a team for this investigation?” If we could have a kind of minimum force, then the Euregional police force could run the most important transnational cases.

You are going to speak with a lot of police officers. It will be very interesting to see if they even mention it in response to your question about what structures are lacking, because they will think that, “We don’t like it,” because [they will probably say], “It’s okay what we have now—everybody has their own investigators—if they need each other in a case, they will call each other.”

**Interviewee 40:** Within a Euregional police force, you can organize your own exchange of information, on a specific type of crime, and conduct your own analyses of the cross-border crime as well.

**Interviewee 39:** Let’s say, of the 60 people, 10 of them (three per country) would focus only on the exchange of information between the three countries.
EPICC tries to do those types of things, but to be honest, in the field of serious transnational crime—organized or not organized—they don’t give me that product/those types of analyses because the investigation forces within the Euregion, like every police force in the whole world, they will be careful and sit on their own information during an investigation. You’ll see it worldwide in any case—police forces, in many cases, had an idea that if they would tell anybody else what they know, it might get on the streets in a newspaper. It’s a kind of natural thing, in the police world: “If you run a case, don’t talk about it, keep the information to yourself.” But if investigators would be here, and their direct colleagues from their own countries would be here, they would have access to their systems, they could go talk to them about what’s going on. They could see if there is an increase in car thefts, and why that is so.

EPICC was founded for the total exchange of information, but a lot of the exchange is small information—license plates, or stolen goods—very important, but it is not information, for example, soft information [criminal intelligence], that this man or organization is producing ecstasy in a big amount. When you enter the field of serious crime, you come across a more protected/secure information.

So, this was already before 2005. We wrote it down in strategic notes: we have to think [about and] plan a cross-border team. We have to build up a team for the three countries. Fijnaut then said it again in 2005.

It was very interesting to observe how the findings of such a research study could influence the officials’ views concerning what is happening in the Meuse–Rhine Euregion, as well as how they should proceed. It was also interesting to see how few people were able to take the findings from Spapens and Fijnaut, as these two Dutch prosecutors did, and infuse them into a larger vision for the improvement of international police and judicial cooperation in the Meuse–Rhine Euregion. As aforementioned, although several officials made a passing reference to Spapens and Fijnaut (2005), only two Dutch prosecutors spoke about it at length, in terms of the potential that such a study holds for transforming the system of international police and judicial cooperation in the Meuse–Rhine Euregion.

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As aforementioned, this book was written in Dutch, and accordingly, the researcher used translation software to read the book. In the researcher’s assessment/opinion, references to a possible Euregional police force were made more in the book by Fijnaut and De Ruyver (2008) than in the book by Spapens and Fijnaut (2005), although the present researcher cannot be completely sure, due to the limitations of the translation software. As such, the interview excerpt noted immediately above (i.e., by the two Dutch prosecutors) was used in this dissertation with respect to Spapens and Fijnaut (2005) (to preserve the two Dutch prosecutors’ statements in their raw/original form).
6.4.4.2. Fijnaut & De Ruyver (2008)

As with the study by Spapens and Fijnaut (2005), the study of drug-related crime in the Meuse–Rhine Euregion by Fijnaut and De Ruyver (2008) also received direct mention by several of the interviewees, again with only very few commenting on the study’s findings in great detail. The following data excerpts from the same interview illustrate the conscientiousness of two Belgian police commanders in internalizing/applying the findings of this study with respect to improving international police cooperation in the Meuse–Rhine Euregion. These excerpts also demonstrate the influence of Fijnaut and De Ruyver’s (2008) book on these officials’ thinking and approach to international police cooperation in the Meuse–Rhine Euregion. Specifically:

Interviewee 36: We have another thing that we saw [i.e., when examining the crime trends in the Euregion], and that is, if in one country, you have an action—if you take, for instance, drugs, plantations of cannabis—when you have a real strong action in The Netherlands against this, you’ll see those plantations come to Belgium and Germany.

Interviewer: It gets displaced.

Interviewee 35: It’s the “waterbed effect.”

Interviewee 36: So, you have those two considerations. For a lot of things, the trends are the same, but be careful: if you take an action in one part of the Euregion, this [action] will have consequences for your neighbours. So, we have to do it together. That is also what is reported in one of the studies—in the study by Fijnaut and De Ruyver (2008) [regarding] drug problems. They also say, “If you want to take measures, do it with your neighbours, and not on your own.”

Later in the interview, again drawing upon the findings published by Fijnaut and De Ruyver (2008), these same officials spoke about how the MAHHL would potentially fit into the proverbial “puzzle” with respect to how international cooperation could be improved:

Interviewee 35: And, we are occupied now with a reflection about the participation of the administrative authorities.

Interviewee 36: Yes, the mayor, and so on.

Interviewer: You mean, there is such representation in meetings?

Interviewee 36: No, not yet.

Interviewee 35: We don’t know; we’re having discussions about it.

Interviewee 36: You know, Fijnaut and De Ruyver did a study. They said that, “For the Meuse–Rhine Euregion, it would be nice—it would be necessary—to have the triangle of security.” And, why is it important? It is because then you have a harmonized strategy on security. This triangle is justice, police, and what we call “administrative
police authorities”—those are the mayors. But, you must know—I told you in the beginning—a mayor in Germany doesn’t have the same missions and competences as in The Netherlands and Belgium. So, it’s really, really a problem to do it.

**Interviewee 35:** A mayor in The Netherlands is not elected… he is a *fonctionnaire* [*i.e.,* official].

**Interviewee 36:** [The mayor] is an official of the State of the Ministry. But, it is very difficult.\(^78\)

So, we have a strong connection between justice and police, but we do not have the same connection with the other authorities that have responsibilities on security.

Like the study by Spapens and Fijnaut (2005), the study by Fijnaut and De Ruyver (2008) received thoughtful comment by only two interviewees. Yet, the commentary was quite profound, multi-faceted, and again, made only by “visionary” officials.

### 6.4.4.3. Van Daele & Vangeebergen (2009)

The comparative legal analysis of criminal justice procedure relating to international police and judicial cooperation in the Meuse–Rhine Euregion by Van Daele and Vangeebergen (2009) was also mentioned by several Belgian interviewees. This book was mentioned to the researcher in one of two ways. First, after the researcher began focusing on the *process* of international police and judicial cooperation in the Meuse–Rhine Euregion, two Belgian officials, in separate interviews, (incorrectly) indicated that such a study had already been done. To illustrate:

**Interviewer:** How does the process of international cooperation change in other countries? Or is it the same basically?

**Interviewee 13:** Well, I don’t know if everybody knows it, but there are books and papers that describe the process in the different countries.

**Interviewer:** Is that the European Judicial Network?

**Interviewee 13:** Yes, you can use it, but the big book by Van Daele compares the three systems and processes of international law enforcement cooperation.

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\(^{78}\) This study was not only difficult because of its international scope, but also because, for whatever reasons, some of the interviewees would not go into great detail about certain subjects. As a result, the researcher found some of the interviewees “dumbing down” and/or “shutting down” the discussion by saying “it’s very difficult.” This phenomenon occurred most often in Belgium, and naturally made the researcher’s job exponentially more difficult, due to a lack of information. Nevertheless, the researcher prepared this dissertation with the available materials/data.
As was discovered by the researcher upon later reading Van Daele and Vangeebergen (2009), the present doctoral study has never been attempted or conducted before. To be clear, the present study focuses on the process of international police and judicial cooperation in the Meuse–Rhine Euregion, as informed by the Organizational Behavior approach, so as to determine the practical ways in which international police and judicial cooperation may be improved. The present study is not a detailed comparative legal analysis of the relevant criminal justice procedures in international police and judicial cooperation, as was the study by Van Daele and Vangeebergen (2009). Perhaps, however, it should not have been surprising that some of the interviewees assumed that the present study was a legal study, because some of the interviewees were lawyers, after all. As such, the present study offers a fresh new way of examining an old problem.

The second way in which the book by Van Daele and Vangeebergen (2009) was mentioned to the researcher was simply to illustrate that there are procedural law differences between the three countries, and also to elucidate some of the book’s contents. As one Belgian prosecutor stated:

> Priorities are different, and the cultures are totally different. Even [though] we speak the same language, the judicial organization and the police... between The Netherlands and Belgium [are] still quite different. I hope that you are aware of that.

> I think I have a study on that... [Interviewee 4 then pulls the thick Dutch book by Van Daele and Vangeebergen (2009) from a bookshelf]. This is a study on the differences. So, search warrants... if we want a search warrant in Belgium, Germany, or The Netherlands, here, you find out how to do it—how it works—who is competent. Arrests, telephone interception... This is the idea of putting together procedural law of the different member states—the neighbours. It is useful. There are a lot of studies [laughter], but this is a useful study. (Belgian Prosecutor, Interviewee 4)

Thus, the officials revealed that the academic studies of the Euregion not only provide an analysis of various situations, and inspiration for visionary ideas, but also practical legal advice relating to various measures (i.e., arrests, telephone tapping) used in the process of international police and judicial cooperation.

6.4.4.4. Report by a Dutch Police Commander on How to Improve International Police and Judicial Cooperation (2010)

It was also discovered that some of the interviewees are so passionate and interested in improving international police and judicial cooperation in the Meuse–Rhine
Euregion that they are not only reading the academic studies published in this area, but taking matters into their own hands by conducting studies of their own.

One Dutch police commander spoke about a study that he had conducted on how to improve international police cooperation in the Meuse–Rhine Euregion:

**Interviewee 23:** I also did an investigation—a study/project—to try to determine the effectiveness of cooperation. I wrote something about that...

**Interviewer:** Am I allowed to cite your study’s findings in my dissertation?

**Interviewee 23:** Yes, no problem...

**Interviewer:** What were your main findings?

**Interviewee 23:** The main finding was that when we raise/increase the effectiveness of international cooperation, you must start with a separate investigation team doing nothing else but working together with our partners in Belgium and Germany... because now... I can show you in a different way... [Interviewee 23 then obtained a pen and some paper]...

You see, this is our region. Here, you have Maastricht... here is Sittard, and here is Kerkrade. So, this is Germany, and this is Belgium.

When the Belgians have a problem, when they don’t [deal] with [a Dutch police] unit, they send a legal request to the prosecutor in Maastricht, and when the suspect of the investigation lives in Sittard, it goes to Sittard. Then it goes to Maastricht. Or, when [the suspect] lives in Kerkrade, it goes there. It is very confusing for my colleagues in Belgium and Germany.

[My colleagues in Germany and Belgium] say, “When we have one partner in Holland to whom we can send all of our legal requests, then we can work together more quickly, because when they have an urgent request, and it goes to Sittard or Maastricht, for instance, and my unit in Maastricht says, “No, we don’t have any time to do it,” then it goes to Heerlen, but “No, we have no time,” then it goes to Kerkrade, “No, we have no time.” And when all my colleagues have no time, nothing will be done.

So, my conclusion was that, if you have one team in our police region, working for the court in Maastricht, that will be dealing with all the legal requests that are coming from Belgium and Germany, and you make capacity for that in one team, you can always help your foreign colleagues...

In a year, over 4,000 [MLA] requests are coming from abroad, principally from Belgium and Germany, but a lot of those requests are small requests, which can be done in an administrative way, without desk research.

But, the bigger requests that refer to investigations that go on for one or two months with wiretaps, observation, *etcetera*, to arrange all these things, and at least to arrange for searches of buildings and
interrogations... when you do that with one specified unit in our region, your response is quicker and better, according to me. But, who am I? [Emphasis in original].

Although this police commander’s conclusions are completely logical and correct, they have nonetheless been difficult to implement due to various reasons, which will be discussed further in the remaining chapters of this dissertation.

6.4.4.5. Survey by the BES of European Judicial Network Members to Determine the Status Quo of International Police and Judicial Cooperation throughout Europe (2010)

Some of the interviewees also spoke about a survey that the Federal Prosecution Service of Belgium and the BES were planning to administer to members of the European Judicial Network for the purpose of determining the status quo of international police and judicial cooperation throughout Europe. Specifically, members of the Federal Prosecutor’s Office in Belgium, as well as the BES, were particularly interested in determining the extent of international police and judicial cooperation as it has manifested throughout Europe, as compared to the Meuse–Rhine Euregion. One Belgian prosecutor explained:

**Interviewee 4:** So, we try to now organize a meeting of the European Judicial Network, which is a network of prosecutors all over Europe. We organized a meeting [for the] 28th of November [2010] with the Ministry of Justice, on this item—international cooperation in the trans-border regions within Europe. Perhaps it’s very useful for your study also... in that seminar, we try to have a view of all the trans-border cooperation within Europe. So, for example, between Spain and France—the trans-border regions between Spain and France—what is happening? How are they organized? And between Sweden and Finland—we don’t know. There is nobody who really has a view.

**Interviewer:** This is what they told me—they are doing a study—they’re trying to find out.

**Interviewee 4:** Yes, we have a questionnaire. We made the questionnaire, and we sent it. Perhaps I can give you a copy of it. I think it’s very useful for your study to follow that project. It’s in French and Flemish. We sent now, the questionnaire, to the Euregion to five local prosecutors in Belgium, and the goal is to test the questionnaire, to see if the questionnaire is really effective or relevant. Then, we will send the same questionnaire in the month of May or June to all the 27 member states in Europe, to obtain a view of what is happening or relating to law enforcement, especially law enforcement—it is not really focused on the police cooperation—and in Europe. And then, we will have a view on what is happening. (Belgian Prosecutor, Interviewee 4)

In a follow-up communication, one German prosecutor revealed the results of this study:
In November [2010]... the annual EJN meeting... took place in Kortrijk/Belgium and dealt with “International co-operation in the border regions within Europe”... It was obvious (and absolutely flattering for [us in the Meuse–Rhine Euregion]) that there is no other region in Europe to be compared to the [Meuse–Rhine Euregion] concerning [the fight of] cross-border criminality. (German Prosecutor, Interviewee 38)

Thus, the findings of this recent study are consistent with the literature: the police and justice officials in the Meuse–Rhine Euregion remain the leaders in international police and judicial cooperation in Europe.

6.4.5. The Academic Studies Underway in the Meuse–Rhine Euregion as of Spring 2010

In addition to the three key academic studies concerning the Meuse–Rhine Euregion referred to above, some of the interviewees also spoke of two academic studies that were underway in the Meuse–Rhine Euregion as of the spring of 2010. These studies were respectively designed to elucidate: (1) the criminality in the Meuse–Rhine Euregion (i.e., “Project EMROD”); and (2) the legal possibility of establishing a joint police database (i.e., the University of Heerlen study). Each of these studies is briefly discussed below.

6.4.5.1. Project EMROD (2010 – 2013)

In one interview, two Belgian police commanders spoke of the most recent study to examine the criminality and fear of crime in the Meuse–Rhine Euregion. These Belgian police commanders explained the study as follows:

**Interviewee 36:** So, we now have a new project starting. We are in the starting point for this project. It will start on the first of April (2010). It’s called EMROD. EMROD is an observatory of criminality/delinquency in the Meuse–Rhine Euregion [i.e., “Euregio Meuse–Rhine Observatoire de la Déliquance”]... The aim of this institute—[is] that it will not be a police institute. It is something—an idea—borne within the Commission of Crime Prevention [for] the Province of Liège. We thought about crime prevention, and we found out that it would be silly to do it only for our part of Belgium. If we want to be effective at crime prevention, as effective as the fight against criminality, we need to work on the Euregional level. So, we introduced the project, and it gets a budget from Europe to engage scientists and one assistant to study the criminality in the Meuse–Rhine Euregion—not only the police statistics, and justice statistics, but also some photographs that are in social networks that work on drugs—you know, some organizations and institutes that work on drug addicts.
They also have information about what is the status quo of drug problems in the Meuse–Rhine Euregion. You may not only concentrate on police statistics, but you also have to look to...

Interviewee 35: Sentiments about security or insecurity.

Interviewee 36: How do people in the Euregion feel about security? Do they feel secure or not secure? Are they satisfied with police work, or not? And so on. So, this observatory—the goal of this observatory is to give a scientific basis for developing security strategies in the Meuse–Rhine Euregion. We think that if we have a base that is scientifically okay, and it is the same for the whole Euregion, then it doesn’t matter what are the competences, or what are the authorities responsible for security. If all these authorities—even if they are different from country to country—work on the same basis, the strategy will also be harmonized. So, they will give us a complete photography of the security in the Meuse–Rhine Euregion, focused on drug problems, but also the criminality related to drugs. They will give us this information—coming not only from our statistics, but also from inquiries—you know, some questions you ask the people, and so on. What are their feelings? They will give a complete photography, and they also will see how the trends are, and so on.

Interviewer: So, this is a contract research consultant?

Interviewee 35: Yes.

Interviewee 36: Yes.

Interviewer: Is the person from a university?

Interviewee 35: Yes.

Interviewee 36: It’s the five partners of the Meuse–Rhine Euregion—the two Belgian provinces, the German-speaking community here [in Belgium], and in The Netherlands—Limburg South—and the region of Aachen [in Germany]. Those are the five partners of the project. The lead partner is the Province of Liège. And they will—it was done last week—so, we took one scientist—a researcher from the University of Liège—[who] will work for us for three years, during the duration of the project.

Interviewer: And who is this person working for? For NeBeDeAgPol, or for your police service?

Interviewee 36: No, not for police, and not for NeBeDeAgPol. His [research] contract is with the Province of Liège, [which] runs these Euregional projects. [The Province of Liège] is the lead partner of this project called EMROD. And for three years, we have the help from European budgets. It is a budget [of] about 700,000 Euros for the three years—to build up this observatory, and to make it work. He will make, at first, he’ll make a catalogue of all existing studies, and results, and whatever exists in the Euregion, but not only as we do now, on police and justice levels, but also in other parts of social networks, or I don’t know... many other things, but all related to security. He will make this catalogue, and then they will also complete it [with] new things—like, a public questionnaire that will ask the people how secure they feel in the Meuse–Rhine Euregion. And this will give us a complete image of security in the Meuse–Rhine Euregion, that will help
us to put the priorities where they have to be put, not only on the judicial level on the fight against criminality, but also to make together the prevention of crime—to make together campaigns against drugs. You know, not only fighting against [crime] when it happens, but also prevention.

That’s another project that we run now [i.e., EMROD], and that will begin now. It is very ambitious, and we took the example of an observatory in Toulouse, in France. [It] is not cross-border there. It is for the city of Toulouse, and they work since a few years now. And they have a good experience. So, we talked with them, and then, we had the idea to do the same here. And we will work further with Toulouse to implement it—to take the good practices that they have there. So, you see, it is not only an idea that we have; we also look to other places where we can find ideas. So… we talked about the fight against crime and so [on], but we don’t have to forget that for security, for police work, you also have all this aspect of prevention of crime, and there, we need to collaborate.

Thus, the EMROD project aims to be more comprehensive and current than the study published in 2005 by Drs. Spapens and Fijnaut.

6.4.5.2. Study by the University of Heerlen regarding the Legal Possibility of a Joint Database (2010)

The officials at the BES decided to issue a call for a study on the legal possibility of creating a joint police database for the three countries in the Meuse–Rhine Euregion. In one interview, two Belgian prosecutors commented on this study:

**Interviewee 13:** I think they have asked the University of Heerlen to study… the legislation [concerning] privacy in the three countries, and [whether] it is possible [for us to] create a [joint police] database or not...

**Interviewer:** When is the study going to end?

**Interviewee 47:** They asked [the BES] to look at the idea of a Euregional database. They said they would look at it and see the status quo today—what is possible, what is not possible—and [they] started working on that.

**Interviewer:** Who is working on it?

**Interviewee 47:** [Justice officials at the BES]. Then, [one justice official at the BES] had a meeting with the University of Heerlen, with one professor, and he suggested the idea of organizing a two-day seminar, where we would look at, not only what is possible today, but also look at what is the ideal database—something in the future that would be ideal to work with—and, to get to that point, what laws need to be changed, what infrastructure do you need, and stuff like that. That is something that we are still thinking about. The University of Heerlen is not going to do that alone, because...
**Interviewee 13:** It’s very difficult work, I think. I think that a lot of people need to work on that kind of a project.

**Interviewee 47:** The University of Heerlen is going to look for sister universities in Belgium and Germany to work together, but each university will take their own country under scrutiny, and see how it works and what is possible. Then, bring them together. The idea is to organize a seminar, I think somewhere in the second half of this year, where the universities will tell us how they see it, and then us practitioners will have the chance to say if it’s possible or not, or what we would change. But I think this is going to cost money, so I think we are going to have to ask the European Union.

**Interviewer:** So, the money hasn’t been obtained yet?

**Interviewee 47:** No.

**Interviewer:** So, it is in the discussion stage, and you have to make a proposal?

**Interviewee 47:** Yes. Make a proposal, see if it’s okay, and then ask for money. It is a long process.

**Interviewer:** How long do you think it will take the university to finish the study?

**Interviewee 47:** I think by the end of this year.

**Interviewer:** And with respect to the BES?

**Interviewee 47:** [The justice officials at the BES] are looking into it. As it stands today, it will be possible to have a database for the three countries, but not with information that can be connected to a person. Only information, for instance, that “This robbery [modus operandi] happened in Hasselt”...

**Interviewer:** No—you need it with people.

**Interviewee 47:** Yes, you need it with people, but it is not possible at this time, because of the privacy legislation—every country does not allow that at this stage.

Even when you go to EPICC... have you seen the people sitting there at the desks? The Belgian police officer does not have access to the Dutch system or the German system. That is with personal information. If you want to have a joint database, you can only do it with information that is not connected to people. What can you do with it? You can see it is the same MO in different countries... So, you can bring together the police officers in charge of those cases, and they can just exchange personal information around the table, but not in a joint database. That is what is possible today. But, what we want in the end is a joint database with personal information, and that is what the university is going to look at, and they are also going to suggest changes in legislation, or maybe a treaty, I don’t know. That is what is going to be their objective of the project. Our idea was just to look at what is possible today with the current legislation and treaties.
It is interesting that the police and justice officials are allowed to share information “around the table” (e.g., consider the information sharing process at EPICC), but yet the national privacy legislation of the three countries restricts the officials’ ability to pool the information in one joint database. It is also interesting that international police organizations such as Interpol and Europol have joint police databases—i.e., databases that contain police information from different countries. If agencies such as Interpol and Europol can have such databases, there should be a way to overcome the limitations of the respective national laws to create a similar database in the Meuse–Rhine Euregion. Arguably, as several of the interviewees stated, such a Euregional police database will require a treaty governing its establishment, maintenance, and use.

6.4.6. **Key Proposals for Improving International Police and Judicial Cooperation in the Meuse–Rhine Euregion**

Considering everything discussed so far—the history of the Meuse–Rhine Euregion, the shared problem of serious transnational organized crime, the establishment of multiple structures designed to facilitate international police and judicial cooperation, and the publication of multiple studies about crime and international police and judicial cooperation in the Meuse–Rhine Euregion—multiple interviewees stated that a Dutch Professor of Law, Dr. Cyrille Fijnaut, spear-headed the conceptual development of a model to help advance international police and judicial cooperation in the Meuse–Rhine Euregion. This is an important conceptual model to examine, especially from the perspective of the key stakeholders/interviewees themselves, since: (1) this model was developed on the basis of research conducted in the Meuse–Rhine Euregion, and (2) this model is what the police and justice officials in the Meuse–Rhine Euregion are considering with respect to advancing international police and judicial cooperation. The following discussion guides readers through the evolution of this conceptual model, as reported by the interviewees themselves.


Readers will recall from the literature review presented in Chapter 3 above (see also Appendix B) that the “Euregio Crime” conceptual model proposed by Fijnaut and De Ruyver (2008) essentially calls for the pooling together of Euregional police and judicial structures for cooperation under one roof (i.e., BES, EPICC, IRC, the formation of a “Euregional Investigation Service”). Although the original conceptual model was originally
named “Euregio Crime,” it is important to note that it has gone through at least three iterations over the last several years. As one German prosecutor stated:

The “Euregio Crime” idea started in the beginning of 2009... [but] the basic idea that police and prosecution should work more closely together is an old one. (German Prosecutor, Interviewee 38)

Using the Joint Hit Team as a point of departure, one German police commander explained the first iteration of the “Euregio Crime” model:

**Interviewee 34:** Then, we can go a step further. The idea here, in the Euregion, is done by Cyrille Fijnaut. Dr. Fijnaut said, “Let’s found a Joint Investigation Team, but not only for one investigation. Let’s do a complete team that stays together for years, and they do investigations.”

**Interviewer:** Did he write a report about this?

**Interviewee 34:** Yes, he wrote a book about it—[about] 280 pages— I think in 2008 [*i.e.*, Fijnaut & De Ruyver (2008)].

**Interviewer:** So, he is suggesting a complete team?

**Interviewee 34:** Yes, a team of Belgian, German, and Dutch [police] officers [who] work together, and if there is an investigation, they take it over and they work it out. This is an idea—I think a very good idea—but, there are… yeah… politics are… slow, and they don’t follow his headline. Maybe in a couple years, but not at this moment.

**Interviewer:** Yes, that’s one thing that’s become very apparent to me. You have EPICC, and that focuses on information sharing. You have BES, and that focuses on mutual legal assistance. But you’re missing something in the middle: an operational, permanent investigation team of police detectives.

**Interviewee 34:** Yes. There are three lines. The first line is information. We have very good information exchange at EPICC. Also, we have BES.

The second line is operational work. We have Joint Hit Teams, we have the Schengen process agreement, and cross-border cooperation in surveillance and arrests [*i.e.*, the NeBeDeAgPol Working Groups]. Okay, it works.

And this third line—investigation—we have nothing. It is allowed, but we don’t have it. This is the third step we have to go in the following years...

**Interviewer:** People are saying that you can put EPICC, BES, and the joint police team together all in one building.

**Interviewee 34:** That is the plan from Dr. Cyrille Fijnaut...

Dr. Fijnaut is calling it "Euro Crime."
Interviewer: Oh, this is interesting. There is also something called “Euregio Crime.”

Interviewee 34: Yes, it is the same thing. In the beginning, he founded the word “Euro Crime,” but the second definition was “Euregio Crime.” It is the same thing.

Interviewer: And, what does this model look like?

Interviewee 34: I think I have it... [Interviewee 34 then reaches for a book]. This is the work of Dr. Cyrille Fijnaut. “Euregio Crime” is a Dutch concept for integrated investigation/prosecutor cooperation.

What do we have now? We have the BES, we have the IRC, EPICC, and we have the Joint Hit Team.

And this is the vision from [Dr. Fijnaut]. You have four different parts [Interviewee 34 then drew the following diagram as depicted in Figure 6.6 below, which features the current and proposed structures in the Meuse–Rhine Euregion, all in one proposed organigram].

Figure 6.6. The First Iteration of the “Euregio Crime” Vision Developed by Fijnaut & De Ruyver (2008), as Reported by Interviewee 34

Source: Qualitative data for the present study. Originally adapted by Interviewee 34 from the text in Fijnaut & De Ruyver (2008).

You have crime analysis.

The second line is letters rogatory/IRC, and EPICC, [which] works information exchange.

The third is the Euregional Investigation Team. This is what is being proposed. And here’s the Joint Hit Team, as [the] operational help service for the investigation team.

And, the fourth line is the “Centre for Questions in International Law and Teaching.” It is also being proposed. It does not exist yet.

On the top of it, the BES for leadership...
Essentially, the ideas, as well as the presentation of the ideas, by Fijnaut and De Ruyver in 2008 were so bold that the “Euregio Crime” conceptual model was not well-received by the Belgian and the German officials. One German police commander described the “mistakes” made in the conceptualization and presentation of the “Euregio Crime” model. It is important to stress that this information is provided here not to insult the “Euregio Crime” conceptual model, or the esteemed Drs. Fijnaut and De Ruyver, but rather to simply explain why the “Euregio Crime” conceptual model was not well-received by the police and justice officials of the Meuse–Rhine Euregion, so that the conceptualization and presentation of new ideas in this area may be better received by this particular group of practitioners in the future.

6.4.6.1.1. The Flaws Associated with the First Iteration of the “Euregio Crime” Model

There were many reasons why the first iteration of the “Euregio Crime” model failed to be accepted by the police and justice officials of the Meuse–Rhine Euregion. Interviewee 34 explained that: (1) the “Euregio Crime” model’s governance structure will not work; (2) the “Euregio Crime” model was conceived in isolation and delivered as a “gift”; (3) the “Euregio Crime” model is missing key stakeholders; (4) the “Euregio Crime” model does not explain how to obtain manpower for the establishment of the Euregional Investigation Team; and (5) the “Euregio Crime” model’s timing was not right. These reasons are elegantly presented by Interviewee 34 in one continuous interview transcript excerpt, as presented below. Note that the researcher inserted appropriate subheadings into this passage below, to aid readers’ navigation. Continuing exactly where this passage ended above, Interviewee 34 went on to explain the “mistakes”:

Flaw #1: Its governance structure will not work

**Interviewee 34:** On the top of it, the BES for leadership, and this is one of the problems. In The Netherlands, the prosecutor is the chief [of] the police in questions of crime... In Germany, the police and prosecutors are two separate organizations, and the prosecutor cannot [direct] the police. So, the German side is a little bit... not amused by this idea that a prosecutor is the chief of the police team.

**Interviewer:** Oh, interesting. So, the Germans, in general, don’t like the idea of having BES lead it?

**Interviewee 34:** Yes.

**Interviewer:** But they like the idea of a permanent Joint Investigation Team?
Interviewee 34: Yes—the idea itself—we think it’s good. But the second idea—that a prosecutor is the leader of a police team—is not very attractive for German police leaders. We have two different Ministries that they are working for. We are not working for the Minister of Justice. We are working for the Minister of Interministerial...

My personal idea is that this… [i.e., what Fijnaut and De Ruyver are proposing] is a very good idea. I don’t think that it is a good reason to say “No” only because a prosecutor is chief [of this]. There are ways to work together with them. I think we need the cross-border cooperation, and it doesn’t matter who is the leader...

The second mistake is that he didn’t realize that the German and Belgian organization is different than the Dutch organization. In The Netherlands, it is usual that the prosecutor is the team leader for crime combating. But in Germany and Belgium, it is not this way. So, the leading people in Belgium and Germany knew very [many] reasons to say, “Now, this plan is possibly not so good.”

Flaw #2: It was delivered as a “gift”

Interviewer: And what more can you tell me about this? So, this model was put forward by Drs. Fijnaut and De Ruyver, and now the players in the Meuse–Rhine Euregion have read about it, people are talking about it, and many people like this idea?

Interviewee 34: I think the politicians don’t like it at this moment. It’s a Dutch idea.

And, Dr. Fijnaut did make a mistake. When he told about his plans, he had not spoken with the other two sides [i.e., Belgium and Germany]. He presented it as a “gift,” and now, the Germans and the Belgians were standing and saying, “Hmmm… what is this now?” So, tactically, it was not well-presented… That was the first mistake.

Flaw #3: It is missing key stakeholders

Interviewer: And were there any other mistakes?

Interviewee 34: In Germany, we have a law—it is the Bundeskriminalamt Gazette, Article 3. Inside Article 3, there is the stance that the combating of cross-border crime is done by the federal Bundeskriminalamt, not by the [local] police authorities like Aachen.79

The [next] reason is the “okay” from the Bundesministerium of Justice (German Federal Ministry of Justice) [i.e., the long chain of command in Germany for the approval of a JIT].

Interviewer: Yes, okay.

Interviewee 34: So, we in North Rhine–Westphalia, we have also a known organization for teaching and learning of police officers. This is the fourth line here [in the “Euregio Crime” vision diagram]. So, they say that, now, we have an LAFP, which stands for “Police Centre

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79 This means that the researcher should have interviewed somebody from the Bundeskriminalamt for the present study. Unfortunately, it could not be arranged in time.
for Teaching and Learning” in Neuss. So, Aachen has to say now, “It is a good idea,” but we are not the ones who can talk about it. This is the LAFP in Neuss.

Flaw #4: It does not explain how to secure manpower

Interviewee 34: Another reason is, for such a JIT, or such a Euregional crime team, you need manpower, and we have only manpower here in Aachen for the police organization we have still now. Plus, you need more people for this investigation team. So, where do we take them from? Where do we get those officers?

Flaw #5: Its timing was not “right”

Interviewee 34: The Dutch Minister for the police—her name is “Ter Horst” [Guusje ter Horst; former Minister of the Interior and Kingdom Relations, The Netherlands who resigned from her position in February 2010]—she supports this idea [i.e., “Euregio Crime”]. The Dutch minister could talk to her German colleague on this problem, but you know how politics work: it is not for today to do tomorrow; it will take years... [Emphasis in original]

In a separate interview, one Dutch prosecutor arguably put the proverbial “last nail in the coffin” by discussing the final “mistake” associated with the first iteration of the “Euregio Crime” model:

Flaw #6: It is impossible because it needs political agreement on an international level

Interviewee 39: And there is the model where we bring the joint police force and the BES together—that is the “Euregio Crime” concept.

Interviewer: Yes, so I have learned. It is interesting that there have already been discussions about this.

Interviewee 39: Yes.

Interviewer: So, Fijnaut and De Ruyver were the ones who developed the idea. It was put to everybody, and everybody was shocked. But, the Dutch were more accepting—they like the approach of somebody coming with a prepared plan. But, the Belgians and the Germans don’t like that approach—it has to be from the bottom-up. Now, that they have kind of overcome the shock, it seems that they are “warming up” to the idea. There are only two people among those I interviewed, from what I remember, who seem very opposed to it.

Interviewee 39: “Euregio Crime” is a nice plan. It was simple ideas, which we have consistently had in our minds for years, and have now put on paper in a new jacket. The name of it [i.e., “Euregio Crime”] is not important, but the idea behind it is the central key. But, to make “Euregio Crime” is impossible—[both] legally, and from the content. This cannot be done by the police forces and prosecution services in the Euregion. These steps have to be done at a much higher level.

Interviewer: Because the laws have to be changed?
Interviewee 39: Maybe, maybe not.

Interviewer: Or, is this about political will?

Interviewee 39: No. Something like this needs—at least—an agreement on a political, international level. Maybe, at least an agreement. You can’t just put 80 police [officers] into a building, with cars, weapons, and etcetera. Eighty police [officers] from three countries—a lot of things have to be arranged—important things. Can a German guy... if we make this [structure] in The Netherlands... German colleagues have to come in with their weapons, so, it has to be allowed that they can carry their weapons into The Netherlands, so that they can go to their office of the "Euregional Police Force"—the “EPF” is just a name that I just came up with—"Euregional Investigation Police Force"—because it has to be aimed on investigation.

In the same vein, another Dutch prosecutor commented on the politically sensitive nature of the “Euregio Crime” model, particularly given the proposal to base the “Euregio Crime” model in The Netherlands:

There are no ways that we want to damage or affect the power that everybody has in their own country. It is not the thing about power. “Euregio Crime” is about structure—it’s about facilitating. It’s a house in which we have two pillars, and from the Dutch concept, three pillars—but that is not now—with a roof. And there is justice in it, and there is police from all the three lands. And there is a house, there is a coffee machine, there are interpreters, there are law books, there are meeting places, and when we go on operation, the prosecutors meet each other, together with the police. It is facilitating. It has nothing to do with power, or taking somebody’s power. Everybody has the power he has. It is not affecting the position or something. (Dutch Prosecutor, Interviewee 8)

This, of course, addresses the key concern of Belgium and Germany: if the “Euregio Crime” model is located in The Netherlands, and established according to Dutch ideas, their concern is that such an arrangement would infringe upon their countries’ respective sovereignty, power, and control. Needless to say, due to the problems associated with the first iteration of the “Euregio Crime” model, it was re-vamped somewhat, which leads to the exploration of the second iteration of this conceptual model.

6.4.6.2. The Second Iteration of Fijnaut & De Ruyver's “Euregio Crime” Conceptual Model: BES' First Adaptation

Essentially, the officials at the BES took ownership of the idea that international police and judicial cooperation in the Meuse–Rhine Euregion can and should be advanced. Instead of “re-inventing the wheel,” the officials at the BES revisited the “Euregio Crime” model initially proposed by Fijnaut & De Ruyver (2008). Considering the
mixed reception in response to this conceptual model, however, the implementation of the model had a false start again, due to the lack of proper planning and research, and the lack of appropriate consultations with the key stakeholders, such as the police.

One German prosecutor explained:

**Interviewee 45:** The former [person who took charge of implementing the “Euregio Crime” plan]... he was kind of a dynamic, but a dynamic in both a positive and a negative way. So, he forced it to a point—this “Euregio Crime”... For him, it was all very good—it had to be done. And [he was told], “You’re building up on a roof between police and prosecution in the Euregion, and the house is not standing. The basis [i.e., foundation] is missing, and you’re building on the roof.” And he said, “Nonsense—we do it.”

Now, they are going back a little bit. One of the meetings was last week, between the “Euregio Crime” Task Force and NeBeDeAgPol, discussing—to come back to the point in 2009, when there were the first basic ideas to build up a common house for police and prosecution offices in the Euregion together; not only together in their ideas, but together in one house—[to have] the locality together. I find that it is a good idea. I think it should be developed in two or three years—[that] is okay—but not in some weeks, as... [was hoped].

**Interviewer:** Oh, it will be developed over much time and discussions?

**Interviewee 45:** Yes. For instance, I was surprised, but everybody from the police side said it—all the police chiefs who were there last week said, “We felt that the prosecution in the Euregion try to do something by themselves, without asking us.” And this is the biggest fault you can make. So, I hope that now, this will be a continuous development. The basic idea [behind “Euregio Crime”] is a good one, but it has to be discussed... I am behind the idea that they should be careful in the development. [Emphasis added]

Needless to say, the second iteration of the “Euregio Crime” model failed.

6.4.6.3. The Third Iteration of Fijnaut & De Ruyver’s “Euregio Crime” Conceptual Model: BES’ Second Adaptation

Determined not to give up, the officials at the BES took the original “Euregio Crime” conceptual model, and then began working to improve its contents, as well as its delivery, by aiming to involve their international colleagues from the beginning. In the words of one Dutch police commander:

“Euregio Crime” is something you will hear about from our public prosecutor’s office. It was written by the public prosecution office in Limburg South. It said that the police forces, the public prosecutors, and the local [municipal] authorities [e.g., the mayor] should be
together under one roof working together... It is called “Trias Politica”\textsuperscript{80} in Latin. In Holland, we call it “de driehoek,” which means “the triangle,” because there are three levels—the public prosecution, the mayor of the biggest city in the Euregion, and our Chief of Police.

So, “Euregio Crime” is [a plan that is] trying to put the police, the community, and public prosecution under one roof, but from the three countries. It is also a fact that it works already, because when they developed that vision, they did it in participation with the German and Belgian services.

So, when you are trying to do something, it is harmed by a... [lack of stakeholder decision-making and consensus]. When you want to do something together with Germany and Belgium, you have to commit them from the beginning. You don’t have to say, “We’ve written something, we want to do something, and here are the results, and so we are going to do that.” That doesn’t work in police cooperation, or for public prosecution. When you want to develop something for international cooperation, you have to do it together, from the beginning, not saying, “We’ve developed something in Holland, please, Belgian and German colleagues, here, you have the results, and so we are going to do it.” That doesn’t work.

So, “Euregio Crime” is something, in my opinion, for the future. It has good things in it, but we have to do it together, and only if they make a new start next week to talk with the three chiefs of police from NeBeDeAgPol about “Euregio Crime,” to give it a new start. (Dutch Police Commander, Interviewee 31)

Accordingly, a “Euregio Crime” Steering Committee was established to oversee the development and implementation of this plan.

\subsection{The “Euregio Crime” Steering Committee}

The “Euregio Crime” Steering Committee was originally composed of the chief public prosecutors of the three countries. As alluded to above, however, it was decided that it would be most beneficial to include representatives of the police organizations in the three countries as well. One Dutch prosecutor explained:

[The Chief Public Prosecutors of the three countries] have a plan that is called “Euregio Crime”… We have been developing BES into “Euregio Crime.” So far, it is only a working title, but when it is formalized, it might become “BES” again, because this is our working title. In the last meeting that [we] had with our colleagues in Belgium and Germany, they said, “Can’t we call it ‘BES’ like we used to?” BES is a Dutch organization; it is not Euregional, it is not international. Maybe I can explain it better by telling you that we want to make BES, which is now for Maastricht, we want to make it Euregional, which

\textsuperscript{80} Tak (2005a:3) explained that: “[s]tate power, according to the \textit{Trias Politica} Theory of \textit{Montesquieu}, is divided into the executive power, the legislative power, and the judicial power.”
means, you probably have heard, we have in the meantime a prosecutor from Germany, and there is a Belgian jurist. So, since they are there, it is already a sort of Euregional organization, but it always [depends on] the money; the whole system is not paid by Belgium, Germany, and Holland in the same way. It is mainly paid by our organization [the Dutch public prosecution service]. We are trying to make it a Euregional organization, in which the three countries, from the aspect of justice, come together to fight crime—to cooperate on crime-fighting. And now, the police, which is called NeBeDeAgPol, has asked to take them with us in this development. So, I think we have a meeting—I think it is next week. We invited NeBeDeAgPol to talk with the police to see if we could join together—police and justice—in this new organization…

So, NeBeDeAgPol is coming to the table now—we invited them. You know the development “Euregio Crime”? There is now a development, let’s say a “board”... and there is also [the chief public prosecutor] from Aachen, and there’s also [the chief public prosecutor] from Eupen, and there is the chief of the prosecution for the whole country in Belgium—the “National Parket” [i.e., national “public prosecutor”] from Belgium. And we are now supposed to see that the concept of “Euregio Crime” becomes a reality, and make “Euregio Crime” do the right things on fighting crime in the Euregion.

(Dutch Prosecutor, Interviewee 8)

Obviously, it was a wise decision to include the police representatives on this steering committee, since the development and implementation of any Euregional plan should grow from the “bottom-up,” with the full inclusion of all key stakeholders. Due to the ill-feelings over the “Euregio Crime” model’s numerous false starts, the model has since undergone yet another iteration. This iteration took place after the Annual Strategic Conference held in November 2010, which was after the primary data collection period for this study. As such, the updates in this area are provided in the last findings chapter (see Chapter 9 below).

6.4.6.4. Continued Deadlock regarding How to Improve International Police and Judicial Cooperation

It is clear that, despite the great advancements in the area of international police and judicial cooperation in the Meuse–Rhine Euregion (i.e., multiple structures, multiple legal instruments, and innovative ideas such as the “Euregio Crime” conceptual model), there is deadlock regarding the further advancement of international police and judicial cooperation. In speaking about the importance and necessity of advancements in the area of international police and judicial cooperation, and in particular, the creation of a permanent Joint Investigation Team, one Dutch police commander revealed both his frustration and resolve:
That is also the aim of my [work]—to try, and try, and try, with everything that I can, to convince the people that it’s necessary, [but] it is a very long and hard way to go. Sometimes I’m tired of it, but okay, I will continue. (Dutch Police Commander, Interviewee 23)

This view was characteristic of all of the Dutch research participants, who demonstrated themselves to be very sincere and eager to improve international police and judicial cooperation to the best of their ability. In contrast, the German research participants were generally interested in improving international police and judicial cooperation, but with a more reserved approach (i.e., in full recognition of the “red tape”/long chain of command present in Germany that limits their ability to achieve utopian goals). The Belgian research participants were, generally speaking, the most resistant/pessimistic of the three groups of officials, for numerous reasons that will be discussed in great detail below. When three groups such as these are entering into negotiations to establish a plan for improving international police and judicial cooperation, their backgrounds, interests, and goals should all be taken into account, and thus, go far in explaining why it has been so difficult for them to achieve agreements in this area. Admittedly, the following list of excuses is an overly simplistic “snapshot” of the situation, but one that nevertheless should be offered to readers at this point, to help them navigate through the story. The complete picture of what is happening is presented in Chapter 9 below.

6.4.6.4.1. Excuses

Multiple excuses were offered for both: (1) the lack of international police and judicial cooperation in the Meuse–Rhine Euregion, as well as (2) the lack of progress toward advancements in international police and judicial cooperation in the Meuse–Rhine Euregion. Although these excuses will be discussed in detail in the last findings chapter of this dissertation (Chapter 9), it is important to present readers with a sampler of some of the excuses that were raised by the interviewees in the context of the first part of the interview, so as to provide a more “colourful”/interesting picture of the status quo concerning international police and judicial cooperation in the Meuse–Rhine Euregion. When presented upfront, in the following manner (i.e., without complete context, precisely as this sampler of excuses was presented to the researcher), it should raise questions in the minds of readers as to what exactly is happening in the Meuse–Rhine Euregion.
Not Enough Cases of Serious Transnational Organized Crime

The first excuse was perhaps the most fundamental and shocking: the lack of appropriate serious transnational organized crime cases upon which to cooperate in the Meuse–Rhine Euregion. A number of interviewees cited this excuse. In the words of one Dutch prosecutor:

[The justice officials at the BES are] waiting for, as much as possible, Euregional cases. And, they do not have the numbers that they would like to have. That is their responsibility—to have enough cases—to have the right cases on the right subjects in the field of transnational crime.

(Dutch Prosecutor, Interviewee 39)

This was a very surprising research finding, since: (1) crime data have consistently identified three different organized crime types as being the most problematic in the Euregion (i.e., drug trafficking, human trafficking, and home burglaries); and (2) the officials in the Meuse–Rhine Euregion have been consistently agreeing with each other at the last several Annual Strategic Conferences that these crime types are the priorities for international police and judicial cooperation in the Meuse–Rhine Euregion. There are two possible reasons why appropriate cases for serious transnational organized crime are not being identified/chosen for the purpose of international police and judicial cooperation in the Meuse–Rhine Euregion: (1) the front-line police officials in the Meuse–Rhine Euregion are not bringing such cases to the attention of their police chiefs, who are supposed to decide whether certain cases are appropriate for international police and judicial cooperation; and/or (2) the police chiefs in the Meuse–Rhine Euregion do not want to cooperate, because they are concerned that such efforts may snowball into more intense arrangements that may threaten their country’s sovereignty/power/control. It should be stressed, however, that these possible reasons arise purely from speculation (i.e., educated guesses based on the holistic analysis of the data), and require more research.

International Police and Judicial Cooperation is Voluntary

Perhaps the most diplomatic/polite excuse for the lack of international police and judicial cooperation in the Meuse–Rhine Euregion was that such cooperation is voluntary, since each country is sovereign. Many interviewees cited this excuse, in different contexts. For example, consider the following interview transcript excerpts, which were obtained from separate interviews:
I think, today, I think international cooperation I still… every form of international cooperation is still based on sovereignty. Every country, everyone, wants to have something to say about something. (Belgian Prosecutor, Interviewee 15)

* * *

You have to understand that it is [voluntary] cooperation—you cannot force other countries [to cooperate] because they are sovereign. So, if you don’t respect that, yeah, you risk not getting the information. (German Prosecutor, Interviewee 5)

The interesting point to be made here is that Belgium, The Netherlands, and Germany have signed multiple legal agreements, such as treaties and conventions, which oblige them to participate in international police and judicial cooperation. These legal agreements are legally binding, as discussed in Chapter 2 above.

Lack of Available Manpower

Another common excuse cited by the interviewees for the lack of international police and judicial cooperation in the Meuse–Rhine Euregion was a lack of available manpower. The typical commentary in this regard can be illustrated by citing the words of one Belgian police commander:

One investigator here in Belgium has on average... when I look at the chart, he leads, at the same time, about eight, nine, or ten inquiries—at the same time. And if I send an investigator... or two investigators... to Heerlen, I know that they are lost for two, or three, or four months. (Belgian Police Commander, Interviewee 22)

As can be seen from the above-noted interview transcript excerpt, the logic behind this excuse is simply that, if a police officer is donated to facilitate international police and judicial cooperation, then they are viewed as “lost” by their home organization. Of course, that is the incorrect way of viewing the situation. To be clear, the correct way of viewing such a situation would be to say that the donated police officer is not “lost” by their home organization, but rather, is helping to carry out the duties of their organization by combating serious transnational organized crime.

The Question of “Who Pays?”

In virtually every interview, the question of “Who pays?” was raised by the interviewees. Specifically, the police and justice officials in the Meuse–Rhine Euregion expressed confusion with respect to which countries/entities should be responsible for
financing their collaborative efforts in support of advancements in international police and judicial cooperation. One Belgian prosecutor eloquently summarized the issue:

**Interviewee 4:** It’s quite important to know that the whole story of the Euregion is also the story of our history—a difficult one—but a question of: “Who pays?” As a matter of fact, The Netherlands pays. It is the Board of Prosecutors General [that] pays a lot of money for the BES. There is a project called “Euregio Crime,” and this is also the strategy to obtain money from Belgium and Germany. So, you see, because you know, if a country pays money, [you have a say in what happens]. Now, the BES is paid for by The Netherlands, so they can say what they want, because they are paying for it.

**Interviewer:** So, if Belgium and Germany pay also, then they have more say.

**Interviewee 4:** Yes, that’s true.

**Interviewer:** So, it’s a good thing—this “Euregio Crime” project?

**Interviewee 4:** It’s organized by the BES in Maastricht, paid for by the Board of Prosecutors General in The Netherlands, so they can say what they want, because they pay for it. We just [loan a] legal advisor for one week or one month; he is working in Maastricht. That’s the investment of Belgium. And in Germany, they detached a German prosecutor to BES. So, that’s the German investment, but this is all, until now. There is a new project going on now—“Euregio Crime”—which we discussed last week, and one of the goals of this project is to obtain money from Belgium and Germany.

**Interviewer:** So, this leads in to my last question perfectly.

**Interviewee 4:** Who pays? Is it one of the member states—Belgium, The Netherlands, Germany? Or is it from the European budget? That’s the problem.

**Interviewer:** I don’t think it’s a problem. It can come from everywhere—the EU, the Meuse–Rhine Foundation, the three countries... There are so many different sources.

**Interviewee 4:** Yes, that’s right, but that’s the problem.

This passage not only illustrates the common sentiment/confusion regarding the question of “Who pays?” but also the “political hot potato”/psychological game of “Yes, but...” that many interviewees used to “shut down” discussions concerning certain issues (recall the discussion of this psychological game in Chapter 4 above). Another interesting example of the “political hot potato” approach was offered by another Belgian prosecutor:

**Interviewee 2:** For example, the good idea of having common police patrols in one car—i.e., German and Belgian police officers together in one car—was overruled in the capital (Brussels) by the civil servants because the topic of insurance could not be solved. So, it’s not happening.
Interviewer: That is what I understand—that there were common police patrols—with a Belgian, German, and Dutch police officer...

Interviewee 2: No, we wanted to introduce that, and they stopped it and said, “Oh, we don’t know how to manage the insurance question.”

In a separate interview, one German prosecutor commented on the same issue. As was later discovered by way of multiple follow-up emails with Dutch and Belgian police officials, joint police patrols with Belgian, Dutch, and German police officers are indeed happening in the Meuse–Rhine Euregion, care of the Joint Hit Team. Notwithstanding the above, these two “political hot potato” examples are provided here just as a sampler to whet readers’ appetite for the many “political hot potatoes”/psychological games used by some of the interviewees, which will be discussed in Chapter 9 below.

6.5. In a Nutshell: The Current Status Quo

And one person’s problem is another person’s acceptable status quo.

[Emphases in original] (Robbins, 2003:75)

Once the interviewees were satisfied that they had relayed enough background information regarding international police and judicial cooperation in the Meuse–Rhine Euregion, they finally offered brief comments with respect to the current status quo. The responses to this research question were quite varied, with statements spanning all the way from “very advanced” to “so-so” to “not satisfactory.” Notably, the most common responses among the interviewees were positive; most of the interviewees—across all three countries and professions—stated either that: (1) “Huge improvements have been made in the area of international police and judicial cooperation in the Meuse–Rhine Euregion,” or (2) “The status quo is good, but there is room for improvement and we must keep improving.” Accordingly, the range of responses to Research Question #1 are presented below, starting with the most positive/common responses.

6.5.1. “Very advanced cooperation”

Only two interviewees—one Belgian prosecutor and one German prosecutor, in separate interviews—stated that international police and judicial cooperation in the Meuse–Rhine Euregion is “very good” and “very advanced,” respectively. In the words of the German prosecutor:
It’s very advanced cooperation. So, usually, if you have letters rogatory for mutual legal assistance, they are answered very quickly—in a short time. If you want to make it faster, you can call the person directly, and that helps. Personal contacts are very important; that is another way to make it easier and to get the information you need, or the assistance you need from the foreign country, courts, or in the offices abroad. So, I think it’s quite advanced. I mean, sometimes you can’t avoid difficulties when people just start working in this section [i.e., international cooperation], but it is very advanced cooperation.

(German Prosecutor, Interviewee 5)

This interview transcript excerpt also reflects the statement made by the Belgian prosecutor. The importance of personal contacts will be revealed in Chapter 8 below.

### 6.5.2. “We are getting more and more effective”

Again, only two interviewees—but this time, one Dutch prosecutor and one Belgian police commander, in separate interviews—stated that the police and justice officials in the Meuse–Rhine Euregion “are getting more and more effective” in the area of international police and judicial cooperation. The Dutch prosecutor stated:

Every time we meet—and “we” means my colleagues in Germany, Belgium, and I—or, when we meet together with the police also from the three countries… every meeting, I feel, we are getting more and more operational. And, what do I mean by that? I mean that we are getting more and more operational. It was… years ago when I came to this region and job, and I was really amazed by how we were talking, talking, and talking, mainly of all of our differences, and not getting very operational, whereas now, I think we stopped talking about… the differences… We have [now] joined on the common goals. That is also what my aim was from the start; I saw this and I thought, “What we have to do is stop talking about what is not possible, why we should not cooperate, what are the differences in languages, what are the differences in laws/treaties, and how our states are organized, and how the public prosecution is different in Belgium and Germany, and the same for police. So, stop talking about what is different, and what does not work. It is not interesting anymore—we know it. It is our duty—and I mean that sincerely—it is our duty to bond, get together, and find/explore everything that we have in common. In the end, we are all fighting crime, and that is what we are all paid for and working on, and where our passion is. We have to join on passion. You can wake us up at night—all of us—for fighting against crime, and that’s what we have to talk about. (Dutch Prosecutor, Interviewee 8)

Meanwhile, the Belgian police commander summed up his opinion succinctly by stating: “We work good together” (Interviewee 10). Clearly, these two officials agree that the
synergy between the international partners is continually improving, and working to draw the partners closer together in the fight against serious transnational organized crime.

6.5.3. “Comparing the past and now, we have made huge improvements”

As aforementioned, many interviewees—across all three countries and professions—commented on how huge improvements have been made in the realm of international police and judicial cooperation in the Meuse–Rhine Euregion, as compared to the past. The following data excerpt, featuring two Dutch prosecutors, represents the most typical response across the interviewees:

**Interviewee 40:** I think eight years ago, when we started, we started at the zero point—the lowest level of cooperation at that time. Now, we see in the last eight years of doing this cross-border cooperation that it has improved, but it was not optimal by far...

**Interviewee 39:** But, if you see the cases that are done here, and if you see how much more there are, and how much bigger they are, if I compare to eight years ago, it would be a wrong picture to say that there is no improvement, and that we don’t have a better situation. Sure we have made advancements, by the structures that we have, and guys like [the German magistrate at the BES]—they will push... give pressure on it, and then a case is done, although, maybe without that pressure it would not have been done.

So, we have an increase of good cross-border cases. We did two JITs with Belgium, and another one might come in with the three countries... All the three countries are involved in that case.

So, I am not negative. The amount of cross-border cases is increasing, where there is a strong cooperation—with not one police officer, but rather eight police officers on one side of the border and 10 police officers on the other side—those kinds of cases, of real cooperation.

Indeed, this was one of the two dominant views in response to Research Question #1.

The next data excerpt was exceptional in terms of presenting a broad overview of the background history of international police and judicial cooperation in the Meuse–Rhine Euregion, as well as explaining the rationale behind why such cooperation has improved so much over the years:

I’ll try to be short, but you have to set it [i.e., the status quo] in relation to 10 or 20 years ago. It is really big progress, [as compared to] when I remember the times [during] the mid ‘80s, and the mid ‘90s, [for] several reasons. [First, there is a] far better environment of legal provisions, internationally. We have European conventions, bi-lateral
treaties, a Dutch–German Treaty on Mutual Legal Assistance for Police Assistance, and the “Treaty of Prüm,” which has a wide range, not only Belgium, The Netherlands, and Germany, but also I think France, and some more states, which makes it easier for mutual legal assistance on the police level.

We have some institutions in the field of mutual legal assistance which [improve] the way. Consider Eurojust, the European Judicial Network, the Bureau for Euregional Cooperation in this region, Europol on the police level, and we have OLAF on the administrative level.

And, it should not be the last one, but the first one: we have the direct channels on mutual legal assistance, which had not been installed 20 years ago. Direct channels from prosecutor to prosecutor, and from judge to judge, in MLA.

And, I think that we have overcome some reservations, meaning the Second World War, and what happened in Europe; it is now more far away than it was. And, [now] a kind of friendship—going together—has approached. So, this is, I think, a third reason—it is a cultural change.

So, put it together: conventions, institutions, and cultural change. I think it [i.e., international police and judicial cooperation in the Meuse–Rhine Euregion] is far better than it has ever been... Compare it with what we had 20 years ago, and you would say, “It is unbelievable. It has become unbelievably better”—as a result of [the advancements discussed above]. But, the last famous words: there is still a lot to be done... (German Prosecutor, Interviewee 38)

Many interviewees echoed this German prosecutor’s words in separate interviews.

To provide a more balanced response to this question, a data excerpt from a Belgian prosecutor should also be presented here:

Yes... nobody was working with their neighbour on the other side of the border in Belgium, Germany, and The Netherlands... when I entered this job. They didn’t even know the colleagues on the other side of the borders. I’ve been a prosecutor for [many] years now. We’ve made a lot of progress since then...

Secondly, with respect to the status quo, is trust. Today, everybody in the field of combating serious transnational organized crime trusts in each other. Everybody wants that common approach, and it was different in the days we started [years ago]. There were chief prosecutors and police chiefs—not to name them—who were strictly against such forms of cross-border cooperation that would allow others from across the border to look into their files, for instance. This has totally changed. So, trust is the main thing to be pointed out. (Belgian Prosecutor, Interviewee 2)

Several other interviewees echoed the words of this Belgian prosecutor in separate interviews. Indeed, trust was revealed to be one of the core variables in international
police and judicial cooperation in the Meuse–Rhine Euregion, and will be discussed at length in Chapter 8 below.

6.5.4. “Good, but there is room for improvement and we must keep improving”

The second most dominant/common response to Research Question #1 was that the status quo for international police and judicial cooperation in the Meuse–Rhine Euregion was “Good, but there is room for improvement and we must keep improving.” Interviewees from all three countries and professions expressed this opinion. In the words of one Belgian police commander:

So, the situation now is good, but it must go better, and there’s quite a lot more to do. (Belgian Police Commander, Interviewee 19)

In a separate interview, the rationale for greater improvements in the field of international police and judicial cooperation in the Meuse–Rhine Euregion was powerfully expressed in very few words by one Dutch prosecutor:

We certainly can and must do better in this field, because in a region like ours, public security can only be served by cross-border cooperation. (Dutch Prosecutor, Interviewee 39)

It is, of course, a fact that public safety in the Meuse–Rhine Euregion is threatened on a daily basis, due to the perpetual threat posed by serious transnational organized crime, which is why the police and justice officials have joined forces and decided to engage in cross-border cooperation in the first place.

6.5.4.1. “We need more structures for international cooperation”

In addition to stating that the status quo for international police and judicial cooperation in the Meuse–Rhine Euregion is “Good, but we must keep improving,” several interviewees provided more detailed information at this point in the interview with respect to the ways in which cooperation should improve. For example, some interviewees stated that more structures for international cooperation are required in the Meuse–Rhine Euregion. One German police commander explained:

We are looking for new ways/strategies to increase international law enforcement cooperation, and new aims for the future. Then, we will
form the structures for these things that develop in the future. (German Police Commander, Interviewee 1)

The many ideas for advancing international police and judicial cooperation will be presented in Chapter 9 below.

6.5.4.2. “Information is still shared reactively”

The interviewees also explained that information exchange within the context of international police and judicial cooperation should also improve, by becoming more proactive. In one interview, a Belgian prosecutor explained:

In my opinion, I think that information, at this moment, is still shared reactively. So, when you ask me something, I will share information with you. If you have something—if you have a crime, and you ask me, “Is he known in your country?”—I will answer you. I think that we have to go more to the proactive stage, where, for instance, if we see a criminal organization here, or we see a new MO, or we see something new, we should also share it with the other countries, and I think that it is slowly growing. (Belgian Prosecutor, Interviewee 15)

Of course, the idea of enhancing information exchange fits with the idea of creating additional structures for international police and judicial cooperation, as will be explained below in Chapter 9.

6.5.4.3. “We must find ways to speed the process of international cooperation”

Yet another way in which international police and judicial cooperation may improve is with respect to the speed of the process itself. This issue became quite apparent in one interview with a Belgian police commander:

Interviewer: So, you mentioned that there are two types of cooperation: police cooperation and justice cooperation. Is it correct to say that police cooperation is good, but justice cooperation can be improved?

Interviewee 20: Yes. Police cooperation is very good. The exchange of information is good; it’s quite natural.

But, the problem is, from a legal point of view, the police can’t use all the information that they gather in the legal system. If I want to put information from Germany in the judicial process, officially in a case, to go to a tribunal, we must have confirmation with a legal procedure—justice to justice. So, I ask for [police] information, and [my cross-border police colleague] will give me this information. But, if I want to write this information in a [formal] report, I ask the judge [in Belgium] to ask the judge of Germany to give me an official answer [through a
formal MLA request]. So, it’s complicated because of different laws. In Belgium, DNA is very private—it’s very intimate information. To take DNA from somebody, we need an order of the judge. In Germany, [DNA] is like a fingerprint; a police officer can ask a suspect to give DNA. In Belgium, you have to agree to give your DNA, [but] not in Germany. But globally, it works good between the three countries, on judicial topics. But the problem is that it goes slowly. Sometimes, it takes too much time.

Readers may already be starting to see a trend: more is needed to facilitate international police and judicial cooperation in the Meuse–Rhine Euregion. Additional initiatives may be able to improve the process of international police and judicial cooperation in several areas, such as further facilitating information exchange, and increasing the speed of the process. This, of course, will be discussed in great detail in the latter chapters of this dissertation.

6.5.4.4. “The next step must be cooperation in investigations”

As the proverbial “icing on the cake,” many interviewees revealed their common dream for enhancing international police and judicial cooperation in the Meuse–Rhine Euregion at this early stage in the interview, namely: the development of a permanent joint police investigation team. The following dialog took place in one interview with a German police commander:

**Interviewer:** So, how would you describe the situation with respect to international police and judicial cooperation in this Euregion? Would you agree that international police and judicial cooperation in the Meuse–Rhine Euregion is good, but there is still room for improvement?

**Interviewee 34:** Yes. In the operational [sphere], we have very good cooperation. But now, we are ready to go for the next step. The next step must be cooperation in investigations...

I think [that] when we started with cross-border police cooperation, we had no thought about where we [would] stand today. So much has happened in this Euregion, in a really short time. We began in 1995, with the first contracts, and now we are 15 years later, and we have seen so much. I think we don’t stop now. I think we are waiting for the next step, but the time must be right... I think that, when I retire, we will have a common police department.

Surprisingly, the majority of the interviewees—across the three countries and professions—shared this exact same dream. Due to major political issues, however, the attainment of this dream has been quite difficult, and continues to remain slightly “out of reach,” at the moment. This will be revisited in Chapter 9 below.
6.5.5. “Good… no troubles”

Very interestingly, the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion received a positive review by a Dutch police commander, who stated:

There are lots of good plans. There are no troubles between people. It works. (Dutch Police Commander, Interviewee 26)

By way of explanation, this interviewee is a “Master in Cooperation”—i.e., so knowledgeable, skilled, and experienced that he is in a position to help facilitate the process of international police cooperation. Remarkably, it is natural for people to view situations in an optimistic, “glass half-full” manner when they themselves have everything under control, and as such, experience no problems in their work. This was a rare view of the status quo, but worthy of mention nonetheless, since perceptions of the status quo appeared to reflect the interviewees’ own skill/comfort level in the field, in some cases.

6.5.6. “It depends on the country…”

Some of the interviewees explained that the status quo for international police and judicial cooperation in the Meuse–Rhine Euregion “…depends on the country.” As will be revealed in the remaining findings chapters of this dissertation, The Netherlands was the target of some criticism—particularly by some of the Belgian officials—for various reasons. In the words of two Belgian examining magistrates:

Interviewee 17: It depends on the country...

Within the European Union and the Schengen space, we have some difficulties with The Netherlands... and they are so close to us. But, sometimes it’s difficult...

Interviewee 16: With The Netherlands... it depends on the magistrate/prosecutor. If they have some interest in your inquiry, then they cooperate a lot. But if they don’t have any interest... for example, if it is too expensive for them, they don’t do anything. You know, in The Netherlands, when they begin an inquiry, in fact, they have to know how much it will cost. You see? And if it is too much for their budget, they do not do it—they do not do the inquiry. That is incredible, but it’s like that. It is always a report between money and judicial results.

So, if they’re interested in our inquiry, they try for us [Belgian officials] to do lots of things [in Belgium, on behalf of the Dutch]—you know, because they don’t pay—and then, they do the rest of the investigation, and then it’s rather cheap for them, and they have good results.
But, [in contrast], The Netherlands asks us lots of things. And, you know, they find it quite normal, and for them it is quite usual for us to give them all the information they want. In one sense, they are very difficult to answer our requests. But when they have a request, we have to answer first very quickly, and very precisely. And they think it’s quite normal. It is like a one-way ticket [laughter]. We have quite different behavior.

This was the proverbial "tip of the iceberg" with respect to how some of the Dutch officials have failed to meet the expectations of their international partners in international police and judicial cooperation in the Meuse–Rhine Euregion. Clearly, such behavior on the part of some Dutch police and justice officials does not help to foster cooperative efforts, but may actually stunt them all together. These issues will be discussed in detail in the remaining findings chapters.

6.5.7. “So-so”

Two interviewees—one Dutch examining magistrate and one Belgian police commander, in separate interviews—took a rather neutral stance when reporting their opinion of the status quo, by rendering respective statements that amounted to a response such as “so-so.” These were the two brief responses:

Well, I would say that it is developing. It is not bad, it is not very good, but it is developing. (Dutch Examining Magistrate, Interviewee 14)

* * *

International level... it is not so bad. (Belgian Police Commander, Interviewee 21)

Notably, these responses were offered by officials who answered most of the research questions carefully/diplomatically.

6.5.8. “Not satisfactory”

Interestingly, only one interviewee offered a truly “negative” response to Research Question #1, complete with an illustrative example. In the words of this one Belgian examining magistrate:

Interviewee 7: Not satisfactory. There are things which have to improve. I had a meeting the day before yesterday with a colleague of mine in Holland. A month ago, I also had a meeting with an officer and the public prosecutor. I sense that, sometimes, we have different
agendas. We are not always on the same page. The interests are sometimes different...

**Interviewer:** And what do you mean by “interests”?

**Interviewee 7:** For instance... I will give an example. When we have an investigation going on concerning a drug organization, and we find out that there are also people from Germany or Holland, for instance, who have an important role in this organization, for us, it would be interesting, or it would be nice, when the police at a certain stage intervenes and tries to arrest everyone, that we try to arrest everyone—[i.e.,] also the people in Holland, for instance. Whereas, [the Dutch police] might have another agenda... they might have the idea, “Well, it might be interesting to leave them alone, and maybe we can try to keep them under surveillance, and try to find out more about the context that he has.” So, this is a concrete, specific example where we have different interests.

Suppose the suspect is in Holland, and the suspect has an important role in a drug organization. I cannot force the public prosecutor in Holland to detain this person. If he says, “I would like not to do so,” then I can’t force them to, even when it’s in the interest of the Belgian investigation.

“Different interests” is one of the many variables that influence the process of international police and judicial cooperation in the Meuse–Rhine Euregion. This data excerpt also underscores the importance of national sovereignty in the context of international police and judicial cooperation, again alluding to the widely held perception that international cooperation is voluntary. Again, these complicated issues represent the proverbial “tip of the iceberg,” and will be thoroughly discussed below.
6.6. Summary

A lengthy prelude of background information, as well as a spectrum of widely varying short answers, were provided in response to Research Question #1. Interestingly, although the range of short answer responses to Research Question #1 varied quite significantly, all of the answers were “correct” in the sense that they were all offered from different police and justice officials, who were viewing the enterprise of cooperation from their placement in the criminal justice system, with their level of expertise, and with their own personal standards. The officials offered various perspectives/perceptions of the exact same topic—the status quo—yet their responses differed. This phenomenon was discussed in Chapter 4. If the officials do not agree with respect to their view of the status quo, then this group is probably quite susceptible to encountering difficulties in cooperative efforts, since it has been established from the forefront (by virtue of Research Question #1), that they do not see eye-to-eye with respect to a fundamental/shared issue. Therefore, despite the huge advancements that have been made in the field of international police and judicial cooperation in the Meuse–Rhine Euregion, the interview data suggest that there is still room for improvement, and efforts in this regard should continue.

6.6.1. Looking Ahead

Chapter 7 delineates the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. Specifically, interview transcript excerpts were used as evidence to identify most every step in the process of cooperation. Flow-charts were then created on the basis of the interview data. These two forms of data (i.e., interview transcript excerpts and flow-charts) are provided to help readers navigate through, and understand, the complicated process of international police and judicial cooperation, so as to further establish the conceptual foundation for Chapters 8 and 9, which respectively address the variables that influence the process of international police and judicial cooperation, and the ways in which such cooperation may be improved.

But the problem is that it goes slowly. Sometimes, it takes too much time.  
(Belgian Police Commander, Interviewee 20)

This chapter systematically presents the micro-level process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, as it operates in practice. The comprehensive answer to Research Question #2 was difficult to determine, since in response to this research question: (1) most interviewees simply spoke about their own part in the process of cooperation—as it relates to their profession only; and moreover (2) most interviewees spoke in broad terms, avoiding great detail. Only one justice official was able to provide a “big picture” overview of the process of international police and judicial cooperation, explaining that their position afforded them with this vantage point. Therefore, to piece together the process of international police and judicial cooperation in the Meuse–Rhine Euregion, the “big picture” overview was used to construct an initial process schematic. Then, the interview transcripts were analyzed line-by-line to extract additional steps, variables, and other information to embellish and polish the initial process schematic. The answer to Research Question #2 was pieced together like a jigsaw puzzle to create the final complete picture presented in this chapter. The findings are presented here to: (1) address the lack of published literature concerning how international police and judicial cooperation in the Meuse–Rhine Euregion operates in practice; and (2) answer Research Question #2 by arguing that: (a) the practical process of international police and judicial cooperation proceeds in a sequential, step-by-step manner, with one or more variables influencing each step; and (b) the “fast channels” remain open to the “Masters in Cooperation” at key points in the process of cooperation.
7.1. Overview of the Process of International Police and Judicial Cooperation in the Meuse–Rhine Euregion

There are numerous distinct steps to be followed in the process of international police and judicial cooperation. Naturally, due to different national laws and policies, some steps differ between the three countries. For example, the steps to establish a Joint Investigation Team differ between the three countries, due to different national laws, procedures, and chains of command. While efforts were made to acknowledge the differences in national laws, procedures, and chains of command between the countries (as reported by the interviewees, and where practicable), efforts were also made to present a generic process of cooperation, by focusing on the steps that remain possible in each of the three countries, for the purposes of simplicity and clarity. Therefore, instead of producing three large flow-charts to document the process of cooperation from the unique perspective of each country, only one large flow-chart was produced, and generic terms such as “Country A” and “Country B” were used as descriptors to indicate which parts of the process remain relatively the same between the three countries.

As stated in Chapter 5, the full-size flow-chart documenting the full-blown process of cooperation measures approximately 5 feet high by 15 feet long. Since it is impossible to attach the full-size poster to this dissertation as an addendum, the contents of the flow-chart are presented and discussed in a systematic manner in this chapter. To begin, Figure 7.1 below presents the complete process of international police and judicial cooperation, as scaled-down to fit a single 8.5 inch by 11 inch page. Although the contents of each of the boxes in the flow-chart are illegible when viewed at this size, Figure 7.1 nevertheless equips readers with a general overview of the process.

The process of cooperation is divided into parts for the purposes of presentation and discussion in this dissertation. Figure 7.2 below presents the full-blown process of cooperation again, but with the five key steps highlighted in black. “Step 1” of the process concerns “international police cooperation,” whereas “Steps 2 to 5” concern “international

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81 In other words, if one prints all of the processual diagrams presented in this chapter (produced using “Arial Narrow” size 10 font), and tapes them together as appropriate, it will create a poster that is approximately 5 feet high by 15 feet long. Appendix Q provides the link to the supplementary file containing the 1-page PDF version of Figure 7.1 that can be used to print this large poster at a professional print shop (approximate cost: $300 CDN).

82 The metric conversion of these measurements is 1.5 metres high by 4.6 metres long.
police and judicial cooperation.” As will be shown later in this chapter, but worthy of note here, the process of “international police cooperation” is relatively informal, and focuses on information that can be exchanged without the approval of prosecutorial services, whereas “international police and judicial cooperation” describes a system of interdependency between police and justice officials that is required to bring a transnational case to court. One German prosecutor explained:

There is very, very little room for international police cooperation without [the] involvement of the prosecution offices. Every [piece of] information which could be used as evidence [must] be released by the public prosecutor. And cross-border investigation without the public prosecutor is not possible. [For example], the leaders of the national teams in a JIT must be public prosecutors by law. (German Prosecutor, Interviewee 11)

As readers will see upon examining Figure 7.2 below, the majority of the international cooperation process is actually “international police and judicial cooperation” proper. Although there are only five key steps in the process of international police and judicial cooperation, the process may be subdivided even further for the purpose of exposition. One Dutch prosecutor explained:

You have to see it as stations. First, information sharing has to be done good. 83 Then, [there are two types of] decision-making. [First], coming to the decision that we will start the investigation with two or more countries—the moment where the countries agree to cooperate. 84 And, [second], strategic and operational decision-making—how they are going to do it. 85

Within the strategic and operational decision-making, especially the operational decision-making, there are important questions to be solved, like “How many people will be involved?” [and] “What kinds of investigative measures are going to be used?”—things like infiltration. Those are very severe investigative measures; it can take half a year to build-up a cover-up for infiltration. So, if we want to position a Dutch police officer in Belgium to get his entrance into a criminal organization, it will take a lot of effort, time, and money. So, “What kinds of investigative measures are going to be used? What is necessary?”...

83 This part is referred to as “Step 1” in the present dissertation.
84 This part is referred to as “Step 2” in the present dissertation.
85 This part is referred to as “Step 3” in the present dissertation.
And that is an important moment: are we going to use a JIT, or is it classic mutual legal assistance? That’s a decision that you have to make or leave, because the JIT has to be built up, and there are some formal legal conditions to be filled. So, that is an important stage, where, if you make the right decisions here... [cooperation] will go very good—enough people, the right structure...

The [fourth] phase is the operational execution of the case.86

[This is not done in a strict number of meetings]... it might take five meetings for this to be done. If it’s a big case, and we have a lot of heavy investigative measures, we might need three, four, five meetings to solve all those things before we have the two steps of decision-making. (Dutch Prosecutor, Interviewee 39)

The five key steps in the process of international police and judicial cooperation actually represent sub-processes, composed of additional steps. Figure 7.3 below serves as a readers’ “road-map” for Chapter 7, since it shows how certain steps were grouped into figures for the purpose of systematic data presentation. Only a few steps in the process are discussed at a time. “Steps” are denoted pictorially in the diagrams by virtue of rectangular-shaped text-boxes, and “key decisions” are denoted by virtue of diamond-shaped text-boxes. Readers are encouraged to refer to Figure 7.3 below while reading this chapter, to keep track of which part of the cooperation process is being discussed.

As will be argued in this thesis, variables influence every step of the process of international police and judicial cooperation—for better, or for worse. Interestingly, however, in response to Research Question #2, the interviewees identified only certain variables as influencing particular steps in the process of cooperation. Those variables are discussed in this chapter as appropriate, and depicted pictorially in the diagrams by virtue of parallelograms. Moreover, colors are used in reference to the variables to note whether the variables work to facilitate cooperation (i.e., green color) or impede cooperation (i.e., pink color). Variables deemed to either facilitate or impede cooperation, depending on certain circumstances, are highlighted in orange.

In addition, the interviewees described many more variables as either facilitating or impeding the process of cooperation. These latter variables may be thought of as being constantly operative in the background—i.e., not simply in conjunction with particular steps in the process of cooperation (see Chapter 8 below for these variables).

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86 This part is referred to as “Step 4” in the present dissertation. “Step 5” is court.
Figure 7.1. The Full-Blown Process of International Police and Judicial Cooperation Aimed at Combating Serious Transnational Organized Crime in the Meuse–Rhine Euregion

Source: Qualitative data for the present study.
Figure 7.2. The Full-Blown Process of International Police and Judicial Cooperation Aimed at Combating Serious Transnational Organized Crime in the Meuse–Rhine Euregion, with Markers to Note the Key Steps

Source: Qualitative data for the present study
Figure 7.3. A Readers’ “Road-Map” for Chapter 7: The Grouping of Sub-Processes into Figures

Source: Qualitative data for the present study.
Finally, before proceeding, it is important to note that, although the process of international police and judicial cooperation is largely linear (like a chain), the process can stop anywhere in the chain. The risky points for failure in the cooperation process are depicted pictorially in the diagrams by virtue of red octagons that resemble the internationally known traffic sign meaning “stop,” and summarized in Appendix N.

Figure 7.4 below presents the first few steps in the process of international police and judicial cooperation in the Meuse–Rhine Euregion. The cooperation process naturally starts in response to a serious transnational organized crime that occurred in the Euregion.

**Figure 7.4. Steps 1 to 1b of the Process of International Police and Judicial Cooperation Aimed at Combating Serious Transnational Organized Crime in the Meuse–Rhine Euregion**

Source: Qualitative data for the present study.

### 7.2. Serious Transnational Organized Crime

Once the police have discovered that a serious transnational organized crime has occurred in the Meuse–Rhine Euregion, “…the international cooperation process starts in the country where the incident took place” (Dutch Police Commander, Interviewee 31). Some cases, however, are not so simple, and demand a multi-lateral response from the beginning. One Dutch prosecutor provided an example to illustrate the circumstances under which a criminal investigation will occur in both countries:
Interviewee 39: If a crime has aspects of two countries in it—if the crime is committed in “Country A,” and also in “Country B”—if somebody kidnaps a person, and brings that person from Belgium to The Netherlands, that would be considered a kidnapping in Belgium and a kidnapping in The Netherlands.

Interviewer: So, both countries will recognize it as a crime.

Interviewee 39: Yes. Severe crimes in Europe, and the Western world—kidnapping, murder, etcetera—are a crime in all the countries [i.e., “universal crimes”].

Interviewer: But you can’t get punished for it twice. There’s no “double jeopardy.”

Interviewee 39: No, but the investigation will occur in both countries where the crime is committed.

This interview transcript excerpt reveals a number of points. First, when a serious transnational organized crime occurs, it affects each country touched by the crime. Therefore, since each country affected should begin their own investigation of the crime, it makes sense that the international colleagues would “compare notes” to some degree for the purpose of facilitating their own respective investigations. If one extends this line of logic, it becomes clear that, the more the international colleagues work with one another with respect to their own respective investigations, the more they actually help themselves. So, even though the act of cooperation may be viewed as altruistic in some ways, it also answers the question of “What’s in it for me?” To be clear, if there is no interest for a certain country to participate in an investigation, the odds are that they will not participate, due to a lack of resources/capacity, etcetera. The occurrence of a serious transnational organized crime naturally demands the involvement of each affected country, which in turn necessitates international police and judicial cooperation.

The second point that this interview transcript excerpt reiterates is that crime definitions vary between the countries. This fact was discussed in Chapter 3 above. “Different crime definitions” is a variable that influences the process of international police and judicial cooperation. One Belgian police commander stated:

...like prostitution; it might be an offence in Belgium, but not in Holland. So, when it is not an offence in Holland, they don’t answer it [i.e., the question]. It is not very often, but it might be a problem. (Belgian Police Commander, Interviewee 30)

When the definitions of crimes vary between the countries, it can complicate the process of cooperation from the beginning, since the countries involved may be viewing the
problem differently. To reflect this fact, this potentially problematic variable is highlighted in pink in Figure 7.4 above.

The other variable that was identified as influencing the cooperation process from the beginning is the “urgency of the problem.” In one interview, the following dialog ensued with a Dutch prosecutor:

**Interviewer**: And what other things make cooperation easier?

**Interviewee 8**: First, the urgency that something has to be done. That is the first thing—that there is a problem. If people do not see that there is a problem that has to be solved together, it won’t happen. So, urgency on the problem.

This variable may be viewed as one that facilitates international police and judicial cooperation, and as such, is highlighted in green in Figure 7.4 above.

Several interviewees provided specific case examples of serious transnational organized crimes that occurred in the Meuse–Rhine Euregion, which ultimately triggered cases of cooperation in response. These cases are interesting to consider, because they place the process in context, and help illustrate the complexity of transnational cases. One such example was provided by a Dutch prosecutor:

**Interviewee 39**: If we found—and these are cases from practice—it can happen, and it happens often—if we found a body, in a canal here, or whatever—on the street, we have found them in the trunks of cars—the investigation starts. It is clear that it is a murder—you see stab wounds or bullets. Often, early in the investigations, there is a fact that points that this crime/murder [was] probably committed in Belgium [for example]. But, you’re not sure. Maybe, they started in Belgium. For example, in the drug scene, how do you call those kinds of murders... where the person didn’t pay their debt, or they fooled somebody, or they stole 100 kilograms of cocaine from somebody?

**Interviewer**: Retribution?

**Interviewee 39**: Yes. In the investigation, we know for sure the crime started in Belgium, but maybe he wasn’t killed there—he was just kidnapped first, and they took him away from his home in Belgium, and then brought him to The Netherlands and shot him in The Netherlands, and left his body. Then, it’s a murder in The Netherlands. But, the main clue points that he was shot in Belgium.

You have to know: how the crime started, where he was kidnapped, was there any witness in Belgium as to how he was pulled into the car, how many people in the car, *etcetera*. So, if we have a suspicion of murder here, and the Belgians have the suspicion of the same murder in Belgium, the shooting could have been done there, or could have
been done in The Netherlands. Anyway, you need to know how it’s done. Is there anything—was there a license plate? What kind of car was used? These questions can help you solve the murder.

So, when there is such a case, Belgian and Dutch police need to cooperate. There is no question. If you want to solve the murder, no one can get their clues and facts and evidence to be investigated in Belgium and The Netherlands without cooperation. It’s 100% cooperation. So, that’s a typical case in that field.

The case examples of serious transnational organized crime in the Meuse–Rhine Euregion were provided by the interviewees to underscore the necessity of international police and judicial cooperation.

Interestingly, however, it seems that the nature/complexity of serious transnational organized crime cases, such as those that involve murder, do not daunt the police and justice officials working in the field of international cooperation, because of the networks, structures, and processes that they have set in place to facilitate international police and judicial cooperation. In the words of one Dutch police commander:

When it is a murder case, it is easy. I can get the liaison from Germany on my team. Now we have people from EPICC who can immediately get me information about people I want to know. That is the easiest case.  
(Dutch Police Commander, Interviewee 3)

Despite the different types of serious transnational organized crimes, the process of international police and judicial cooperation remains the same. This was confirmed by: (1) several interviewees who were explicitly asked this question, as well as (2) the data gleaned with respect to the process of cooperation.

### 7.3. International Police Cooperation

Once it is discovered that a serious transnational organized crime has occurred in the Meuse–Rhine Euregion, the process of international police and judicial cooperation begins with police information exchange (i.e., “Step 1”). The police information exchange process is actually a sub-process within the larger/overall process of international police and judicial cooperation, and as such, it consists of multiple sub-steps. The section below sets out the police information exchange sub-process.
7.3.1. **STEP 1: Police Information Exchange**

The interviewees explained that the police start the process of international police and judicial cooperation. One Belgian prosecutor explained:

...it is actually the police that takes the lead. They are the first to have the information. They are the first who are informed of a crime. (Belgian Prosecutor, Interviewee 15)

At this stage, information gathering occurs.

7.3.1.1. **Step 1a: The Police Receive/Relay Information about a Crime**

Then, the police inform each other about the crime that has occurred. In the words of one German prosecutor:

Usually, the police officers who work very closely together call each other or inform each other. (German Prosecutor, Interviewee 11)

In this way, news of the serious transnational organized crime spreads.

7.3.1.2. **Step 1b: The Police Prepare to Conduct a “Pre-Investigation”**

Next, the police prepare to conduct a “pre-investigation.” One Belgian police commander stated:

First, the police [officer] agrees with his local chief about the steps to take in the investigation. (Belgian Police Commander, Interviewee 43)

It is within the context of the “pre-investigation” that some decisions are made with respect to information exchange options.

7.3.1.3. **Step 1c: The Police Decide on Information Exchange Method(s)**

There are four different options with respect to police information exchange: (1) EPICC, (2) informal information exchange between personal contacts, (3) one of NeBeDeAgPol’s Working Groups for Criminality, or (4) police–police international bulletins (e.g., such as those produced by the District of Tongeren). Figure 7.5 below sets out these information exchange options, as well as the next few steps in the process of cooperation.
The “legal framework” is a macro-level variable that naturally influences police information exchange (see Figure 7.5 above). As discussed at length in Chapter 2 above, a number of legal instruments facilitate police information exchange. To this end, one Belgian police commander observed:

...we have the Schengen system... we have some laws that allow us to work with our colleagues. Really, in Belgium, we have a [directorate] of the Ministry of Justice who says to the police, “[For] this kind of information, you can share it in autonomy, if you want, with your colleagues in the [Dutch] police and German police. But there is some other information that you need authorization [from] justice.” (Belgian Police Commander, Interviewee 22)
The simple distinction made by the interviewees in this regard was with respect to information that is “hard to obtain” versus information that is “easy to obtain.” This point will be discussed in greater length below, but it is important to mention this variable here, because the legal framework makes the exchange of some information easy, such as license plate information. Indeed, the present point in the process of cooperation focuses on the exchange of information that is referred to by the interviewees as “easy to obtain.” One German prosecutor went into greater detail by commenting on some of the treaties that influence information exchange in the Meuse–Rhine Euregion:

I [spoke] about the German–Dutch police treaty, which allows for spontaneous exchange of information and makes things much easier than [they have] been.

In relation to Belgium, we [in Germany] have the “Treaty of Prüm” [i.e., instead of the “Treaty of Enschede”], [which] is a small town in Germany... signed by Germany, The Netherlands, Belgium, France... there are more countries than the three... which also allows for the spontaneous exchange of information. So... at least in the first step, [police and justice officials are no longer] bound to formal mutual legal assistance.

At a later stage, you can “heal” mistakes that you have made, for information [that you have] given without [having received a formal MLA] request [i.e., by sending the MLA request after the fact], and this makes things easier. So, I think, you need for your work then, the German–Dutch Treaty [“Treaty of Enschede”]...

Most of the colleagues agree with the fact that the two treaties [i.e., “Treaty of Enschede” and the “Treaty of Prüm”] allow a relatively informal exchange of information at an early stage. (German Prosecutor, Interviewee 38)

Accordingly, the “legal framework” is a variable that facilitates information exchange at “Step 1c,” and as such, is highlighted in green in Figure 7.5 above.

Returning now to the four information exchange options, it appears that the most common/popular way in which information is exchanged among the police in the Meuse–Rhine Euregion is through “personal contacts.” One Belgian prosecutor described the situation:

Also, in reality, it is also a fact that the police here in Belgium contact their colleagues in The Netherlands when it is very urgent, and they know their colleagues on the other side of the border... It also helps when police officers have informal contacts, because it is not official, but they can have informal contacts with their colleagues...
But I think that there is more cooperation or informal sharing of information at the police level... because we have police stations that are very close to the border, and of course they speak to their colleagues on the other sides of the borders. So, I think that, at the police level, there are a lot of informal contacts.

Sometimes, even the contacts are so good that they give each other information that was not allowed, and you say, "No, no, you need an official request before you give that kind of information." So, I think, certainly on a police basis, there are very informal contacts—sometimes, a little bit too informal, so we have to say, "No, stop, you have to ask us officially, and then we can give you that information." (Belgian Prosecutor, Interviewee 13)

These facts were corroborated in other interviews with prosecutors and examining magistrates. For example, in a separate interview, two Belgian prosecutors explained:

**Interviewee 25:** The cooperation between the police officers is better [laughter]. The exchange of information between police departments is much easier for them [*i.e.*, the police] than it is for us [*i.e.*, prosecutors].

**Interviewee 24:** When there is information in a case, it is easy for police departments to exchange the information between themselves.

**Interviewee 25:** Schengen makes it possible for the police to exchange information "for police use only." So, if the Belgian police need information from The Netherlands, they will ask for it and receive it, but it will say [on the document that contains the information] "for police use only."

To use information in court, however, it must be obtained/confirmed/released through formal channels, such as mutual legal assistance. This will be discussed in detail below.

It is important to note that a few of the senior police officials in the Euregion explained that the first step toward international cooperation is calling their cross-border colleague(s) on the phone to discuss the case and determine whether or not there is police capacity for international cooperation. For example, one Dutch police commander stated:

I call my colleagues in Germany and Belgium, and that is a pre-call to try to find out whether they have capacity for an investigation. (Dutch Police Commander, Interviewee 23)

This statement was mirrored by a Belgian senior police commander, who stated:

Then, there will be informal contact with the Dutch or German police, to see what they can do for us, in a particular investigation. We ask, always, "What can you do for us?" because if you ask something by paper—using letters rogatory—you are not sure [if] the other police can do what you ask. So, it’s better to have contact, before the letter
Determining whether there is enough police capacity for collaboration is very important, since international cooperation cannot occur without it, as will be illustrated repeatedly below throughout the exposition of the cooperation process. Yet, only a few of the very senior police officials, whom the researcher refers to as “Masters in Cooperation,” enumerated this step when describing the process of cooperation.

The second most popular way in which information is exchanged among the police in the Meuse–Rhine Euregion is via EPICC. One Belgian police commander stated:

> Information exchange is very good. EPICC is very good. If we want some information about something, we send a mail to EPICC, and a few moments later, we get the answer. (Belgian Police Commander, Interviewee 10)

The consensus among the interviewees with respect to EPICC was very positive. In addition, sometimes the police officials at EPICC organize meetings for the police from the three countries to discuss a case. One Belgian police commander explained:

> ...when something special is going on, then they hold a meeting. We ask the colleagues from the two or three countries to come over here and speak together, and they come very fast to an understanding about what we can do and how we can do it.

> For example, last week we had a meeting with the three countries with the car crime unit. They have a problem with stolen cars from Germany. So we asked the people from Tongeren, Belgium, and then Limburg South, and Aachen, North Rhine–Westphalia. They have special car crime units, and they sit together here for an hour or an hour and a half, and they [determine] what is possible, and what is not possible, and, this country is doing the investigation and the rest is helping. (Belgian Police Commander, Interviewee 30).

EPICC also issues bulletins to facilitate information exchange. In one interview, two Belgian police commanders stated:

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87 Recall that this term was coined by the present researcher and refers to the highly seasoned senior police and justice officials who are so knowledgeable, skilled, and experienced in international cooperation that they are in a position to identify the “fast tracks” in the cooperation process, and manipulate/control the variables that affect the cooperation process, so as to ensure successful cooperation in the least amount of time.
Interviewee 10: Also, what they do, for instance, in matters of human smuggling... they have some kind of newspaper [bulletin]—this is coming from NeBeDeAgPol. But, we also have some [bulletins] from the “Red Light” [Working] Group. This is made by EPICC, to give an overview, let’s say, about the [police] controls, in the clubs and the bars... so we know from each other, via EPICC, in one of the newsletters, “Oh, they have done a control, they found some girl. Oh, that’s interesting for me, because we have seen her here before,” and so on. So, that is the role of EPICC—not only share information, but also a little bit analyzing the information, writing down some [incidents to draw our] attention [to them].

Interviewee 9: Yeah, that’s the same for the Drugs [Working Group]. So, new procedures that [criminals] use to produce synthetic drugs, or new procedures in plantations, and so on.

Interviewer: Trends in criminality and MOs.

Interviewee 10: Yes, or, “Hey, I wanted to get your attention about this. The people in Aachen have found a girl and she’s talking about... [be on the lookout] for this German car with this number plate, because it is running in the Euregion.” So, [we get] very concrete [information] sometimes.

Interviewee 9: Sometimes, there is analysis, or sometimes, it’s a [news] flash, [like], “This person is arriving with this car. Be careful when you see him. We are looking for him.” Things like that.

Interviewer: Like “flags.”

Interviewee 10: Yes, that’s right. So, that’s their role [at EPICC], and I think it is very good.

Thus, the officials at EPICC perform multiple roles to help facilitate efficient and effective international information exchange among the cross-border police colleagues.

The third option for police information exchange in the Meuse–Rhine Euregion is to use one of NeBeDeAgPol's Working Groups for Criminality. In reference to this, one Belgian police commander stated:

So, we have the guarantee, of course, that our investigators meet regularly to share some information, and to identify when it’s important to work together. That is the police part of the cooperation...

And the idea is to share some information about some inquiries, and to define where we have to go in more detail in cooperation. For instance, when we have to start a JIT, for instance, to... identify when the cooperation must be more effective. When we go once a month to our meeting with our colleagues, and with the prosecutors, we come with a list of all our investigations, for instance, this one. I say, “Okay, there is a need to cooperate with Germany and perhaps also with The Netherlands, because there’s some information that says they are involved.” When I go to this meeting, I say “Okay, we have a need to have better cooperation—it could be normal cooperation,
where we share information by fax or by phone, but perhaps in two months, there could really be a need to be closer, and to have a Joint Investigation Team for instance.” So, I will bring it to this meeting and say, “Okay, we have a need to go ahead with this investigation and to have some people come together to investigate together, for instance, in the form of a Joint Investigation Team.” That is really the forum where those kinds of questions are debated/discussed. (Belgian Police Commander, Interviewee 22)

Interestingly, although the NeBeDeAgPol Working Groups for Criminality are composed of specialist police investigators from all three countries, only three interviewees identified the working groups as an information sharing modality in the cooperation process.

The final way within which police information is exchanged in the Meuse–Rhine Euregion is though police–police bulletins. One Belgian prosecutor stated:

For instance, in Tongeren, they have a small [bulletin] with information on crimes, which they share with their counterparts. They call it “Ambiorikxke.” Here, you can see [“break and enters”], when they were committed, and this information is also shared with people on the other side [of the border]. (Belgian Prosecutor, Interviewee 15)

Essentially, these bulletins are similar to the bulletins produced by EPICC, except that these bulletins are produced by individual police services.

7.3.1.4. Step 1d: The “Pre-Investigation” Starts

Once information about the crime starts to be exchanged between the police colleagues, a “pre-investigation” will start in the relevant countries. One Dutch prosecutor explained the purpose of the pre-investigation:

In the period between the meetings, there might be already some first [preliminary] investigation going on. So, it’s a flowing thing. There might be some light investigations going on to [make] decisions.

It is a very simple example... I’ll stay with the drug cases... The German colleagues say, in this case, they know from a telephone tap or something that this guy on the phone calls himself [Mr. X]. It might be a false name, it might be his real name. There was some observation done, and they send us a picture, and already—very importantly—before we start the case we wonder: “Is that [Mr. X]? Could it be? And, is he living in The Netherlands? Do we know him somewhere already?”

So, if we want to make a good decision [we ask ourselves], “Is this a really important Dutch drug seller?” Check it. Maybe, he comes in from another country just to sell the drugs, and goes away again. “Is it a Dutch citizen who is selling drugs?”
So, some checks are done. They will start spreading the picture among police detectives who know this guy, etcetera. Then you can make the decision that, “Yes, this is [Mr. X]. He is known as a big dealer.” That might help you too—that you feel safe, that you have a good chance that you know that [Mr. X] is dealing a lot... So, we have a better position for decision-making.

So, it flows... there is already some research, some investigative things going on to help you come to good decision-making. (Dutch Prosecutor, Interviewee 39)

As will be discussed below, the results of the “pre-investigation” help police investigators determine: (1) whether they require additional information to solve the crime, and (2) whether the additional information sought is “hard to obtain” or “easy to obtain” (in reference to the overarching legal framework). The answers to these additional questions help determine whether the complete process of international police and judicial cooperation will be engaged.

Before proceeding, it is important to note that the variable of “police capacity” influences the cooperation process at this stage (see “Step 1d,” Figure 7.5 above). One Belgian prosecutor explained:

...even in Belgium, and not in The Netherlands, and not in Germany, police capacity is not unlimited. You only have a certain amount of police officers [who] can investigate cases—[who] can investigate crime...

We all have problems on the basis of capacity. We don’t have a limitless amount of police officers who can investigate a crime, but I think that is where the problem is located. Finding a team—finding police officers on the other side of the border [who] are willing to investigate the criminal organization at the same time as you—I think that is the biggest problem we have at the moment, in this region, to tackle crime. Once we have teams on the Belgian side, or the German side, or the Dutch side, then cooperation runs smoothly. It is just, at the beginning point, we have a crime, and we want to start an investigation—a Joint Investigation Team, or just a parallel investigation—we just share information with one another. That is not really the problem. The problem is: “How do we get an investigation underway?” (Belgian Prosecutor, Interviewee 15)

As discussed in Chapter 6 above, different philosophical principles (i.e., the “principle of legality” versus the “principle of opportunity”) are operative in the different countries. These different philosophical principles have an impact on police responses to crime and police capacity. Accordingly, “police capacity” was identified as one of the key variables that influences police cooperation, because without police capacity, cooperation stops,
as indicated in Figure 7.5 above. Since police capacity varies due to many circumstances (i.e., the country, philosophical principle, number of ongoing investigations at the time, policing priorities), this variable can work to either facilitate or impede cooperation. Therefore, this variable is highlighted in orange in Figure 7.5 above.

7.3.1.5. Step 1e: Determine Information about the Crime

As part of the pre-investigation, police investigators determine the particulars of the crime (i.e., who, what, when, where, why, and how the crime occurred), as well as which countries are involved. Specifically, the investigators determine whether the crime is a common problem for two or more of the three countries in the Euregion. One Belgian police commander explained:

We do not know exactly, if you have a fact, if it will [concern] the other countries. At the beginning [of an investigation], if you have a fact in Belgium, you must investigate. You don’t know immediately if your criminal organization has a link in The Netherlands, or in Germany. It will be difficult to know that in the beginning. (Belgian Police Commander, Interviewee 20)

As stated above, this type of pre-investigative work helps police and justice officials make decisions later in the process of cooperation, such as which country will take the lead. In the words of one German prosecutor:

Then we [i.e., German officials] are coming... maybe we have connections with our guys [i.e., suspects] to Holland or to Belgium, so let’s stay in Holland. (German Prosecutor, Interviewee 11)

Answers to these basic questions help position police investigators for the next few steps in the cooperation process, and help determine whether the formal process of international police and judicial cooperation will be engaged, or whether cooperation will continue through informal police channels (see Figure 7.6 below).
7.3.1.6. **Steps 1f and 1g: Police Determine What Information They Have, and What Information is Required from Another Country**

As noted in Figure 7.6 above, “Step 1f” involves an assessment of the information gathered. As one German prosecutor put it:

...the police first see what they have, and what they need... (German Prosecutor, Interviewee 5)
The answer to this question naturally leads to the next step, which is determining that information is required from another country in order to proceed.

### 7.3.1.7. Step 1h: Police Determine Whether Information is Hard or Easy to Obtain

“Step 1h” represents a pivotal point in the process of international police cooperation, namely: determining whether the information required from another country is “hard” or “easy” to obtain. In the words of one German prosecutor:

> ...then they check to see if they can access that information easily, or if they need to contact the legal authorities, such as a prosecutor in The Netherlands, or maybe a judge...

> Simple information can be exchanged easily. Say, if you want to know, for example, whose car it is, or who is the owner of a telephone number... some information can be exchanged very easily. (German Prosecutor, Interviewee 5)

If the information is easy to obtain, police officers have the option of either contacting their colleagues at EPICC, or their own personal contacts, to obtain that information. To this end, one Belgian police commander stated:

> First, you have to gather all of the data about the different countries. So, what do you do at that moment? I told you about networking. Do I know someone who can help me urgently in one of these countries? I give them a call, just to ask, ”Who could be the best correspondent—or the best police office—in your country?” (Belgian Police Commander, Interviewee 21)

Naturally, the “legal framework” is a variable that helps facilitate this informal information exchange process, and as such, is highlighted in green in Figure 7.6 above.

In some instances, however, the information required from another country can be hard to obtain. One German prosecutor explained:

> But if you want to have evidence, for example, if a car is stolen in Germany and then found in The Netherlands, then you have to have a special investigation on the car, so you have to write a letter rogatory to obtain this evidence, because such information cannot be exchanged easily, so you have to have a formal letter for that. (German Prosecutor, Interviewee 5)

The legal framework compels the police to take the next step. In the words of one Dutch police commander:
Do the treaties make it possible to work together? “Yes” or “No”? It’s always “Yes,” in fact. (Dutch Police Commander, Interviewee 26)

Therefore, the next step is for the police to conclude that formal international police and judicial cooperation is necessary (i.e., see “Step 1i,” Figure 7.7 below).

**Figure 7.7. Steps 1i to 1l of the Process of Cooperation**

Source: Qualitative data for the present study.

**7.3.1.8. Step 1i: The Police Decide that International Cooperation is Necessary**

The nature of the information sought naturally determines the procedure that the police follow. In the event that the required information is hard to obtain, the police decide that *formal* international cooperation is necessary. One Dutch prosecutor provided a case example to illustrate this point:

So, when we start investigating such a criminal organization of exporting, selling, and trafficking drugs, and, knowing that there is evidence in Belgium—where there are also sellers—I need the Belgian people to help me get the evidence, and they have an interest too; they don’t want those guys. They make contact with them on the highways, and they will even drive along your car at 120 to 130 kilometres an hour, and start pointing at you. It’s dangerous, because then you’re not watching the road. So, the Belgians also want this guy
arrested, but then they have to help me because they can collect evidence. They can arrest those sellers and ask them, “For whom do you work? Do you have a cell phone number for your boss?” etcetera. But for the whole drug scene, we need cooperation, because a lot of them are severe drug trafficking that go abroad, of course, and if I want to catch a criminal organization, I need Belgian, French, or German colleagues, from police and justice. (Dutch Prosecutor, Interviewee 39)

In a separate interview, a Belgian police commander provided further explanation as to why international cooperation is necessary, but this time, in processual terms:

Now, we have to make it official, and we need some warrants of the justice to get the information in an official way… we need some support of the prosecutor who will write an official warrant to Germany to say, “We need your information in an official way.” (Belgian Police Commander, Interviewee 22)

This Belgian police commander was alluding to the formal process of international police and judicial cooperation that is invoked when the information sought from another country is “hard to obtain.”

7.3.1.9. Steps 1j and 1k: Determine Congruence of Priorities

Before proceeding, the police officials determine whether or not the crime-fighting priorities are the same (or different) in the affected countries, with respect to the particular offence in question. One Dutch police commander stated:

But, when we have to start an investigation on a crime or gang for drugs… that is difficult, because you first have to get the same goal. (Dutch Police Commander, Interviewee 3)

Indeed, the problematic nature of different crime-fighting priorities was also raised in another interview with a Belgian prosecutor, who summarized the issue in more positive terms:

If they have the same interests, then it’s no problem. (Belgian Prosecutor, Interviewee 24)

This is an important point. If the offence in question is not a crime-fighting priority in all of the affected countries, then international police and judicial cooperation will likely not ensue. Naturally, if the offence in question is a crime-fighting priority in all the affected
countries, then the process toward international police and judicial cooperation will continue (see Step 1k, Figure 7.7 above).

7.3.1.10. Step 1l: “Country A” Sends a Formal Report/Indictment to their Prosecutor’s Office to Lay the Charges

Next, the police prepare a formal report for submission to their prosecutor’s office. As one Belgian prosecutor succinctly stated:

The first thing is that [the police] contact the prosecutor of Belgium to make the charges. (Belgian Prosecutor, Interviewee 6)

In a separate interview, another Belgian prosecutor provided more detail with respect to the background surrounding this step:

[The police] will contact the public prosecutor service to know what they have to do. In Belgium, it is so that the public prosecution service is in charge of the investigation. We lead, we direct, we tell the police what they have to do, of course, once a crime is committed. If, for instance, someone steals a car here, the police will inform the public prosecution service that the car has been stolen and the public prosecution service would say, “Start interrogating”... (Belgian Prosecutor, Interviewee 15)

Of course, this step is in keeping with formal criminal justice procedure, and is required in The Netherlands and Germany as well. This step triggers “Step 2” in the process of international police and judicial cooperation.

7.4. International Police and Judicial Cooperation

From this point forward, the process of international cooperation involves both police and justice officials, since teamwork on both fronts is required to bring cases of serious transnational organized crime to court. Figure 7.8 below sets out the next few steps in the process of cooperation, beginning with “Step 2.”
Figure 7.8. Step 2 of the Process of Cooperation

Step 2: The prosecutor decides whether an investigation is necessary or unnecessary.

The prosecutor decides that an investigation is unnecessary. 
$n = 1$

The prosecutor decides that an investigation is necessary. 
$n = 2$

Case Not Serious Enough 
$n = 1$

Lack of Police Capacity  
$n = 1$

Lack of Prosecutorial Capacity  
$n = 1$

The end. Approximately 70% to 80% of all cases stop here.  
$n = 1$

Source: Qualitative data for the present study.
7.4.1. **STEP 2: The Prosecutor Receives the Report, and Decides Whether an Investigation with Two or More Countries is Necessary or Unnecessary**

Continuing from “Step 1” above, “Step 2” represents a pivotal point in the process of international police and judicial cooperation—i.e., the prosecutor receives the police report, and decides whether an investigation is either necessary or unnecessary (see Figure 7.8 above). One Belgian examining magistrate provided some detail about this part of the cooperation process, complete with information about the influential variables:

> When a police officer discovers a crime, he is obligated to make a statement of it, which he has to deliver to the public prosecutor here in [Belgium]. It is then up to the public prosecutor to decide what has to be done with this report. He can decide not to do an investigation. For instance, when the case is not serious enough, or when there are too many cases under investigation and there’s not enough capacity—whether there is [a lack of] capacity at the police force, or [a lack of] capacity at the public prosecutor’s office. There can be many reasons for a prosecutor to decide not to investigate something. Not all cases are as serious as other cases. In fact, I believe that 70 to 80% of all reports that come into the public prosecutor’s office are left without further consequence.

> But, there is, of course, in serious cases—about 25% of [all] the cases—there is a possibility for the prosecutor to investigate it. So, he can do it on his own—giving orders to police—as I mentioned before. It can be to interview someone or to ask for information. For instance, bank information, or to observe/make a stakeout at the suspect’s house where the crime will be committed. So, there are a lot of things the public prosecutor can do on his own. He doesn’t need an investigating judge to do so. And it also gives the public prosecutor the possibility, when the first investigations have been made, to decide that maybe the cases are not worth further investigating—so, to leave it aside. That is something the public prosecutor can always do. (Belgian Examining Magistrate, Interviewee 7)

Essentially, this Belgian examining magistrate provided qualitative evidence for all of the steps and variables listed in Figure 7.8 above by virtue of this statement.

> In a separate interview, two Belgian police commanders explained that while “Step 2” is formally in the realm of the prosecutor, other stakeholders may also influence the decision-making process concerning an investigation. In the words of these two Belgian police commanders:
**Interviewee 9:** Even in Holland... the mayor of a town can also make a decision in an investigation. So, you have the police, you have the prosecutor, and you have the mayor, and they can all make a decision, and they all can decide if some investigation is going on, or not.

In Belgium, the police and prosecutor decide. Normally, the prosecutor decides, or the judge, together in cooperation...

**Interviewee 10:** When our prosecutor in Belgium makes the decision to involve the German or Dutch colleagues, she is taking contact with her colleague prosecutor in one of the two countries...

Although this finding is not noted in Figure 7.8, the additional stakeholder decision-makers play a role in the process. This will be discussed further in Chapter 9 below.

A number of variables were found to influence a prosecutor to decide that an investigation is necessary. These variables are visually depicted in Figure 7.9 below. It is to be expected that factors such as “police/prosecutorial capacity” and “case seriousness” will influence prosecutors to decide that an investigation is necessary. Some additional variables were also identified as being operative at this stage in the process. Obviously, the existence of “money/organizational funding” will help make an investigation possible. One Belgian police commander provided some insight into how costly an international investigation can be:

**Interviewee 30:** When the police start an investigation, or they have information to start one, they contact their prosecutor to see if they are interested—if there is time, if there is money. You know, on the police side, these investigations cost a lot of money in phone tapping and translating. [For example], some Russian gangs speak local dialects, and a lot of Turkish people are working there. So, they need a very big amount of money for only that special part of the investigation.

**Interviewer:** And where does the money come from?

**Interviewee 30:** From the national police sources, and when the money runs out for this year, it is the end of the game. Therefore, it is very important to focus an investigation on a timeline. It is impossible to have an ongoing investigation for years and years, like a telephone tap or observation.

*Money* is an especially important variable in the field of international police and judicial cooperation because of factors such as official translations, which make the enterprise of international policing and judicial cooperation costly.
Figure 7.9. Steps 2 to 2a of the Process of Cooperation

Source: Qualitative data for the present study.
In a separate interview, one Belgian prosecutor revealed that variables such as “history” and “geography” may also play a role in influencing a prosecutor to decide that an investigation is necessary. In the words of this Belgian prosecutor:

[There are] plenty of reasons [for] why they start international cooperation with neighbours in the transborder regions. It may be because of a political decision, it may be an incident, [or] it may be a geographical reason. There are a lot of reasons that you can imagine. Even in Belgium, it may be the living place of the Minister of Justice. The former Minister of Justice used to live near the border of the Euregion. It helps you, because it is his own region. So, don’t forget, I just want to add that there may be plenty of reasons to do something, or not do something, in these regions. Maybe historical reasons—historical, geographical, or personal—all kinds of incidents that you can use to set up a project of international cooperation. You have to use opportunities. That is a bit of the Belgian school [of thought] [laughter]. Belgians are really more practical and realistic people, so we use [opportunities]. If not, it’s very difficult to start a project. (Belgian Prosecutor, Interviewee 4)

Based on the interview transcript excerpt above, it appears that even more variables may be operative at this stage in the process of international police and judicial cooperation.

7.4.1.1. The “Federalization” of a Case in Belgium

At this point, before continuing with the exposition of the cooperation process as set out in Figure 7.9 above, it is important to remember that cases may be “federalized” in Belgium. Specifically, as discussed in Chapter 6 above, recall that in Belgium, a decision may be made to “federalize” a case, by transferring ownership of the dossier to the Federal Prosecutor’s Office in Belgium. This is important, because one of the mandates of the Federal Prosecutor’s Office in Belgium is to deal with cases of serious transnational organized crime, which positions the Federal Prosecutor’s Office in Belgium (based in Brussels) as a key stakeholder in the process of international police and judicial cooperation in the Meuse–Rhine Euregion. The exact moment within which a case is “federalized” in Belgium depends on various factors, and therefore cannot be precisely pin-pointed in the process of international police and judicial cooperation. Generally speaking, however, a case may be “federalized” at any time during the process of international police and judicial cooperation, up until before the case proceeds to court. To this end, one Belgian prosecutor identified some of the factors that lead up to the “federalization” of a case in Belgium:
Sometimes, the local prosecutor says, "No, at my level (e.g., in Hasselt or in Tongeren) we’re all very busy. We don’t have the time. It’s too difficult for us.” It happens that they say [to the Belgian Federal Prosecutor’s Office], “Can you please come and take over the prosecution?”… Even if the matters are very nice, or very important—a case of organized crime. It happens. It depends on personal contacts, timing, and capacity problems. It is not so objective. There are no real objective criteria. (Belgian Prosecutor, Interviewee 4)

Theoretically, however, the Federal Prosecutor’s Office in Belgium is supposed to be notified of all cases of serious transnational organized crime affecting Belgium, either via the local prosecutors’ office or the Belgian Federal Police (who, in turn, would have been informed of the case by the Belgian Local Police).

Significantly, there are both advantages and disadvantages to “federalizing” cases in Belgium. These are important to highlight here. One Belgian prosecutor explained the advantages of “federalization”:

The advantage is, especially, that [the federal prosecutor of Belgium has] another look/view at the criminality. The federal prosecutor… in Brussels has a wider view than the local prosecutor. The view of the local prosecutor is limited, normally, to the borders of his district. [The] view [of the federal prosecutor in Belgium] is… not only for the borders of Belgium, but even further—[they] look to the neighbour countries—[they] have a national and international view, and this is the big difference...

[I]t is easier also, to keep informed about the similar cases in Belgium. If I have a drug trafficking case in the Euregion, but perhaps there’s another one going on in Antwerp, or another district in Belgium, [the Federal Prosecutor’s Office] will have the information, and [they] will try to get the information, to exchange the information. So, that is the big advantage, or the big difference.

For [the Federal Prosecutor’s Office in Belgium], it’s easier, because [they] have good contacts with the central police services, which inform [them] better than the local prosecutor’s office. It’s a bit difficult to say… and then [they]… have something like a “helicopter view” of the big cases in Belgium.

And the second big advantage of the federal prosecutor is that [they] have a lot of international contacts… (Belgian Prosecutor, Interviewee 4)

“Perceptions” and “personal contacts” are just two of the many variables that operate to facilitate international police and judicial cooperation when the Belgian Federal Prosecutor’s Office is involved. These, and many more variables, will be discussed in greater detail in Chapter 8 below.
It is also important to note that, once a case is “federalized,” the Belgian Federal Prosecutor’s Office faces obstacles with respect to their involvement in the cooperation process. These obstacles may be viewed as variables that hinder the process of international and police cooperation, in direct relation to the Belgian Federal Prosecutor’s Office. First, tension arises when the local prosecutors in Belgium decide to exclude the Belgian Federal Prosecutor’s Office. One Belgian prosecutor explained:

**Interviewee 4:** The major problem of federalization... well, there are several problems. You will perhaps already know from your interviews that, if there is a big case—it is not every day that there is a big file of organized crime in the Euregion—there are a lot of other cases—small ones, *etcetera*—the approach of the local prosecutors is not limited to organized crime. But if there is a big [case], you know that local prosecutors prefer—and that is one of the obstacles—[the Federal Prosecutor’s Office in Belgium has] to tackle a lot of obstacles if [they] take a case... [They] try to federalize—to take over the prosecution—and one of the first and biggest [obstacles] is that the [local prosecutors] are also interested in the nice, big cases in the border region. They are also competent to prosecute, and [since] they only have a few big cases of organized crime in a year, they like to keep those files at the local level.

**Interviewer:** Oh.

**Interviewee 4:** You didn’t know that?

**Interviewer:** The Belgians?

**Interviewee 4:** Yes, the Belgians.

**Interviewer:** So, they like to keep it at the local level?

**Interviewee 4:** Yes, [since] it’s an interesting a case. If they find a laboratory, for example, producing ecstasy in the border region, they like to keep it, and they wait to inform the Federal Prosecutor’s Office, because they know that if they inform [the Federal Prosecutor’s Office, then they] will come and see, and perhaps take over the prosecution, and some local prosecutors don’t like that.

**Interviewer:** Because they want to have the case for themselves?

**Interviewee 4:** Yes. This is reality. That’s one of the biggest obstacles. Perhaps, [some prosecutors] don’t tell you this information [laughter].

**Interviewer:** That’s why it’s important for me to speak with you.

**Interviewee 4:** But you will perhaps have the same problems in cooperation between the United States and Canada. This is true on this level, but I’m not really competent to speak for police services. But [the Federal Prosecutor’s Office] noticed the same problem at [the local] level... [the local prosecutors] want to keep a nice one, you know.

As noted above, this is problematic because one of the mandates of the Belgian Federal Prosecutor’s Office is to address cases of serious transnational organized crime.
Clearly, it will be difficult for the Belgian Federal Prosecutor’s Office to fulfil their mandate if Belgian prosecutors at the local level do not bring cases of serious transnational organized crime to their attention.

In addition to the tension experienced between the prosecutors at the local and federal levels in Belgium, the Belgian Federal Prosecutor’s Office faces other obstacles when its representatives are involved in the process of international police and judicial cooperation in the Meuse–Rhine Euregion. The Belgian prosecutor quoted above continued:

...a third obstacle is that [the Federal Prosecutor’s Office doesn’t] have enough capacity at the federal level. [They] are only 20 prosecutors, and [they] are all very busy. If you have, as a [federal] prosecutor, one, or two, or three big cases a year, it’s enough. So, [they] are very limited regarding the capacity of prosecutors to take over the big cases of organized crime.

A fourth obstacle, perhaps, is that Brussels is sometimes too far from the border region. So, now [there are] some good people working in the Euregion, but it’s difficult for [the Federal Prosecutor’s Office], [since they] work on a full-time basis in Brussels, [they] do not personally know the judges of investigation, or the police chiefs. [They] have to work, in cases of organized crime, with the people in the Euregion. Now, after five years, [the local and federal prosecutors] know each other, but in the beginning, it is difficult. So, it’s an obstacle. The local prosecutors and local police services have the advantage that they know each other very well—the judges of the court, the prosecutor, the police services. So, you know that if someone’s coming from Brussels, they say, “Who is that guy?” So, it’s very important that you know each other. This is an obstacle.

Then, a fifth obstacle perhaps for federalization is, if you are dealing with a big case, you need a lot of police capacity, so we have to ask for police capacity in the region—in the transborder region. So, it is not very fun to come and take police capacity away from other files, so [the Federal Prosecutor’s Office in Belgium is] viewed as the devil coming to the Euregion—to Maastricht—and [they] are taking away police capacity from other files.

These are a few obstacles that [the Federal Prosecutor’s Office has] to tackle if [they] consider to take over the prosecution of such a case. So, you see, from the beginning, that it’s not easy to do that. But, those are the disadvantages. (Belgian Prosecutor, Interviewee 4)

These variables, such as the “lack of prosecutorial capacity,” as well as the “proximity between Brussels and the Meuse–Rhine Euregion,” will be discussed further in Chapter 8 below.
Once a case has been federalized in Belgium, the Belgian Federal Prosecutor’s Office then takes the lead in handling the case from the Belgian side. It is important to reveal these steps here, since: (1) these steps are not included in the flow-chart detailing the cooperation process (in an effort to keep the flow-chart as simple as possible, particularly since the federalization of a case cannot be pinpointed to an exact spot in the cooperation process); and (2) these steps underscore the importance of the role of the Belgian Federal Prosecutor’s Office in cases of international cooperation. The Belgian Federal Prosecutor’s Office follows multiple steps when it assumes ownership of a dossier concerning the Meuse–Rhine Euregion. One Belgian prosecutor explained:

If we have a federal case, then [the federal prosecutor] discussed it with the local prosecutor, and [they] decided that [they] would take the case from the local prosecutor. So, the file [goes] to Brussels, since [they] are a centralized organization. It is not that easy—that file—you have to imagine a lot of paper [laughter]. It is a huge case.

So, they bring it to Brussels, then, first of all, [the federal prosecutor] will organize a meeting with the local prosecutor and the local judge, and [the federal prosecutor] will appoint the police services working in that case, for the Federal Prosecutor’s Office. Why? Because [the federal prosecutor] will appoint a contact point at the local prosecutor’s office who is working with [them].

So, for example, if you have a court meeting in Tongeren, it will take two hours [of] driving. So, [the Federal Prosecutor's Office] can phone or send a letter to ask the local prosecutor to replace the federal prosecutor in that file for that court meeting. So, something like a detachment; [they] detach or delegate a specific mission to replace the federal prosecutor at the court meeting. This is important to know, because it saves a lot of time for [the federal prosecutor], because otherwise [they] will spend half a day—or even a day—going to the Euregion, for example, and [returning] back [to Brussels].

Then, [the Federal Prosecutor’s Office] also decides to appoint a chief of the inquiry at the police level. [The Federal Prosecutor’s Office] looks for police capacity, since [they] have a priority. At the Federal Prosecutor’s Office, [they] can ask for police capacity first, because the police services have to respect [the Federal Prosecutor’s Office] first of all. The police have to give police capacity first to the federal prosecutors, and afterwards to the local prosecutors. It’s quite an important principle… we call it “reserved police capacity.” The police are not waiting… outside the door [of the Federal Prosecutor’s Office], but they are working over Belgium. But if [the federal prosecutor] asks [the police], [the police] have to work for [the federal prosecutor]. The police give [the Federal Prosecutor’s Office] priority.

So, then [the Federal Prosecutor’s Office] will invite the judge, or [they] will go to the judge, and [they] will make a plan for the inquiry, as the matter is a big one. [They] will make timing—scheduling—a plan for when [they] need search warrants, where [they] have to arrest people.
[They] will also think about the rogatory letters to the other countries, and so on. So, the Federal Prosecutor’s Office is really taking the lead, but always in consultation with the local prosecutor, the judge of investigation, the police services, and so on...

[The Federal Prosecutor’s Office uses] a local prosecutor as the contact point, not only to inform [them], but also, [they] use them as a contact point and intermediary with the judge, since [the local prosecutor] knows the judge better... (normally), so, [the federal prosecutor uses] them generally, via the local prosecutor, to organize the contacts with the judge of investigation...

[The federal prosecutor goes] to court, and it is the same like any local prosecution. The only difference is that the federal prosecutor will be there instead of the local prosecutor.

[The Federal Prosecutor’s Office] can also organize cooperation even at the court, between the local prosecutor—a detached local prosecutor—and a federal prosecutor. As a matter of fact, [the federal prosecutor] can give [their] “hat” to the local prosecutor, and say, “Now, you’re a federal prosecutor for this file.” (Belgian Prosecutor, Interviewee 4)

Clearly, the Belgian Federal Prosecutor’s Office plays a key role when handling cases of serious transnational organized crime that originate from the Meuse–Rhine Euregion. On the one hand, the Belgian Federal Prosecutor’s Office is faced with various challenges, which can make the process of international cooperation more difficult/complicated. On the other hand, the Belgian Federal Prosecutor’s Office brings specialist expertise and reserved police capacity to cases of international cooperation—two variables that function to facilitate the process. In sum, the preceding overview of Belgian federal prosecutorial involvement in international cooperation cases was provided here to alert readers to: (1) the key role of the Belgian Federal Prosecutor’s Office in such cases, and (2) the additional steps and variables that belong to the process of international police and judicial cooperation that could not be noted in the processual diagrams.

7.4.1.2. Step 2a: The Prosecutors Determine Relevant Treaties

Continuing from “Step 2” above, in the event that the prosecutor decides that an investigation is necessary, the next step is for the prosecutor to determine which treaties are relevant, considering the countries involved (see “Step 2a,” Figure 7.9 above). One Belgian prosecutor attested:

Then, we have to look at which countries are involved, because it depends on the country, then we know what treaties we have to follow. So, here is The Netherlands or Germany. Then, we have the Schengen treatments, which are the instruments we have to work with. (Belgian Prosecutor, Interviewee 13)
Of course, as Chapter 2 above revealed, the legal framework regulating international police and judicial cooperation in the Meuse–Rhine Euregion reaches far beyond the Schengen instruments. Nevertheless, fulfilment of “Step 2a” leads prosecutors to “Step 3” (see Figure 7.10 below).

7.4.2. **STEP 3: The Prosecutors Decide on a Meeting for Strategic and Operational Decision-Making (3 Options)**

Depending on various variables, the prosecutors then decide on whether or not to hold a meeting with their international colleagues, for the purpose of coordination. Figure 7.10 below presents the various variables that influence prosecutors to choose one of the three options at this stage in the process, namely either: (1) a formal meeting with the BES, (2) an informal meeting without the BES, or (3) no meeting. Each of these options is discussed separately below.

7.4.2.1. **Option 1: Formal Meeting with the BES**

In the event that the case of serious transnational organized crime is complicated, and requires the involvement of specialists, prosecutors may decide to call a representative of the BES to request a meeting for the stakeholders involved in the case. To this end, one Dutch prosecutor commented:

> But, the more severe cases, it is mostly that you have a meeting—a kind of kickoff meeting for an investigation—and that is one of the prime jobs for the BES: organizing and coordinating those kinds of investigations, and to start them up. (Dutch Prosecutor, Interviewee 39)

Indeed, as discussed in Chapter 6 above, one of the roles of the BES is to help facilitate international police and judicial cooperation.

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88 The interview transcript excerpt quoting Interviewee 13 immediately above represents a good example of how some interviewees were overly parsimonious in delivering their answers to the interview questions. Without a thorough literature review to contextualize the data, such as what was presented in Chapters 1 to 4 above, such interview responses would not be very helpful. Notwithstanding the above, Interviewee 13 proved to be one of the most knowledgeable and concise research participants in this study. This interview transcript excerpt also reflects the minimal discussion that can ensue during a 1.5 hour interview on such a complex topic, and therefore, helps explain why the data had to be analyzed line-by-line, spliced, synthesized, and ultimately pieced together like a jigsaw puzzle for this dissertation.

89 The researcher determined the existence of certain variables, such as the third option of “no meeting,” by virtue of logical reasoning (as one must, upon discovering missing "puzzle pieces"). This is reflected in the diagrams through the absence of the "n" notation.
One Belgian prosecutor explained:

**Interviewee 6**: Then, we have to organize a meeting to discuss the case and decide the way to proceed.

**Interviewer**: Now, is this done through BES?
Interviewee 6: It is easier for us to go through BES because every three or four months, we have a meeting between all the prosecutors of the countries and we discuss the different problems. It is always the same people [who] meet. So, it is easier to contact these people because we know each other.

Thus, the variables of a “complicated case,” and the “desire for ease” in the handling of the case, influence prosecutors to contact the BES for assistance in the coordination of the case (see Figure 7.10 above).

Before proceeding, it is important to note that although the BES was created to help facilitate international police cooperation, it seems to play a relatively minor role in practice. Indeed, when asked to detail the process of international police and judicial cooperation in the Meuse–Rhine Euregion, very few police and justice officials even referred to the BES. In fact, the only people who referred to the BES as playing a part of the process of international police and judicial cooperation were officials from the BES, as well as only three other justice officials ($n = 6$). This result was quite surprising, and suggests either that:

(1) the BES does not play a large role in the process of international police and judicial cooperation, perhaps due to:

(a) a lack of knowledge/understanding among the police and justice officials in the Meuse–Rhine Euregion about the capacity of the BES to facilitate cooperation;

(b) the small number of complicated cases requiring the services of the BES;

(c) some cases of serious transnational organized crime not being brought to the attention of the specialists by the frontline; or

(d) the perception by some of the police and justice officials that the BES is not a true Euregional structure (see Chapter 6 above).

Or, (2) most of the interviewees forgot to mention the BES ($n = 38/44$).

It stands to reason that if the BES plays a significant role in the process, most interviewees would have mentioned the organization. In sum, this is the first point in the process of international police and judicial cooperation where it appears that the system of cooperation established in the Meuse–Rhine Euregion may not be working optimally,
simply because a key entity for cooperation (i.e., the BES) was not referred to by a larger number of the interviewees.

7.4.2.1.1. Step 3(1)(a) and Step 3(1)(b): A Prosecutor Calls the BES, Requests a Meeting, and the Stakeholders are Identified

Continuing with the process of cooperation, once a prosecutor decides to use the services of the BES, the prosecutor will call the BES and request a meeting (see “Step 3(1)(a),” Figure 7.11 below). One German prosecutor stated:

So, the Belgian, Dutch, or German prosecutor can go via himself or via his liaison in BES, and say, “I have an interesting case.” (German Prosecutor, Interviewee 11)

In a separate interview, one Belgian prosecutor added:

...when we have a cross-border case, at a certain point, we will say that we will organize a meeting where we will meet prosecutors and police. We will say, “This is who we want, and this is where we want to go.” (Belgian Prosecutor, Interviewee 25)

The representatives of the BES strive to be informal and easily accessible to all police and justice officials in the Meuse–Rhine Euregion, so as to help facilitate international police and judicial cooperation. It appears that the representatives of the BES have achieved that goal, since it is easy for justice officials to call the BES for assistance.

Figure 7.11. Steps 3(1)(a) to 3(1)(d) of the Process of Cooperation

![Diagram of steps 3(1)(a) to 3(1)(d) of the process of cooperation]

Source: Qualitative data for the present study.

7.4.2.1.2. Steps 3(1)(c) and 3(1)(i): Meetings are Organized by the BES, Information is Shared, and an Operational Plan is Developed

After the representatives of the BES identify the stakeholders (i.e., the key police and justice officials from the relevant countries), they call the stakeholders, and organize the first meeting. In the words of one Dutch prosecutor:

Then, we have the experts there at the table...
[The BES] coordinates, steers, arranges, [has] the knowledge, and starts it up... (Dutch Prosecutor, Interviewee 39)

In a separate interview, one German prosecutor corroborated this point by stating:

...then we have a meeting in Maastricht, and [at] this meeting, we certainly need translators, which costs a lot of money, and then we can discuss ways of cooperation. (German Prosecutor, Interviewee 11)

The next steps concern what happens during the stakeholder meetings at the BES (see Figure 7.12 below).

Figure 7.12. Steps 3(1)(e) to 3(1)(h) of the Process of Cooperation

![Figure 7.12 Diagram]

Source: Qualitative data for the present study.

In one interview, a Dutch prosecutor explained steps 3(1)(c) to 3(1)(i), as outlined in Figures 7.11 and 7.12 above, and Figure 7.13 below:

**Interviewee 39:** We have a meeting, or there is information shared informally. If we have such a meeting, there will be a presentation of the information—the country that has the case, that is running investigations—there is always one country that is ahead, that has most of the crimes, or they have a clue, or they have an investigation started for a criminal or criminal group. They will present their case with PowerPoint.90 It’ll say, “This is the group, they have been involved in 300 cases of ‘break and enters,’ they have been involved in \( x \) and \( y \),” how they work—we get a presentation like that. They will show us the connection to the other country.

Then, many will say, “Okay, so, if we would cooperate, what is the thing that the other country is to do?”91 What are the investigative and strategic measures for the other country, if they want to investigate this

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90 This is referred to as “Step 3(1)(d)” in the present dissertation.
91 This is referred to as “Step 3(1)(e)” in the present dissertation.
group too?” To get a kind of action plan, or first appointments. So, we need to tap the group in The Netherlands, and observe them. If we want to cooperate, that is what is needed and that’s what has to be done.

**Interviewer:** How long does it take to develop that action plan at the meeting? How long is the meeting?

**Interviewee 39:** The meeting lasts for an hour, or an hour and a half.

**Interviewer:** Really? That quick?

**Interviewee 39:** The action plan is done more afterwards. In a meeting, you get a kind of general agreement that, “Yes, we will work together.”\(^{92}\) Then, we will work out the details later.\(^{93}\)

You have a picture, but in this case, well, we’ll really need observation teams, and we will need some wiretaps, so the police will start calculating how many guys and how many things have to be done. But it will be done by each country by itself, because each country has their own police organization that does police observations. So [the BES] will say, “Okay, work it out.” Every country has their own system, and ways of working. We shouldn’t dictate to them—that we want observations, wire taps. They are all experienced police officers, and they know what strategic measures work to catch offenders. Everybody in the Western world knows about DNA, fingerprints, telephone taps, and taps of the Internet. It’s standard. Those things are the same in Canada, the United States, and in Europe.

And, the second reason why [the BES does] not dictate the strategic plan is that the police forces have to see if they have the capacity, which is still a big problem. At that moment, when the foreign colleagues ask for help, maybe two months later they will have a group...

So, after such a meeting, or another way of contacting each other on the case, this step goes into an operational plan,\(^{94}\) and that step is dangerous, like I told you—about the capacity.\(^ {95}\) It’s not always a guarantee that the police who are asked to come along and help in that case have, at that moment, enough people. They are running their own cases. They might be running other international cases with other countries, or the same country, with other police forces. At this moment, we have about five cases running with Belgium. So, if a sixth case comes from Belgium, we have to do the five cases [currently running]; we can break them down, or shut them down. So, capacity is often a problem—mostly [on] the Dutch side, but not exclusively...

So, when the case starts, make it a strategic moment where you say, “This is what we are going to do.” So, often you have a second meeting with police forces and prosecution services who are involved in that case, and you come more to the operational agreement where we say, “We will look for those three guys in our country, and we will observe

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\(^{92}\) This is referred to as “Step 3(1)(f)” in the present dissertation.

\(^{93}\) This is referred to as “Step 3(1)(g)” in the present dissertation.

\(^{94}\) This is referred to as “Step 3(1)(h)” in the present dissertation.

\(^{95}\) This is referred to as “Step 3(1)(i)” in the present dissertation.
them, and put a telephone tap on their cell phone,” or something like that. At that moment, you can also talk on the legal side... what kind of mutual legal assistance...

**Interviewer:** Are decisions always made on the basis of consensus? Or is it a majority?

**Interviewee 39:** It is informal consensus. That is the best way... you have to do it by diplomacy, feeling, and explaining...

Indeed, a number of interviewees identified “police capacity” as a problem in international police and judicial cooperation in the Meuse–Rhine Euregion. While this variable will be discussed at greater length in Chapter 8, the sub-process of identifying and securing police capacity for the purpose of a cross-border investigation is set out in Figure 7.13 below. This sub-process appears straightforward in both Belgium and Germany; the respective organizational cultures demand that police capacity be made available to investigate cases of serious transnational organized crime. In contrast, securing Dutch police capacity to investigate a case of serious transnational organized crime is more complicated.

7.4.2.1.3. **Steps 3(1)(i)(i) to 3(1)(i)(iii): If the Case Concerns the Dutch, then the Case is Sent to the “Weigh Commission” for Review and Decision**

When the police and justice officials are faced with having to identify police capacity within their respective countries for the purpose of international police and judicial cooperation (*i.e.*, “Step 3(1)(i),” Figure 7.13 below), and if the case involves The Netherlands, the next step is for the case to be sent to the Dutch “Weigh Commission” for review and decision. Two Belgian police commanders described this sub-process:

**Interviewee 9:** ...when a Belgian police force wants to start an investigation... the information comes from the local police, the local police goes to the prosecutor, the prosecutor says, “Okay, this is something to be investigated by the federal police,” and that’s when we start.

In Holland, the procedure is quite different. There’s maybe some information with the local police, or with information services, and then, for instance, if we are talking about the drug scene, [the Dutch] have a commission—a “Weigh Commission”—some commission in Holland that has to “weigh” (*i.e.*, determine) if this [prospective investigation] is a priority [for Holland]. They have balance like that.

**Interviewer:** They set priorities.

**Interviewee 10:** Yes. That’s good; there’s no problem with that. But, the police officer has to make an entire study of the problem,
from the start of the investigation, and it goes to a “Weigh Commission.” The “Weigh Commission” gives the “go” or “no go.”

In fact, when they give a “go,” it goes to another commission, with an analyst, and so on.

And, when the second commission gives their “go,” they are going to look for some investigation unit... it depends on who is free, or who has time to do it, or who is, maybe, authorized to do it.

And then, they appoint one or another police unit to do this investigation. It’s a complete package. [The Dutch say] “Here’s the information, here are the results of the ‘Weigh Commission,’ and you will go do it.”

So, sometimes... we see that sometimes, a couple of months [go by], and sometimes, a couple of years [go by]—just between gathering the information and making the decision to start with the investigation—some months are [going by, while] they are going over it, and you can’t compare it with the Belgian situation.

[In Belgium], the police [get] information that there is something going on—[e.g.,] drug transport—and tomorrow he starts the file—today, now, he starts the investigation.

**Interviewee 9:** And he’s running an official investigation—an official protocol. From the moment an investigation starts, we start an official protocol. It’s totally different in The Netherlands, but it is the same in Germany.

So, when they tell us that there is something wrong—that a criminal act or something like that [occurred]—we have to make a protocol, and then we start an investigation. And that is totally different in Holland. So, they don’t have to make a protocol [in Holland], but we have to do it.

And, of course, cooperating then is a little bit difficult, because the police officers in Holland do want to work together—no problem—but they always tell us, “You have a suggestion to have an investigation together, but wait, wait, wait, we have to go to our ‘Weigh Commission,’ and the other ‘Weigh Commission,’ and [in] one or two months, maybe [we will do it].” But, the Belgian and German police are just running, and they want to go forward. That’s a little problem. [Emphases in original]

The Dutch “Weigh Commission” process represents a key “bottle-neck” in the process of cooperation, yet surprisingly, it was mentioned by only four interviewees. One Dutch police commander offered a Dutch perspective:
Figure 7.13. Step 3(1)(i) of the Process of Cooperation

Source: Qualitative data for the present study.
But the main problem is, if you speak to the German colleagues, they will say that when they want to do an investigation in Holland, then [the Dutch] start with, “No, we have no capacity, and... we have to make a project proposal.” So, the leaders of the crime squad can say, “Okay, it’s a big investigation, it’ll cost [this much] time, a lot of people, and we are not doing that.” That’s a problem. The Germans will [say] that to you. They will say, “We have one problem with the Dutch police force, and that is those Dutch project proposals.” I think they will all mention this problem, and I think they are right.

But, like what I mentioned earlier, when they have a name [i.e., of a suspect], which probably France describes, they start an investigation in Germany. They have another principle [i.e., the “principle of legality,” which states that if they are aware of an offence, they must prosecute it]. (Dutch Police Commander, Interviewee 28)

In a separate interview, one German police commander confirmed that the Dutch “Weigh Commission” decision-making process can take a great deal of time:

In The Netherlands, it [requires] much more time before they say, “Okay, we start with the project.” It can last for months, or five months. But when they decide that they start, it starts now—the tapping starts tomorrow. (German Police Commander, Interviewee 34)

The variable of “time/speed” can negatively impact the process of international police and judicial cooperation by stalling matters. Accordingly, this variable is highlighted in pink in Figure 7.13 above. The variable of “time/speed” is discussed further in Chapter 8 below.

It appears that police capacity is usually made/found in The Netherlands when the serious transnational organized crime in question is viewed as a Dutch crime-fighting priority. One Belgian prosecutor stated:

We can decide if we’re going to do a case, but in The Netherlands, the case goes before a committee, and all the other cases that the police in The Netherlands want to investigate in a certain time go together there, and they will prioritize. So, it is possible that we made a decision to prosecute this case [i.e., in Belgium], but compared to the other cases, it is not a priority in The Netherlands, so we will be left empty-handed... This is, of course, when we want something.

If [the Dutch] want something from us, they already have their team, and they’ve already decided it’s a priority for them. (Belgian Prosecutor, Interviewee 15)

In a separate interview, two Belgian police commanders provided more specific information by discussing how it is easier for the Dutch to find police capacity when the crime in question concerns human trafficking, as opposed to drug trafficking:
Interviewee 10: This is fieldwork. In fieldwork, we do have some problems. For authorities in politics, [in their opinion], it’s okay—we are just cooperating. But there are problems [in] the field.

When you speak to a Dutch colleague, and you say, “We have very good information, and we want to start telephone tapping, or whatever, next week or next month,” [their response is], “Oh, I do want to cooperate, I like to, but wait, wait—maybe next month, or maybe two, three, or four months [from now], and I am not very sure whether I can do the investigation together with you, or maybe another unit.” So, “No,” but, that is mostly for drug investigations.

I cannot complain for cooperation in prostitution [investigations] or human smuggling [investigations] or human trafficking [investigations], because... there’s a lot of information about drugs. [In Holland]... soft drugs are almost legalized, so, it is not their very highest priority, but in my opinion, human trafficking, human smuggling, and prostitution [are] a high priority in The Netherlands, Germany, and Belgium. So, they do not wait three months before they start an investigation.

[There was a] Joint Investigation Team [for] a girl [who was] beaten by her pimp that she worked for, and so on. It was a girl from Russia who came here, and they gathered her... they took her to Holland, they just beat her, locked her up, and so on, and she had to work in a Belgian club or a bar. So, the moment that we gather this information, I think, a couple of days afterwards, the Dutch colleagues were cooperating with us—not in the official terms of a Joint Investigation Team—that took a little bit longer. But, they wanted to pick up information and they did an investigation together with us. Of course, afterwards comes the law, and everything has to be in the correct way. The prosecutors have to communicate with each other, and sometimes little problems appear; they are in front of prosecutors.

And, of course language... So, it is not always that easy to have international letters rogatory in a very quick time sense to Germany, because it all has to be translated, and so on, but not to Holland, and I’m happy with that. But, with the German colleagues, it has to be translated, so it takes a couple of days, and, sometimes, you have to be quicker.

In terms of prostitution, a girl has been beaten, she’s sitting in front of you, and she is the victim of human trafficking or human trade or whatever. I want to be helped now. I have [an investigation] to do, [and] there is, at this moment, another girl—[her] friend is still living in Germany, for instance, in a club, and I think she has been beaten too and locked up. You have to work today, or maybe, at least, tomorrow. But when all these translations have to be done, it takes some time.

Interviewee 9: But, in the other way, the Germans are much easier to work with you, without all those official documents. When you give them a phone call, they do it for you [informally], and then afterwards, you have to make arrangements [to ensure] that everything is officially arranged. So, when we ask, for instance, to do an observation for a group in Germany, they say, “Okay, we will do it,” but when you ask for it [of] the Dutch colleagues, they say, “Oh, have you an official
document to do it? Then, send it over, make arrangements, and then we will look if we have capacity”…

Also, I think that, for instance, the Dutch colleagues have another view of the investigation than we have.

**Interviewee 10:** So, they look through other glasses.

**Interviewee 9:** And, they are used to it. From the beginning, they are totally in a different system of working.

**Interviewee 10:** We don’t say the system of the Dutch colleague is worse, or whatever. No. But it’s a different approach.

**Interviewee 9:** So, we have to look [to find ways] to do cooperation. [Emphases in original]

As explained in Chapter 6 above, the Dutch have established lax policies with respect to drugs, and as such, what is viewed as a serious offence in Belgium and Germany, for example, may not be viewed as a serious offence in The Netherlands—depending on the offence. Therefore, “crime-fighting priorities” is a variable that affects the allocation of police capacity in The Netherlands. In the event that police capacity is available in The Netherlands, it is a given that the offence in question is a crime-fighting priority in The Netherlands. Accordingly, this variable is highlighted in green in Figure 7.13 above, to indicate that the convergence of crime-fighting priorities between the countries helps to facilitate international police and judicial cooperation.

### 7.4.2.1.4. Step 3(1)(i)(iv)—The Agencies Assign the Case to a Special Unit or Section

After police capacity is identified in the relevant countries, the agencies assign the case to a specialty unit (*i.e.,* “Step 3(1)(i)(iv)”). One Belgian police commander explained how the assignment of a case to a specialty unit within a police organization differs between Belgium and The Netherlands:

> When [the Dutch] have a “green light,” there is another unit that does the investigation. Here in Belgium, it is the same unit [that] starts the investigation—they start to gather the information, and so on, and they do the investigation. So, it still stays with the same unit [in Belgium]. And, in The Netherlands, they look at where there is free capacity, and they give it to that unit. So, they have to start from the beginning on. And, when we work together [with the Dutch], for instance, we [have been working] together already for two years on an investigation, and [the Dutch] have to start [from the beginning to get “up to speed”]. So, [there is] two years of information that we know, but [the Dutch] don’t know it. So, there is a [big] difference [*i.e.,* in knowledge] between the groups. [Emphases in original] (Belgian Police Commander, Interviewee 9)
There are significant differences between the Dutch, Belgian, and German styles of working, and these styles also influence the process of cooperation. This issue is discussed in greater detail below.

7.4.2.1.5. Steps 3(1)(j) to 3(1)(k): BES Hands the Case Over to the Officials Who Will Work on the Case, and then the BES Stands By to Offer Further Expertise, Coordination, and Networking

After the case has been assigned to the relevant speciality units of the stakeholder organizations, the officials at the BES hand the case back to the officials working on the case. Then, the officials at the BES remain available to offer expertise, coordination, and networking services to the frontline officials (see Figure 7.14 below).

**Figure 7.14. Steps 3(1)(j) to 3(1)(k) of the Process of Cooperation**

![Diagram showing steps 3(1)(j) to 3(1)(k)](source: Qualitative data for the present study.)

7.4.2.2. Option 2: Informal Meeting without the BES

Another option is for the prosecutors to meet informally without the BES officials. Although none of the interviewees explained why they would choose to meet informally without the BES, possible reasons/variables could be: (1) a lack of knowledge about the BES’ services, or (2) a desire to proceed without the BES\(^\text{96}\) (see Figure 7.10 above). The five steps associated with this sub-process are presented in Figure 7.15 below.

\(^\text{96}\) These are “missing puzzle pieces,” since they were not provided by the interviewees, but they clearly must exist, since some variables must be operating to encourage some prosecutors to hold an informal meeting without the BES. Therefore, these two variables were identified by the researcher through logical reasoning.
7.4.2.2.1. Steps 3(2)(a) to 3(2)(c): The Prosecutors Call Each Other, the Correct Stakeholders are Identified, and the Police and Prosecutors Meet to Discuss Case Informally

Once a prosecutor decides to hold an informal meeting, the prosecutor will call his/her cross-border colleague to arrange an informal meeting. One Belgian prosecutor stated:

Then, the Belgian prosecutor contacts the prosecutor of The Netherlands or Germany. Then, we have to organize a meeting to discuss the case and decide the way to proceed. (Belgian Prosecutor, Interviewee 6)

In a separate interview, another Belgian prosecutor provided more information as to the purpose of the meeting:

Then, we can make contacts on the judicial level—between prosecutors—to determine how we are going to proceed: if we are going to do cooperation just strictly on a mutual legal assistance request, or if we are going to start investigations in both countries and work similarly at the same time, or we can have a Joint Investigation Team. (Belgian Prosecutor, Interviewee 15)

Essentially, Interviewee 15 confirmed that the purpose of the meeting is to make strategic and operational decisions. In so doing, Interviewee 15 alluded to “Step 4” in the process of international police and judicial cooperation (i.e., operational execution), which is discussed later in this chapter.

7.4.2.2.2. Step 3(2)(d): Consensus is Reached on Who Will Lead the Case, and Who Will Just Help

During the informal meeting between police and prosecutors, consensus is reached regarding which stakeholders will lead the case, and which stakeholders will just help. To this end, one Belgian prosecutor stated:

**Interviewee 12:** Take for instance a case of trafficking in human beings, where there might be responsibility on all three sides of the borders. Then, in this field, an arrangement can be taken: who of the three takes the case, with respect to prosecuting it and leading it to a conviction? And who of the two others is just helping the other side in their investigations?

**Interviewer:** So, how do you decide who is going to be the leader?

**Interviewee 12:** You have to contact the other prosecutors and decide together. You have to convince the others to make a common decision [about] who is in the best position to lead the investigations.
Figure 7.15. Steps 3(2)(a) to 3(2)(e) of the Process of Cooperation

Step 3(2)(a):  
Police and prosecutors call each other.  
$n = 6$

Step 3(2)(b):  
The correct stakeholders are identified.  
$n = 1$

Step 3(2)(b):  
The country with the crime occurred is identified.  
$n = 1$

Step 3(2)(d):  
Consensus is reached regarding who will lead the case, and who will just help.  
$n = 6$

Step 3(2)(e):  
Consensus is reached regarding what can be done within the legal framework.  
$n = 1$

Source: Qualitative data for the present study.
Interestingly, the legal framework does not provide a solid directive in this regard. Continuing from the interview transcript excerpt quoted immediately above, the following discussion ensued with a German prosecutor:

**Interviewer:** From what I understand, when there’s a Joint Investigation Team for the police, the way that they decide the leader for the police is simply where the offence happened. So, if the offence happened in Belgium, and there is a Joint Investigation Team, the leader of that team will be a Belgian.

**Interviewee 38:** Yes, this is foreseen in the *European Convention* and the *Framework Decision*, that the leader “should”—it is not binding—"should" is a recommendation—"should" come from the country where the crime takes place.

It might perhaps result in all of the three countries. Fraud, for instance, can be committed on each side of the border, so everybody has local responsibility.

**Interviewer:** In that case, it becomes very complicated. Could you choose?

**Interviewee 38:** But there are no binding rules.

**Interviewer:** For the prosecutors there are no binding rules, but for the police, they have the framework decisions that help guide them?

**Interviewee 38:** The prosecutors also have the *Framework Decisions* to guide them, but it is a recommendation. It is not binding. The starting point for this discussion is that everybody has a local responsibility. If not, this case would not appear. Everybody has—and it is not a decision about who in the end takes over—that is the second step. It is up to, in the end, a negotiated agreement between them. [Emphases in original]

Thus, the legal framework grants prosecutors leeway to choose which country is in the best position to lead the investigation.

Only two variables emerged in the interview data as influencing this step of the process. One Belgian police commander stated that the leader of the investigation is chosen simply on the basis of where the crime occurred:

**Interviewer:** So, the country where the incident occurred... that’s the one that is leading the investigation, and the others assist?

**Interviewee 30:** Yes. If not, it’s too complicated. If there are crimes on the other side of the border, the prosecutor can ask for them to take it over—to take it all in Holland or all in Germany.

Accordingly, the variable of “the country where the crime occurred” is listed in Figure 7.15 above as influencing “Step 3(2)(d)” of the international cooperation process.
The potential for negotiation with respect to choosing the lead country of the investigation was corroborated by the German prosecutor cited above, who upon recounting an operational discussion with cross-border colleagues, stated:

...we talked partly in Dutch and partly in German, and he asked, “Well, the place of the crime is in The Netherlands, but if the Germans would like to take over the case, [as] a whole, we would be very happy with it.” (German Prosecutor, Interviewee 38)

So, these types of negotiations occur between the prosecutors. Some interviewees commented that reaching an agreement in this regard has always been achievable among the key stakeholders in the Meuse–Rhine Euregion. In any event, the variable of “the country where the crime occurred” helps facilitate cooperation, since it offers some guidance with respect to which country should take the lead in the investigation. Accordingly, this variable is highlighted in green in Figure 7.15 above to denote its facilitative quality.

The variable of “police capacity” is also discussed during the informal meetings, and plays a role in influencing prosecutors’ decisions regarding which country will lead the case, and which countries will just help. In the event that the case involves The Netherlands, then the sub-process concerning the Dutch “Weigh Commission” will be engaged, as discussed above in relation to “Step 3(1)(i).”

In another interview, a German police commander stated that additional variables influence this point in the process, specifically:

And, on a special moment, they were arrested in The Netherlands, because the three prosecutors talked to each other, and they have to see where is the best [place] to [do] the investigation, [and] where do they get the highest [most severe] punishment. So, they decided to arrest them in The Netherlands. (German Police Commander, Interviewee 34)

This finding led the researcher to believe that the variable of the “country with the most severe punishment” could possibly influence “Step 3(2)(d)” of the process of international cooperation. Upon further examination, however, this impression was proven to be false. In a follow-up correspondence, the researcher posed a question to a German prosecutor:

**Interviewer:** I am wondering: do the prosecutors try to prosecute the case in the country where the punishment is most severe, or least
severe? Or, is the severity of punishment not a factor that is taken into consideration by the prosecutors when deciding which country will lead the case?

**Interviewee 38:** Your question cannot be answered easily but you have asked the right person to answer it! It has been a running gag throughout my times... whenever a defendant lawyer asked the same question as you have done now—“Is it true that the prosecutors in international cases choose the country where the preconditions for evidence are the lowest and the verdicts are the most severe?”—every time I have simply answered “YES” just to shock people.

To be “official,” there are a bundle of arguments to be checked:

- Place of crime (or, at least, place(s) of the majority of crimes);
- Place where the perpetrator(s) is/are living;
- Place where he has/they have been caught and/or is/are in custody;
- Place where the majority of evidence [is to] be gathered (in the first line: witnesses);

In this context (among others and not binding in any direction!) also your two questions come up:

- Different level of preconditions for evidence?
- Different level of punishment?

The decision upon which country will take the lead is therefore an “open one” and has nothing to do with my starting point joke that a prosecutor will “of course” always choose the country in which the preconditions for evidence are the lowest and the verdicts the most severe.

Eurojust has [conducted] research on that... “The best place to prosecute”... and published it as an annex to their annual report of 2004 or 2005...

These interview findings are to be juxtaposed against the “Guidelines for Deciding Which Jurisdiction Should Prosecute,” as developed by Eurojust, and published as an annex in the Eurojust Annual Reports of 2003 and 2004. Briefly, this document suggests that each potential jurisdiction should be identified, and then a meeting should be held with the stakeholder prosecutors to discuss the 14 different guidelines (i.e., variables) that should be taken into consideration when deciding which jurisdiction should prosecute (Eurojust, 2004). Among these guidelines are the ones listed by Interviewee 38 immediately above, as well as additional factors (see Eurojust, 2004). Notably, the guidelines state that, “prosecutors should not seek to prosecute cases in a jurisdiction where the penalties are highest” (Eurojust, 2004:97).
7.4.2.2.3. **Step 3(2)(e): Consensus is Reached Regarding Legal Possibilities**

Then, consensus is reached regarding what can be done within the legal framework (see “Step 3(2)(e),” Figure 7.15 above). One Belgian Police Commander stated:

> I think that every police [officer] does what he has to do, [while] following his laws, and, to act [according] to the laws. There are some things that we in Belgium can do, that The Netherlands can’t do, and **vice versa**. So, after we have discussed everything with the prosecutors and the other police colleagues, we act following our laws here. (Belgian Police Commander, Interviewee 43)

This step corresponds with “Step 3(1)(g),” which concerns the development of an operational plan featuring strategic and investigative measures (see Figure 7.12 above). The next step is “Step 4,” which is discussed below.

7.4.2.3. **Option 3: No Meeting—Skip to the Formal MLA Process**

A final option is for the prosecutor to decide to forgo a meeting with his/her international colleagues (see Figure 7.10 above). The existence of this option was deduced on the basis of the interview data. Specifically, one Belgian police commander stated that sometimes, mutual legal assistance requests are sent to unknown recipients, and the result is like a “bottle in the ocean”:

> … one of the most important things we have to do is what I call networking. So, you have to have a network of people talking to you...

> It is the same for the judicial authorities. It is now easier for them than before to pick up the phone and try to get information. Sometimes, you have to send a rogatory letter, but who will receive the rogatory letter? So, sometimes, it is like a “bottle in the ocean.” But if you know someone… you call, and you say, “Okay, I want to send a rogatory letter. What is the address? Who is the right person?” So, that saves time, [and] things go better. But it’s not perfect—not perfect at all—but it is better. (Belgian Police Commander, Interviewee 21)

Clearly, for a rogatory letter to become like a “bottle in the ocean,” no meeting was held, most likely due to the prosecutor’s lack of personal contacts, and the prosecutor simply selected mutual legal assistance as the way to proceed. Accordingly, this third option of not holding a meeting can be considered a “missing puzzle piece” in the process of cooperation, since its existence was not directly substantiated by any of the interviewees,
but rather deduced by the researcher through logical reasoning. Therefore, this third option of “no meeting” was added to Figure 7.10 above.

**7.4.3. Step 4: Operational Execution (5 Options)**

Step 4 represents the most complex part of the process of international police and judicial cooperation, namely: operational execution. Only a very select number of the interviewees were able to provide an overview of the different options available to the police and prosecutors with respect to operational execution \((n = 5)\). Of these five interviewees, only one Belgian police commander identified all five options available for operational execution:

So, when they have to talk about official cooperation, how do we do it? There are a lot of possibilities...

So, the ways we can work together are: [Option 1] starting an investigation here, like I said, getting our prosecutor involved, staying in contact, or we \([i.e.,\] police\) do our investigation on our own.

Or [Option 2], we share the information with the Dutch colleagues—they get a copy \([of the information,\] and they start their own [investigation], totally apart from us.

Or [Option 3], they do a mirror investigation...

Or [Option 4], international rogatory letters \([i.e.,\] mutual legal assistance]...

Or [Option 5], we start a Joint Investigation Team. (Belgian Police Commander, Interviewee 10)

These are, indeed, the operational execution options that emerged from the literature.

Figure 7.16 below begins documenting this part of the cooperation process by simply noting “Step 4.” The 18 arrows in Figure 7.16 lead to the 18 variables that influence police and prosecutors to select one of the five modes of operational execution. Each of the five modes of operational execution, along with the associate variables, are discussed below.

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97 As discussed above, most interviewees simply focused on briefly describing their own specific part in the process of international police and judicial cooperation. It was surprising to the researcher that so very few of the interviewees were able to provide an overview of the entire process of international police and judicial cooperation, even in general terms.
7.4.3.1. **Option 1: “Country A” Works Completely Alone**

In some cases, police and prosecutors in a given country may decide to simply work completely alone on the case—without the collaborative involvement of their cross-border colleagues (see Figure 7.17 below).

**Interviewee 39:** And that is the problem that I’m touching on... in too many cases—still it happens—there is not good cross-border cooperation. [The case is done] by one country. If you are alone, yeah, you can cooperate with yourself, but that is not the definition of cooperation. For a lot of people, that is the best that they could do,
I think. Some of my colleagues, I would say, just cooperate with themselves, and everything goes fine, but...

**Interviewer:** As in, they just do the investigation in their own country the best they can?

**Interviewee 39:** Yes.

The existence of this option was corroborated by a Belgian police commander who, in a separate interview, stated:

One possibility is the Belgian police are gathering all the information, and doing the investigation in Belgium... we do our investigation on our own. (Belgian Police Commander, Interviewee 10)

Interestingly, no variables surfaced in the interview data that would explain why police and prosecutors would make such a decision. Yet, one or more variables are probably operating to lead police and prosecutors to this option. Therefore, it was deduced that the “desire to work alone” could be a variable that would fit at this point in the process, and accordingly, this variable was added to the flow-chart. Another plausible variable that may influence police and prosecutors to choose to work without the benefit of their cross-border colleagues’ assistance could be a “lack of police capacity in the neighbouring stakeholder country.” This variable was also added to the flow-chart, for the purpose of flow (see Figure 7.17 above).

### 7.4.3.2. Option 2: Work Alone, but Share Information After

Another option for operational execution is to work alone, and then share the information with the relevant cross-border colleagues after the fact (see Figure 7.18 below). One Belgian police commander succinctly explained:

One possibility is [that] the Belgian police are gathering all the information, and doing the investigation, in Belgium. When it is quite finished, or when it is finished, it is given to the Dutch prosecutor, in order to say, “Here is a copy of our investigation in Belgium. We do have a Belgian suspect, but there are also two or three suspects living in The Netherlands. So, here’s a copy, and make your own investigation. You got the information from our official file.” That is one possibility. (Belgian Police Commander, Interviewee 10)

The existence of this option was corroborated in a separate interview with three Belgian prosecutors, who provided more detail as to the antecedent and influential variables, along with a case example:
Figure 7.18. Step 4, Option 2 of the Process of Cooperation: Work Alone, but Share Information After
Interviewee 25: There is another case [scenario for the process of cooperation]: when you have information that a kind of criminal activity is in Germany, or in Holland, then we give our information to them, but we can’t force them to investigate, and that is frustrating for the police, because in Holland, the police work in a completely different way than the Belgian police. [The Dutch police] have problems of capacity, and so on, and then they say, “We have no capacity to do the investigation,” and that is frustrating for all police officers, but we cannot force them to act. [So, in this case scenario] there is no investigation, but there is information in Belgium that some criminals are active in Holland or in Germany. Then, we say “Yes, they are trafficking drugs,” and they are doing nothing when there is no capacity [laughter]... that can be a little problem of cooperation between the countries.

Interviewee 48: An example for [this] scenario is if the police have information about cars being stolen in Italy. [Criminals] are changing the chassis numbers and identification tags on the cars, so they cannot be tracked. They do that in The Netherlands, and then sell them to other people, or to criminal organizations, and, those people are driving around in Belgium with stolen cars, but the actual criminal organization is in The Netherlands, so we are not going to investigate it. But we did give that information to the Dutch, saying, “This is the information—this is the whole picture—this is how it works, if you want to investigate it.” But they don’t do it. Then, our [Belgian] police is surprised that we actually gave them interesting information for an investigation, but nothing is done with it.

Interviewee 25: And Italy isn’t investigating it either [laughter]. It is just an example.

Interviewee 24: It depends on interests/priorities.

If there is hashish [in Belgium] from The Netherlands, then most times, it does not work, because hashish/cannabis is not so important for The Netherlands.

But if you have ecstasy, cocaine, heroin, or guns, oh, then you can work fine with The Netherlands. And most of the time, the border—we are very close to The Netherlands. So, we know, during all these years, we know the officers of justice—we know them. The Belgian police know the Dutch police, and in most of the cases, you have the targets, they are mixed—they are living in Belgium and in The Netherlands—and that is one group of criminals. And if both countries have the same interests, then it is very simple to cooperate.

The antecedent and influential variables, along with the steps associated with this second option for operational execution, are accordingly outlined in Figure 7.18 above.

7.4.3.3. Option 3: “Mirror Investigation”

The third option for operational execution is to conduct a “mirror investigation” (see Figure. 7.19 below). This option is quasi-cooperative. One Belgian police commander explained:
Figure 7.19. Step 4, Option 3 of the Process of Cooperation: “Mirror Investigation”

Source: Qualitative data for the present study.
We have the possibility of making a “mirror investigation,” [which] means you are investigating in your country, and the other country also has an investigation in their country—like a mirror. So, we open a case in Belgium, and the Dutch colleague, for example, opens the same case—on the same fact—and we investigate, [and] work on our own suspects. The police of Maastricht work on their own [Dutch] suspects, in the same criminal organization. So, we are working on the Belgian members of this organization, and the Dutch police are working on the Dutch members of the same organization. So, it is in fact, the same investigation, but each one is working on their own guys. And, when the investigation is finished, the [public prosecutors] of the countries decide in which country the process [will continue]. (Belgian Police Commander, Interviewee 19)

Interestingly, most of the interviewees who provided data in this regard were Belgian, which may suggest that this option is particularly popular among the Belgian officials.

A number of antecedent variables appear to encourage police and justice officials to choose this option. First, to establish a “mirror investigation,” there must be “police capacity” in the relevant stakeholder countries. Next, “personal contacts,” as well as the “perception that a JIT is not necessary,” also factor into the equation. Two Belgian police commanders offered their perspective:

**Interviewee 43:** ...the need for a JIT here in this region is not needed. That is, perhaps, the reason why we don’t need it, because of our personal contacts with [a Dutch police commander].

**Interviewee 44:** That’s why I said, “It is not what you know, but who you know.” That’s very important...

These two variables of “personal contacts” and “the perception that a JIT is not necessary” are discussed further below.

Notably, the literature states that the “mirror investigation” option can be done in conjunction with an open-ended/wide-reaching MLA request (Block, 2012:93). This fact was confirmed by the qualitative data gathered for this study. Although the process of mutual legal assistance and the strategy of writing a “wide-asking letter” are discussed in detail below, it is appropriate to present the evidence associated with this option here, so as to further describe how “mirror investigations” can be done. One German prosecutor explained:
If prosecutors in Belgium, Holland, and Germany see a need for, or added value in, a cross-border investigation, and everyone does not want a JIT, they can agree to start separate investigations in each of the countries. We call this “mirror investigations” because one investigation is the image of the other.

To secure immediate exchange of all relevant information and to synchronize the investigations, all prosecutors involved send “wide-asking”—or better “general”—requests for mutual assistance to each other. In this letter, they ask for regular informational meetings over the course of the investigation, and ask for permission that your police involved can directly hand-over documents and information to his police, and that he can use all this at trial. After this has been done, everyone involved has his own case, and is working with his own legal rules, but with the help of, and in cooperation with, the others...

[For example], [the] “Country A” police has information that a house in “Country B” might contain an ecstasy-lab, so they pass this information to [the] “Country B” police, and ask them to go after it. [The] “Country B” therefore instructs [the] “Country B” prosecutor (me) and asks whether it is possible to get a search warrant. Now, I can go with my own file, with all the information in it, to my judge and ask him to give me a search warrant...

I keep thinking cross-border investigation is more flexible and easy this way: no discussions about costs and burden-sharing... and after having finished the investigation, you have the same options: you can discuss with the other prosecutors who is prosecuting which subjects, and who can close his case. (German Prosecutor, Interviewee 11)

In sum, Figure 7.19 above presents the steps and variables associated with “Step 4, Option 3” in the process of international police and judicial cooperation.

7.4.3.4. Option 4: Mutual Legal Assistance

The option of mutual legal assistance is by far the most complicated option for operational execution in the process of international police and judicial cooperation. Yet, ironically, this is the option that was spoken about by the most interviewees. Indeed, mutual legal assistance emerged as the most common operational execution approach to international police and judicial cooperation in the Meuse–Rhine Euregion.

To begin, a number of variables influence police and prosecutors to select the option of mutual legal assistance. Figure 7.20 below presents the variables and first few steps associated with the mutual legal assistance process. The most commonly reported reason as to why prosecutors choose mutual legal assistance is because the information exchanged must be released from one country to another country through formal channels, so as to be deemed “official” and “properly obtained,” for use in court as
Figure 7.20. Step 4, Option 4 of the Process of Cooperation: Mutual Legal Assistance

Variables Leading to the "Fast/Easy" Way:

Step 4(4)(b): Decide on the Way to Execute the MLA

Option 1: Multiple Individual MLA Requests, as Issues Arise

Option 2: One "Wide-Reaching" MLA Request

n = 3

Step 4(4)(a.i): Decide on the Type of MLA

n = 28

Option 4: Mutual Legal Assistance

n = 5

- Information Exchanged Must Be Made "Official"
- Perception that a JIT is unnecessary

n = 2

- Perception that resources are lost by participating in a JIT
- Perception that JITs are too complicated, for various reasons

n = 2

- Perception that JITs are misused to solve lack of capacity
- Perception that JITs require too much time

n = 3

Lack of knowledge/experience regarding JITs

n = 1

Source: Qualitative data for the present study.
evidence (see the first variable listed in Figure 7.20 above). Two Dutch police officers explained:

**Interviewee 31:** And it was, in the past, that everything had to be done by mutual legal assistance...

**Interviewee 32:** The police can exchange information, but if we want to use the information in court as evidence, it must be done formally through a mutual legal assistance request on paper...

**Interviewee 31:** The main problem is that we have nice treaties, but police forces from other countries don’t have official investigation possibilities. It is not possible or allowed for a foreign police officer to have competence in investigations. It is always....

**Interviewer:** Jurisdiction? The power to investigate in a different country?

**Interviewee 31:** Yes. For instance, telephone wiretaps. There are special laws regarding wiretaps. It is always that the competence of a foreign police officer is always beside the Dutch police officer, and when we are acting in Germany, for instance, the Dutch colleague acts under the German colleague.

**Interviewee 32:** So, [if a foreign police officer works beside a Dutch police officer in The Netherlands], then the Dutch police officer writes the report, and [the foreign police officer] is a witness in the report.

**Interviewee 31:** But, going back to your question, with those liaison officers, and with the treaties, we have more possibilities to act directly, and to ask directly for police information from our neighbour countries, and that was not possible in former times. In those times, they were all legal requests/questions, so that took a long time, because not everyone thought it was very important, or whatever. So now, it’s one phone call to our common centre [i.e., EPICC], and if it is very urgent, you have—within a few minutes—an answer. [Emphasis in original]

In a separate interview, one Belgian police officer, who is aware of the processes at EPICC, expanded on the last statement made by Interviewee 31 (as noted in the interview transcript excerpt presented immediately above), by providing more information. This Belgian police commander stated:

**Interviewee 30:** What [they] are doing [at EPICC] is only for police use—"For police use only." They can put it in their records, but when the prosecutor wants this information especially for prosecuting, he has to confirm it officially.

But when he already has it, then it is very easy. He makes a form [i.e., fills it out], sends it from one country to another, and they put a stamp on it, and it goes back. That’s how it [becomes official].

Sometimes... when you have an investigation, and you have someone [who] did it, then the information from another country might put something extra on it. Without this information, they could prosecute.
But this one—that he has previous records in Holland and Germany for burglary, for instance—it is only information, but it’s interesting for the judge. In this case, you don’t have to [make it official].

But if someone is identified by EPICC, and only by EPICC information, then the prosecutor has to [make it official, by confirming it officially through the process of mutual legal assistance]—how we got this identity, or how we got this person.

**Interviewer:** And it’s the same process for all the countries?

**Interviewee 30:** Yes.

In yet another interview, a Belgian police commander explained that the process of mutual legal assistance can also be used to ask another country to *attain* the required evidence. This Belgian police commander stated:

> A possibility is that our prosecutor is making a request [of] the German or Dutch prosecutor [via] rogatory letter, to help us when we are starting an investigation in Belgium... [when] we know that some suspect in Holland is delivering the girls, or whatever, we can ask for telephone tapping, or maybe a house search, or whatever, by an international rogatory letter, with Germany and Holland. (Belgian Police Commander, Interviewee 10)

To reiterate, information/evidence that originates in a different country must be officially released from one country to another through the process of mutual legal assistance, to be used in a foreign court as evidence.

Interestingly, with the exception of the first variable discussed immediately above, the remaining variables that emerged as preceding the onset of the mutual legal assistance process concerned perceptions (among some of the officials) that JITs are subordinate to mutual legal assistance (see Figure 7.20 above). This can be explained by the fact that a JIT is a type of mutual legal assistance agreement. So, traditional mutual legal assistance and JITs may be thought of as “two sides of the same coin”—*i.e.*, when the circumstances point to the need for the information/evidence exchanged between countries to be “officially released” for court purposes, the information/evidence may be attained either via the traditional process of mutual legal assistance, or through the newer option of a JIT. These facts were confirmed by a German prosecutor who, when describing the process of international police and judicial cooperation, stated:
Then, we will have two possibilities: we can do it on the basis of mutual legal assistance, or we can form a Joint Investigation Team. From my point of view, the way with mutual legal assistance is not bad. Everybody now is talking about Joint Investigation Teams, but Joint Investigation Teams have positive and negative sides... (German Prosecutor, Interviewee 11)

Table 7.1 below compares and contrasts the operational execution options of a “mirror investigation,” traditional mutual legal assistance, and a JIT.

**Table 7.1. Distinguishing between the Operational Execution Options of a “Mirror Investigation,” Mutual Legal Assistance, and a JIT**

<table>
<thead>
<tr>
<th>“Mirror Investigation”</th>
<th>Mutual Legal Assistance</th>
<th>Joint Investigation Team</th>
</tr>
</thead>
<tbody>
<tr>
<td>Everyone is based in their own country.</td>
<td>Everyone is based in their own country.</td>
<td>The JIT travels to different countries together, as required.</td>
</tr>
<tr>
<td>Information is exchanged cross-border after the investigations are complete. If any information/evidence must be officially released from one country to another for court purposes, then the traditional mutual legal assistance process is invoked.</td>
<td>Among other things, mutual legal assistance either: (1) officially releases information/evidence already obtained in one country to another country, or (2) officially obtains information/evidence in one country upon the request of another country.</td>
<td>This is a type of mutual legal assistance agreement that allows information/evidence obtained through the efforts of a JIT to be officially exchanged/released between the stakeholder countries over and over again, without the need for multiple mutual legal assistance requests over and above the establishment of a JIT.</td>
</tr>
</tbody>
</table>

*Source: Qualitative data for the present study.*

As will become apparent upon examining Table 7.1 above, mutual legal assistance and JITs are quite similar, in that both options allow information/evidence to be officially obtained/released between the stakeholder countries. Keeping this point in mind then, it is understandable why some of the interviewees cited the flaws associated with JITs in an effort to justify why they would choose the operational execution option of mutual legal assistance instead. In one interview, two Belgian police commanders identified four of these antecedent variables,98 in one pass:

**Interviewer:** Taking the process of cooperation a step further... in the event that you establish a JIT... can you please speak to me a little bit about that?

**Interviewee 43:** We don’t use JITs to do our jobs.

**Interviewer:** Why?

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98 See the second to fifth variables noted in Figure 7.20.
Interviewee 43: Because I do not think it’s necessary. If you have to install a Joint Investigation Team, in a certain country, then you have to give your police [officers] to the other country, and the police capacity is gone. So, if you work [while keeping] each [police officer] in his own country, you can... the communication tools that we have nowadays [i.e., email, phone, fax, etc.]... it’s not difficult to exchange information every day, every hour, every minute.

So, [regarding] a Joint Investigation Team... there are also different statutes for the police [officers], so that is also a difficulty. There is also a cost when you delegate police [officers] to another country, etcetera. So, for us, it is easier to work together from our own country.

Mostly, we use a letter rogatory.

Interviewee 44: So we can exchange information between the police directly. In the beginning of the case, one letter is enough for us to do what we need to do, in the other country also. It means, somebody can do it and he can give me the information, and I can use it in my Belgian procedure.

Interviewee 43: The letter rogatory is very large [i.e., important] to exercise our profession, so we can exchange information immediately. For example, when we hear something on the telephone [tap], we can give it to another police officer immediately to use in the other country.

And, a Joint Investigation Team... if you do that [i.e., telephone tapping] for three countries, you have three different types of legislation, and that’s not easy to work. For example, a Belgian police [officer] can do... more than a police [officer] in The Netherlands or Germany. For example, we had one exercise, and we needed three different kinds of agreements to do our job. We needed the Schengen Accord, we needed the [Prüm Convention], [and] there was another problem that the Germans couldn’t bring their [fire]arms into The Netherlands for that particular day. So, it means some complications. And, if you [had] three men, in one car, or in one office, who will be the boss? The guy who speaks the most languages? Or that guy who is... uh... Sometimes, it’s different...

I think, in The Netherlands, they see the JIT as a possibility to improve collaboration. We do not see it as they do. But, for me, you cannot use a JIT to solve your own problems. In The Netherlands, they work by priorities: one team does one case. We do it a different way: one team does several cases. And, by using the JIT in The Netherlands, they want to solve a part of their capacity problem. That is my feeling. That is why they always want to create a JIT—to have extra people. That is the strategy of the Dutch police organization, in The Netherlands. That is their strategy...

I do not say it’s... I don’t know how [my Dutch colleague] thinks about it, but for me, I have the feeling that it is a kind of strategy to solve their own problems of capacity, money, etcetera.
Significantly, all of the concerns and perceptions/impressions raised by these two Belgian police commanders were echoed in separate interviews with other officials from Belgium and Germany.

In addition, several of the interviewees explained that mutual legal assistance is superior to the JIT option because JITs require too much time to establish, due to the chains of command by which requests to establish a JIT must be submitted. One Belgian prosecutor explained:

We can organize our own cooperation with other countries, but when you want to make a JIT, we have to ask for the approval of the federal prosecutor. That puts a limit on the use of JITs. They only want it for special, high-level cases, and not for everyday cases, because it takes a lot of time and a lot of work. (Belgian Prosecutor, Interviewee 15)

The Belgians, however, have the shortest chain of command to canvass to establish a JIT. In Belgium, it is only one step from a local prosecutor to the Federal Prosecutor’s Office to request the establishment of a JIT. In contrast, as will also be shown below, the Germans have a relatively lengthier chain of command through which such requests must be submitted. One German prosecutor explained:

Then, another problem: the German side is very restrictive concerning Joint Investigation Teams. Historically, mutual legal assistance falls under Foreign Affairs, and it still does. Years ago, it was the Secretary of State who would decide if you can do it or not. But in our modern times, they have, by law, given it further down. They said, “You, in the prosecutor’s office in Aachen... you can do extraditions or whatever on mutual legal assistance, but there are some exceptions.” If the interests of the State may be involved, and there is a list of points where they say in cases, “Joint Investigation Teams fall under these exceptions,” then you must first ask Berlin what they think if we [in Aachen] give permission. [Emphasis in original] (German Prosecutor, Interviewee 11)

This prosecutor went on to describe the lengthy chain of command in Germany, which requires such requests to be submitted from Aachen to Köln (hereinafter “Cologne”), up to Düsseldorf, and again up to Berlin, and then back down the chain of command to Aachen. This chain of command will be discussed in greater detail below.

In addition to the lengthy amount of time that it takes to establish a JIT due to the multiple chains of command by which such requests must be submitted, some officials also commented on the time lost due to other issues. In one interview, two Belgian police commanders explained:
Interviewee 10: [It is] just... when we are in the process... in these Joint Investigation Teams...

Interviewee 9: It’s always one partner who has some problems before he can sign [an agreement for a JIT]...

But in our case, the first Joint Investigation Team we did, the investigation was nearly finished before the joint investigation [agreement] was signed. So, only at the end of the investigation, we had the Joint Investigation Team [formalized]. But the period before, we had to work from letters of request, and so on.

Interviewee 10: We did make some evaluation of our Joint Investigation Team [for prostitution]. One of the main problems that occurred is that, of course, just like [my colleague] is saying, the police are willing—that is no problem. And, most of the time, prosecutors are willing too. But, procedures have to be followed, and there just has to be one person, or one level, who does not agree with your proposal, or whatever, or there must be just one little phrase written in the law—that [makes] you have to wait, or look for other opportunities. But, I'm convinced, the willingness is there.

But on the other side, it gives you the opportunity to be creative in looking for solutions.

Interviewer: That is such a good way to look at it.

Interviewee 9: Yes. We are used to it. We have to look for solutions, be very creative, and say, “Oh, there is a possibility to do it that way? Okay, we do it that way.” But that’s police work.

Again, the Dutch officials were silent with respect to the negative aspects of JITs. Very interestingly, the Dutch officials did not complain about the length of time it takes to establish a JIT due to the long chain of command such a request must go through, and yet, ironically, as will be shown below, the Dutch have the lengthiest chain of command through which JIT approvals must be obtained.

The final variable that influences prosecutors to choose the mutual legal assistance option related to a lack of knowledge/experience regarding JITs. One Belgian examining magistrate explained:

Interviewee 7: There is this possibility, but, it is quite exceptional, [when] a Joint Investigation Team is raised. It is not really... or shall I say...

Interviewer: It is not common?

Interviewee 7: No... a Joint Investigation Team happens from time to time, but it’s not something that is lightly done, also maybe because there is not a lot of experience with it. It is quite new. It has been in legislation for a few years, but it has not been used a lot of times before.
So, [we are] still looking and trying to determine how we can act within a Joint Investigation Team. What is legally permitted, and what is not legally permitted? It is not always very clear.

When you’re dealing with a serious investigation, you always try to prevent procedural errors. So, starting with judicial investigation teams, where there is not a lot of jurisdictions... uh... legal... uh... how shall I say it... there are not a lot of judges who have made decisions on that already... As long as there is no precedent, then it is risky to start, for instance, an investigation, and use a Joint Investigation Team, because you are not sure whether or not there are procedural problems in a later stage in front of court.

Surprisingly, only one official raised this point. Yet, it is indeed true that the JIT option is relatively new, there are not many cases concerning JITs, and therefore, there is not much precedent regarding the admissibility of evidence obtained through the JIT option.

Overall, the findings concerning the variables that precede the decision to choose the mutual legal assistance option are very interesting because, as the data in this dissertation will clearly indicate, JITs are superior to the process of traditional mutual legal assistance due to the comparatively less hindering variables that affect the JIT sub-process, as compared to the larger number of hindering variables that affect the traditional mutual legal assistance sub-process. Moreover, the findings will also suggest that there are underlying political/organizational dynamics that have led the police and justice officials to view JITs in a poor light, and to favour the mutual legal assistance option instead. These underlying political/organizational dynamics, as well as their antecedent variables, will be discussed at length in Chapters 8 and 9 below. To continue, however, it is important to establish what is happening in the Euregion in terms of cooperation, and that is precisely where the need for a close examination of the step-by-step process of mutual legal assistance becomes apparent. The JIT option is discussed in greater detail below.

7.4.3.4.1. Step 4(4)(a): Decide on the Type of MLA Request

Prosecutors have the ability to choose the type of MLA request they write, namely either: (1) multiple small/individual MLA requests, or (2) “wide-reaching” MLA requests (see Figure 7.20 above). Interestingly, however, only the “Masters in Cooperation” spoke about the latter option. Each of these options is discussed below.
Option 1: Small/Individual MLA Requests

Most MLA requests may be labelled as “small/individual,” meaning that a separate MLA request is sent every time prosecutors determine a need for certain information/evidence to be officially released from one country to another for court purposes, which could be multiple times in any given case. One Dutch police commander estimated the number of MLA requests that the Dutch IRC in South Limburg receives in one year:

But there are many... in a year, over 4,000 [MLA] requests are coming from abroad, principally from Belgium and Germany, but a lot of those requests are small requests, which can be done in an administrative way... (Dutch Police Commander, Interviewee 23)

The existence of these “small/individual MLA requests” is also supported by the data that discuss the seemingly rare but very strategic option of the “wide-asking” MLA request.

Option 2: Big/Wide-Reaching MLA Requests

To avoid the need to write, translate, and send multiple MLA requests for a single case file as issues arise, some of the “Masters in Cooperation” in the Euregion discussed the option of strategically writing one MLA request at the beginning of an investigation in an “open-ended” manner, so as to allow for the greater exchange of information via formal channels. These highly experienced practitioners refer to this option as the “wide-reaching” MLA request. They went on to explain that this option is superior to the JIT option, in that it achieves the “same effect” in less time. One German prosecutor placed this option in context:\n
If you write a wide-asking letter where you are asking for mutual legal assistance, you can have the same effect—you can achieve the same aim with less effort, as compared to a Joint Investigation Team.

For example, you want to make a search in a house. Let’s say that you have a Joint Investigation Team and the Dutch take the lead, or someone in Liège. Now, you have to make a search of a house in Germany. You need permission from the German judge—you have to ask his permission [i.e., for the house search in Germany]. To get his permission...

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99 This interview transcript excerpt reveals part of one interviewee’s response to Research Question #2 concerning the process of cooperation. Upon examining this detailed interview transcript excerpt, and imagining the considerably less detail provided by some of the other interviewees regarding the process of cooperation, it will again become apparent to readers why the process of cooperation had to be pieced together like a jigsaw puzzle by the researcher, via line-by-line coding, so as to produce “puzzle pieces” small enough to represent individual “steps” that could be corroborated by others whenever possible.
permission, you have to tell him the background. So, you have to bring
him the dossier, which is in Liège, and written in the French language.
So, you have to first translate it, to get a decision for the way around.

If it’s in Germany, then you have to search in Holland or in Belgium; the
Belgian judge also wants to know why he should give permission—
what reasons, and what are the facts that you are basing your suspicion
on. So, that’s one.

If I do mutual legal assistance, there is a way that they can ask me,
and say we are doing inquiries against drug trafficking, we are basing
our suspicion [on] telephone taps, which means we have to translate
one page. I can translate it within an hour. Then, I can go to the judge
and he will give me permission, and I can do it. That is the easier way.

Then, another problem, the German side is very restrictive concerning
Joint Investigation Teams...

Then, Germany officially says, “We are not against Joint Investigation
Teams.” In former times, they used to say it must be the Ultima Ratio,
which means “no other solution” [i.e., “last resort”]. Nowadays, the
State will say... “You can do it if you can point out it that there will be
added value from the Joint Investigation Team, as compared with the
traditional way of mutual legal assistance.”

So, back to our example. So, with this in the back of my mind, I will
vote in Maastricht to do it in the traditional way [i.e., mutual legal
assistance]... we can ask mutually for legal assistance, and I can start
my own inquiry in Germany. In this inquiry, I can do everything that
the Belgian wants, or the Dutch wants, because there are connections
to Germany—drug trafficking or whatever crime—I can do it—I am
the one—I’m the first who has to prosecute it.

Then, the next question is police [laughter]. The Belgians think,
“For me, it’s not a big problem to have special police for organized
crime.” Then, the Dutch... do they have personnel or don’t they have?
Let’s say that have personnel, and they are interested.

So now, it’s a question of coordination. Maastricht is 30 kilometres—
about 20 miles—away Hasselt, from Tongeren, from Liège. So, there is
no problem; they can meet to discuss the coordination of their work.
That we’ve had several times in the past.

[As a case example]... Maastricht asked for legal assistance,
because there was a drug deal in Vaals [i.e., the point where the three
countries meet]. Just across the border, they were selling drugs, and
they didn’t want to pay, and then “POW!” [i.e., the drug purchaser was
shot to death]. They fled with the drugs to Germany. So now, we had
to find out... they had telephone numbers to make telephone taps,
to identify the possible criminals.

We did it the traditional way through mutual legal assistance, and three
Dutch police officers came to the police in Aachen just to help them—
not officially—[just] informally. They helped them by sharing the
information from the Dutch side. [The Dutch police] phoned home
[to the Dutch police headquarters], and then said, “Can you look this up
for me? I need this, I need that information...” It was very informal and
very relaxed. It took one week. Together, they identified the suspects. The result was that the suspects were living in Belgium. So, the Dutch [police] said [to the German police], “Okay, we have done our share. Go to Belgium” [laughter].

So... the Aachen police are very reluctant to send personnel to Joint Investigation Teams, or for steady [commitment]...

So, informal cooperation is a possibility. If you want to do it, you can. The result is the same. Nobody has to ask [for permission] in Berlin, in The Hague, or in Brussels. I think, on this basis, we can further improve collaboration in the future. [Emphases in original] (German Prosecutor, Interviewee 11)

The option of the “wide-reaching” MLA request was corroborated by a Belgian prosecutor who stated:

But it also happens, of course, that we are working on a case with criminals, and in another country, they are also working on the same group... Then, it also happens that we have a kind of agreement [i.e., a “wide-asking” MLA] that [states] you can use information in each other’s investigations freely. But there has to be an agreement—you first have to ask by making a request, and then, the prosecutors or judges of investigation in the countries agree... and then, the police can freely exchange their reports, and everything. (Belgian Prosecutor, Interviewee 13)

This option of the “wide-reaching” MLA request was further corroborated by yet another “Master in Cooperation”—a Dutch police commander—who, in describing the process of cooperation stated:

[First], we work on the legal assistance inquiry, and mostly the Belgian or the German law enforcement send another legal assistance inquiry from their country to us, so we can exchange information over and over...

...the bigger requests... refer to investigations that go on for one or two months with wiretaps, observation, etcetera... (Dutch Police Commander, Interviewee 23)

For the “wide-asking” MLA request to achieve the same effect as a JIT, all of the stakeholder countries should write the same kind of request, and submit the request to each other at approximately the same time. After the “wide-asking” MLA requests are approved by each of the stakeholder countries, then, to re-quote Interviewee 13 as per above, “…the police can freely exchange their reports, and everything,” and all the information/evidence will be considered “officially obtained/released” from one country to
another for court purposes. Obviously, this approach does not carry the “added value” that JITs may offer, as will be discussed below.

7.4.3.4.2. Step 4(4)(b): Decide on the Way to Execute the MLA Request

Significantly, the interview data revealed that there is a “long/hard way” and a “fast/easy way” in mutual legal assistance. Although both approaches will be delineated below, it should be noted at the forefront that the most widely-reported approach to mutual legal assistance was the “long/hard way.” Therefore, this part of the present dissertation is perhaps one of the most interesting, since it reveals something very surprising: the police and justice officials in the Meuse–Rhine Euregion appear to be using the most complicated, difficult, and time-consuming approach for operational execution in the context of international police and judicial cooperation, when easier/faster options exist. Perhaps even more interesting is that, for the most part, the interviewees expressed a general contentment with the “long/hard way” of mutual legal assistance, with only a couple of the interviewees lamenting that the process “takes too much time.” To illustrate, consider the interview transcript excerpts presented immediately below, each extracted from a separate interview:

Mutual legal assistance, is at the moment, going very well. (German Prosecutor, Interviewee 11)

* * *

Maybe there are some improvements that are possible, but mutual legal assistance works fine. I don’t know if you can improve it even more, yeah, maybe. (Belgian Prosecutor, Interviewee 15)

* * *

I think the process [i.e., of mutual legal assistance] is good. Sometimes, it takes time. Sometimes, it takes a long time before it can be realized, but the system, in itself, with, fortunately, the IRC, and also the liaisons, that is very important... (Dutch Examining Magistrate, Interviewee 14)

Indeed, as was explained to the researcher by a few of the interviewees, the justice officials in the Meuse–Rhine Euregion engage in mutual legal assistance so often that they find this mode of operational execution to be fairly smooth and acceptable. Compared to the past, the current process of mutual legal assistance is indeed considerably more advanced. For the sake of comparison, one Belgian prosecutor recounted the process of mutual legal assistance as it was in “former times”:
Imagine [that] the law enforcement agency... in Eupen received information via a telephone call about a burglar residing in Eupen who committed burglaries in Aachen. [In contrast], about 10 to 15 years ago, this [MLA request] was formally done partly on diplomatic channels, meaning that it was sent from the local prosecutor’s office in Aachen, to the general prosecutor’s office in Cologne, then to the Minister of Justice of the State of North Rhine–Westphalia, from there to the Federal Ministry of Justice, and then, at that time, to the Federal Minister of Foreign Affairs—who was also involved—and then all the way down [the chain of command] on the Belgian side, starting at the top with the Federal Minister of Foreign Affairs in Belgium.

For the MLA request to [formally] travel one way—just from Germany to Belgium—it could last 18 months. At that time, the guy was already convicted here! But, if they had waited for the formal approach, as it should have been perfect in theory, [the investigation] should have started after sending back the information—after 18 months. If they had only used the formal channel... you would have nothing to do while you wait for the papers to come in! So, this gives you a picture of how things have improved. (Belgian Prosecutor, Interviewee 2)

Thus, the present-day process of mutual legal assistance is more efficient than what it was in the past, since today, a prosecutor in one country may submit a request for mutual legal assistance directly to his/her colleague in another country—without having to go through diplomatic channels, as previously required. Arguably, however, there is still room for improving the present-day process of mutual legal assistance, as will be discussed in Chapter 12 below. The next subsection begins by describing the most common choice in mutual legal assistance first, namely: the “long/hard way.”

Option 1: The Most Common Way: The Long/Hard Way

A number of variables appear to influence some prosecutors to choose the “long/hard way” in mutual legal assistance (see Figure 7.21 below). To begin, “perceptions regarding treaty interpretation” was identified as one variable that can pose problems in international cooperation and lead to the most difficult operational execution option in international cooperation. One German prosecutor discussed how unwavering demands made by some officials for certain actions to be explicitly stated in the law as “legal” complicate matters:

**Interviewer:** So, there are no real problems anymore? *[i.e., regarding information exchange]*

**Interviewee 45:** Yes, it is still in their heads. Sometimes, you get a blockage, but... it is not that I say, “[The problems are] on the Dutch side or the Belgian side.” It is also on the German side. Sometimes, you find colleagues [who] say, “Oh, I don’t do anything without a
[formal] request for mutual legal assistance.” Okay... we can "heal" that [i.e., by going through the process of MLA after the fact], but at the first glance, we need it now, because it is an urgent case and it has to be done.

Most of the colleagues agree with the fact that the two treaties [i.e., the “Treaty of Enschede” and the Prüm Convention] allow a relatively informal exchange of information at an early stage. But, if you have the old "eggheads" who say, “No. Just show me where it is,” I show them the [relevant] treaty, and they say, “Yeah, but I interpret it differently.” You have no chance sometimes.

But, for the German side, I can assure you that, if a colleague refuses to use those treaties, you can nevertheless bring him to the formal [process of] MLA in due time. It is not that we have problems with Germany; [at least] the [German] colleagues [would] say, “I do it the formal way, but I [will] do it, at [the latest], tomorrow, [but] most probably today.” So, this too has become better. It is part of the [increasing] trust, [and] part of using the modern/new legal instruments and methods. It has all become better—no doubt.

All the time, I criticize something to make it more visible for you, I nevertheless must confess that it has all become better—even that. Even the “egg-heads” are not so “egg-headed” anymore. It’s just a joke... but of course, there is always some truth behind it.

When people ask me, “How do you interpret mutual legal assistance? Are you somebody who is going far, to say, “Yeah, the other side [of the border] has to have information from my side in the most possible way”? Then, you have people who say, “I only execute a request for mutual legal assistance if it is positively [i.e., explicitly] written down [in the law that] ‘Yes, this can be done.’” My opinion on that—always was and still is—if it is not written “This is forbidden,” I do it.

But, you can see, this is a wide range of those who say, “I only do it if it’s positively [explicitly] allowed,” and I say, “I will do it if it is not forbidden.” There is a grey zone that takes 80% of the cases.

**Interviewer:** Really?

**Interviewee 45:** I think so. But, as I said, as I call them, “the egg-heads”—it is changing. If [the general stance among the officials] was on the side of “I only do it if it is positively allowed,” it is changing to the other [side, where they now lean toward saying, “I will do it if it is not forbidden”]. And, of course, on the basis that there is so much more allowed now, legally, than there was before. So, the signs have turned from the mixture of orange/red to orange/green.

Certain actions in international cooperation may be perceived as either legal/explicit, or “not illegal”/implicit, or illegal/illicit, depending on the language used in the legal instrument, as well as the reader’s perceptions. Considering that the variable of “perceptions regarding treaty interpretation” can trigger the onset of the “long/hard way”
Figure 7.21. Step 4, Option 4, Sub-Option 1 of the Process of Cooperation: The Long/Hard Way in Mutual Legal Assistance

Source: Qualitative data for the present study.
in mutual legal assistance, this variable was identified as one that can hinder the process of cooperation. Accordingly, this variable is highlighted in orange in Figure 7.21 above. The interview transcript above also revealed that certain personalities may also demand the “long/hard way” of mutual legal assistance. This was accordingly identified as an antecedent variable, and highlighted in pink in Figure 7.21 above, to denote its problematic nature.

Other variables emerged through logical reasoning as also possibly triggering the “long/hard” way in mutual legal assistance. Without getting too far ahead, a number of variables were shown to lead to the “fast/easy way” in mutual legal assistance, as will be discussed later in relation to Figure 7.30 below. Essentially then, logic dictates that the opposite of those variables would lead to the “long/hard way” in mutual legal assistance. Specifically, it stands to reason that variables such as: “non-urgent case,” “no trust between the prosecutors,” “language barriers,” “no personal contacts,” “the lack of knowledge of a faster approach in mutual legal assistance,” as well as “a lack of creative thinking” are variables that may also encourage prosecutors to choose the “long/hard way” in mutual legal assistance. Accordingly, these variables may be considered “missing puzzle pieces,” and as such, were included in Figure 7.21 above, and highlighted in pink to denote their problematic nature within the context of international police and judicial cooperation.

**Step 4(4)(1)(a): The “Country A” Police Phones the “Country A” Prosecutors and Requests the Assistance of the “Country B” Police**

The first step in the process of mutual legal assistance is for the “Country A” police to phone the “Country A” prosecutor and request the assistance of the “Country B” police (see Figure 7.21 above). Several interviewees corroborated the existence of this first step. For example, consider the following statements, gleaned from separate interviews in Germany and Belgium, respectively:

Then, it is usually that [the police] call us [i.e., prosecutors], if they need more information/special legal aid that can only be obtained from another law enforcement or public authority. (German Prosecutor, Interviewee 5)
...we will ask our prosecutor to write a warrant or paper to say, “We need some information, in the official way, from Germany.”
(Belgian Police Commander, Interviewee 22)

The variable that emerged as influencing this step was “personal contacts.” One Belgian prosecutor explained:

It also helps when police officers have informal contacts, because it is not official, but they can have informal contacts with their colleagues. So, for instance, the Belgian police may tell his prosecutor, “I know where we must go, and I already have some contacts,” and that can make mutual legal assistance go smoother. (Belgian Prosecutor, Interviewee 13)

This variable of “personal contacts” can help facilitate the process of international police and judicial cooperation, and as such, it is highlighted in green in Figure 7.21 above.


Figure 7.22 below presents the next few steps in the process of international police and judicial cooperation. The first step noted in this diagram, namely “Step 4(4)(1)(b),” may be broken into sub-steps for the purpose of close examination. First, the prosecutor writes a request for mutual legal assistance. One German prosecutor explained:

I have to ask [the Dutch prosecutor] for mutual legal assistance [due to the principle of legality]: “Can you please tap this phone, [and] this phone… can you please make observation on this guy, [and] on this guy.” (German Prosecutor, Interviewee 11)

The formulation of the mutual legal assistance request, however, is not as simple as one may suspect. One Belgian prosecutor explained that the preparation of requests for mutual legal assistance take work and time:

...the procedures are very heavy (i.e., to make an MLA request, you need to summarize the case, summarize the legislation, make a translation—it takes lots of time). (Belgian Prosecutor, Interviewee 41)

A number of prosecutors spoke about how they translate the request for mutual legal assistance before it is sent. Two Belgian prosecutors explained this fact in one interview:
Figure 7.22. Steps 4(4)(1)(b) to 4(4)(1)(f) of the Process of Cooperation

- Step 4(4)(1)(b): "Country B" sends a letter to "Country A", confirming receipt of the request number. \( n = 1 \)
- Step 4(4)(1)(c): "Country A" waits for the letter rogatory, \( n = 2 \)
- Step 4(4)(1)(d): "Country B" receives the letter rogatory, \( n = 3 \)
- Step 4(4)(1)(e): "Country B" translates the letter rogatory, if necessary, \( n = 3 \)
- Step 4(4)(1)(f): "Country B" sends a letter rogatory to the "Country A" Prosecutor. \( n = 1 \)

Source: Qualitative data for the present study, 2015.
Interviewer: So, you send [the MLA to Germany] already translated into German?

Interviewee 13: Yes, because then we know when our letter [arrives] on the desk of the prosecutor there, he can directly read what we want.

Interviewee 47: Also, the treaties set out the requirements. They are written in Dutch, Belgian, and German. You can look into specific treaties to see which language they accept. They send it in German because it is easier for them to understand and prioritize.

This courtesy, however, comes with a cost. One Belgian prosecutor and one Belgian police commander commented on the length of time and expense associated with the production of translations. The Belgian prosecutor stated:

Letters rogatory from Germany to Verviers... we have to translate the letter rogatory, we have to translate the appendices, etcetera. So, in the time that these translations are made, sometimes similar letters are already executed. It takes a lot of time. The language problem is still a problem among the French-speaking, and, it is expensive to translate. (Belgian Prosecutor, Interviewee 12)

As discussed above, slow translation speeds also negatively impact the victims involved in the case. Accordingly, the emergent variables of “cost of translation” and “speed of translation” are noted in Figure 7.22 as influencing the process of cooperation in relation to “Step 4(4)(1)(b).”

The next part of “Step 4(4)(1)(b)” is for the prosecutor to send the letter rogatory to the “Country B” prosecutor. One Belgian prosecutor provided an example to illustrate this step:

Then, [we] send a letter rogatory from the prosecution office in [Belgium] to the prosecution office in The Netherlands, asking them to execute certain measures in their country, and in some cases, also with a proposal to integrate BES and to have a common approach coordinated. (Belgian Prosecutor, Interviewee 2)

If the BES is not already involved in the case, the BES may be called upon at this point in the process. In a separate interview, another Belgian prosecutor provided more information about this potentiality:

Interviewer: Are all requests for mutual legal assistance in the Euregion supposed to go through the BES? Or, is it only when the officials encounter difficulties that they should contact the BES for help?
**Interviewee 15:** No MLAs go through the BES, although [the officials there] often get a copy, so that [they may] follow the execution. [MLAs must] be sent directly to the competent judicial authority. In The Netherlands, that is the IRC. In Belgium, [it is] the public prosecutor, and in the Germany, [it is] the Staatsanwaltschaft. They execute the MLA. The BES is frequently asked to intervene and [ensure] that the MLA is executed in a reasonable amount of time, [especially regarding urgent cases]. [Moreover, they] intervene when there are problems—judicial and/or operational—to see if [they] can help... [S]ometimes [they] identify the competent judicial authority.

When the officials at the BES are not involved in the oversight of the mutual legal assistance request, the “Country A” prosecutor endeavours to direct the MLA request to the correct person in “Country B.” One Belgian police commander stated:

> But if you know someone... you call, and you say, “Okay, I want to send a rogatory letter. What is the address? Who is the right person?” So that saves time, so things go better, but it’s not perfect—not perfect at all—but it is better. (Belgian Police Commander, Interviewee 21)

Accordingly, “addressing the MLA to the correct person” is a variable that can facilitate the process of cooperation at this point, and as such, it is highlighted in green in Figure 7.22 above. This is an important point, because on the flip-side, the variable of “no personal contacts” can potentially hinder the process at this step. This variable is highlighted in pink in Figure 7.22 above to denote its potentially problematic influence on the process of cooperation.

**Step 4(4)(1)(c): “Country A” Prosecutor Waits for the “Country B” Prosecutor to Receive the Letter Rogatory and Fulfill the MLA Request**

After the prosecutor in “Country A” sends the mutual legal assistance request, the next step is to wait for it to be received, acknowledged, and fulfilled. One Belgian prosecutor stated:

> Then, we have to wait until our colleague sends all the documents back to us, [so that] we can use them in our case... (Belgian Prosecutor, Interviewee 13)

This takes time because the process continues on the other side of the border, and many steps are to be fulfilled. Continuing from the quote above, the same Belgian prosecutor stated:
Sometimes it goes very quickly, sometimes we have to wait a long time, but that depends, because now, for instance, with Maastricht, there is very good cooperation. But in other parts of The Netherlands, it takes more and more time. (Belgian Prosecutor, Interviewee 13)

The fulfillment of a mutual legal assistance request depends on many steps, many of which are influenced by variables that hinder the process of cooperation. So, fulfillment times can vary throughout the Meuse–Rhine Euregion, depending on various circumstances.


The process of cooperation continues in “Country B” when the “Country B” prosecutor receives the letter rogatory containing the mutual legal assistance request via post. If the “Country A” prosecutor is finding that it is taking too long for the “Country B” prosecutor to acknowledge receipt of the request, sometimes a follow-up call can help. One Belgian prosecutor stated:

...the prosecutor has to take some initiatives from time to time. If you take the phone and ask your colleague, and make it a little bit faster, it can help. (Belgian Prosecutor, Interviewee 13)

This step was accordingly added to Figure 7.22, above “Step 4(4)(1)(d).”

**Step 4(4)(1)(e): “Country B” Prosecutor Translates the Letter Rogatory, if Necessary**

In the event that the “Country A” prosecutor did not exercise the courtesy of translating the mutual legal assistance request into the proper language for the intended recipient, the “Country B” prosecutor should then take the time and spend the money to translate the letter rogatory. This step appears to be especially necessary among the French-speaking prosecutors in the Province of Liège. The nature of the problem became apparent in one interview with one Belgian prosecutor:

**Interviewer:** So, when you send a request to The Netherlands, is it in French?

**Interviewee 6:** No, we have to send it in Dutch.

**Interviewer:** Is that the same for all the different countries? Let’s say The Netherlands, if they want to send you an MLA request, do they have to send it in French?
Interviewee 6: In Belgium, we accept and receive demands in one of the three different languages, because we have three official languages. So, for the other countries, it’s very easy [to send requests to Belgium], but for us [in the French speaking-part of Belgium], it is a big problem. When we receive the demands, we do the translation. It is the same for us. If I have to answer something from Tongeren, I have to translate it into Dutch, and the two [districts] are in Belgium.

Thus, the prosecutors in the Province of Liège in Belgium are especially disadvantaged at this point in the process of cooperation, if they should be so unlucky as to receive a request for mutual legal assistance in a language other than French, because most French-speaking officials in the Province of Liège only speak French, and therefore must take the time and spend the money to have the letter rogatory translated into French. Accordingly, the emergent variables of the “cost of translation” and the “speed of translation” were added to Figure 7.22 above in relation to this step, and highlighted in pink to reflect the fact that they may pose problems in the process of cooperation. It should be noted, however, that the speed of the translation may not always be problematic. In a separate interview, a Belgian prosecutor offered their perspective:

...we accept it no matter what kind of language, and we send it to a translator ourselves, immediately, and within one or two days, we have it translated into Dutch, and we use that to take it to the judge of investigation... But in everyday practice, so far, it has never been a problem. We always have our translation on time. (Belgian Prosecutor, Interviewee 13)

So, sometimes, translation completion times pose problems, while other times, translation completion times do not pose problems.

Steps 4(4)(1)(f) and 4(4)(1)(g): The “Country B” Prosecutor Confirms Receipt of the Request, and Determines Whether the Request is Legally Possible in “Country B”

The next steps (i.e., “Steps 4(4)(1)(f) and 4(4)(1)(g)”) are for the “Country B” Prosecutor to confirm their receipt of the request for mutual legal assistance, and also determine whether the request is legally possible in their own country (see Figure 7.22 above, and Figure 7.23 below).
One German prosecutor explained:

If a prosecutor receives a request for MLA, he should ask his administration to send back a receipt that the request is received... and has got the following file number. This is mandatory in The Netherlands and most of the other European countries, even in Greece. From Italy, you will never get such a reaction.

Then, the prosecutor or his assistant will check if the requested MLA is legally possible. If not, he will answer at once, and if you don't agree with his decision, you can correspond with him, or ask, for example, Eurojust, to negotiate. (German Prosecutor, Interviewee 11)

This leads to the next step.
Step 4(4)(1)(h): The “Country B” Prosecutor Decides How to Proceed

Once the “Country B” prosecutor understands what is being requested, and determines that the request is legally possible in “Country B,” the next step is for the “Country B” prosecutor to decide how to proceed (see Figure 7.24). When asked to describe the next few steps in the process of cooperation, one German prosecutor responded by stating:

It depends on what you want. (German Prosecutor, Interviewee 5)

Indeed, at this point, depending on what is being requested in the MLA, prosecutors have three options. If the measures requested are to be authorized by an examining magistrate, then prosecutors follow Option 1, as set out in Figure 7.24 below. If the measures requested are to be authorized by a federal prosecutor in Belgium, then Belgian prosecutors follow Option 2, as set out in Figure 7.24 below. Finally, if the measures requested are to be authorized by a local prosecutor, then prosecutors follow Option 3, as set out in Figure 7.24 below. Each of these options is discussed in turn.

Option 1: Measures to be Authorized by an Examining Magistrate

As was explained by several interviewees, certain coercive measures cannot be approved by a prosecutor, and therefore must be approved by an examining magistrate. This stands true in all three countries under study, because it concerns the protection of human rights. One Belgian prosecutor explained:

When you are investigating crime, in Belgium, it is so that for certain measures, we need the consent of a judge. For instance, if you want to search someone’s home, or if you want to use a wiretap, we need the consent of a judge, and that means that the judge, from that point on, will investigate the case. So, [in Belgium], the whole case/dossier/file is actually transferred to the judge and he will do the whole investigation, and when the case is closed, it will come back to the public prosecution service, and they will see if they can bring it before a court. That is a major difference between us and The Netherlands, and also us and Germany. It also has an effect on the cross-border cooperation since the judge is independent. (Belgian Prosecutor, Interviewee 15)

These facts were confirmed by a Belgian examining magistrate, who provided more information in a separate interview:
Figure 7.24. Step 4(4)(1)(h) of the Process of Cooperation

Source: Qualitative data for the present study.
But, once [the prosecutor] decides that this is a case for which we need certain techniques, as I mentioned before, such as searching of houses, overhearing telephone calls, a body autopsy, a medical investigation of private body parts—those things are prohibited for a public prosecutor. Then, they have to come to an investigating judge, who will take over the investigation at that time, and we have the possibility to do so. In fact, we have the same possibilities as the public prosecutor, but we have some extra [possibilities too]...

In any event, the police [continue] working on the case, but instead of directing themselves to the prosecutor, they have to direct themselves to the investigating judge. Then, the investigating judge decides which techniques are out, and which way the investigation will go. (Belgian Examining Magistrate, Interviewee 7)

In sum, when the prosecutor in “Country B” realizes that the measures being requested fall within the jurisdiction of an examining magistrate, the “Country B” Prosecutor must contact his/her examining magistrate, and the examining magistrate must then consider the MLA request. One Dutch examining magistrate briefly described the process that ensues:

So, the Dutch prosecutor comes to me and says, “There is a criminal organization, and they have some houses in Germany, and the police and I wanted to search these houses, but they need, of course, the assistance of the German authorities.” But my position is that I, as a Dutch judge, have to give permission for the search of a house in Germany, or in Belgium, or wherever. (Dutch Examining Magistrate, Interviewee 14)

In a separate interview, one Belgian prosecutor provided more detail:

And then, we will have to ask him to do that, and he will decide “Yes” or “No,” if it is possible, according to national law...

But that is not a problem at all—it would never happen that the judge would... [refuse]. Normally, the juge d’instruction always executes what is asked, because we can only ask for things that are possible under international law, and since we implemented those, it should not be a problem. (Belgian Prosecutor, Interviewee 15)

In sum, those are the steps associated with Option 1—when the requested measures are to be authorized by an examining magistrate.

Option 2: Measures to be Authorized by the Federal Prosecutor (Belgium)

In some cases, the measures requested of a local Belgian prosecutor may actually require the approval of the Belgian federal prosecutor. One Belgian prosecutor explained:
When somebody is going from Maastricht to Tongeren, [the police] can locate them by approximation. [The police] can say whether they will cross the border. And then, they have to send a request to [the local prosecutor’s] office, to authorize the cross-border observation.

But, if [the police] can’t locate it—if [the police] cannot say where they will cross the border, or if [the suspects] are also going to Hasselt, Liège, Brussels, then [the police] have to ask the federal prosecution service in Brussels. They will have to authorize the cross-border observation. It goes better and better. (Belgian Prosecutor, Interviewee 15)

In some cases, however, the whole case will have been transferred to the Belgian Federal Prosecutor’s Office by this stage in the process, so, the Belgian Federal Prosecutor’s Office will already have the case.

Option 3: Measures to be Authorized by a Local Prosecutor

In other cases, the requested measures are ones that may be authorized by a local prosecutor. As was already stated in one of the interview transcript excerpts above:

Observation, and things like that, a prosecutor can decide himself. (Dutch Examining Magistrate, Interviewee 14)

In a separate interview, a Belgian examining magistrate provided more information:

But, there is, of course, in serious cases—about 25% of [all] the cases—there is a possibility for the prosecutor to investigate it. So, he can do it on his own—giving orders to police—as I mentioned before. It can be to interview someone, or to ask for information, for instance, bank information, or to observe—to make a stakeout at the suspect’s house where the crime will be committed. So, there are a lot of things the public prosecutor can do on his own; he doesn’t need an investigating judge… (Belgian Examining Magistrate, Interviewee 7)

This is noted as “Step 4(4)(1)(h)(3)(i)” in Figure 7.24 above.

Possible Outcomes

After the mutual legal assistance request has been considered by the appropriate authority, there are two possible outcomes, namely either: (1) “Country B” does not answer the mutual legal assistance request, or (2) “Country B” answers the mutual legal assistance request. These options, and the associate steps, are set out in Figure 7.25 below.
**Step 4(4)(1)(i): The “Country B” Prosecutor Does Not Answer the MLA Request**

In some cases, the “Country B” prosecutor may not answer the MLA request in due time. One Belgian prosecutor explained:

> But on the other hand, if MLA requests take longer to execute, that does not mean that there is bad will behind it. There can be other reasons. (Belgian Prosecutor, Interviewee 12)

This, of course, begs consideration of the priorities in “Country B.” If the priorities in “Country B” do not coincide with “Country A’s” request, then the MLA request may not get answered. One Belgian police commander stated:

> For information exchange, there is no problem. But the problem in The Netherlands is that they work... each case must go for a
commission to decide to give the police money for a case, and they have an evaluation of the case [to determine if it fits Dutch priorities].
(Belgian Police Commander, Interviewee 20)

This fact was echoed in other interviews. For example, in one interview with a German prosecutor and a Belgian prosecutor, respectively, the following discussion ensued:

**Interviewee 46:** Do you know my critiques about the Dutch? I still tell my Dutch colleagues that this is the case in The Netherlands—the Germans are always complaining. I didn’t hear any complaints about Belgium, so I think that this is correct [i.e., that the Belgians give high priority to executing MLA requests]. But the complaints in this direction all go to The Netherlands: the execution of mutual legal assistance requests in The Netherlands has no priority, although they pretend to do it.

**Interviewer:** Even to this day?

**Interviewee 12:** Yes. I have had the same experience. Sometimes, The Netherlands will find out—they will get a complaint about it—and the Dutch prosecution office will say, “Well, the police didn’t,” and when you ask the Dutch police, they say, “Yeah, the prosecution didn’t.”

**Interviewer:** They blame each other?

**Interviewee 46:** Yes. They blame each other to get out of the game. We agree.

This is very interesting. As was discussed in detail in Chapter 6 above, the Dutch have exercised great initiative in establishing structures to facilitate international police and judicial cooperation. Moreover, the Dutch “put their money where their mouth is”—i.e., they fund all the initiatives. Yet, due to some failures in cooperation, the Dutch are perceived by some of their colleagues as uncooperative. For example, with respect to how the Dutch police work, the Dutch police are often not available to assist outside requests for investigations, because all of their resources are dedicated to investigations already underway. As well, when it comes to handling day-to-day requests for cooperation, some of the Belgian and German interviewees complained that the Dutch take their time, and often “drop the ball”—two factors that impede cooperation. Accordingly, the variable of “different priorities” was added to Figure 7.25 as influencing “Step 4(4)(1)(i),” and highlighted in pink to reflect its hindering effect on the cooperation process.
Steps 4(4)(1)(j) to 4(4)(1)(k): If the “Country A” Prosecutor Does Not Receive a Response from the “Country B” Prosecutor, He/She May Contact the BES for Help

In the event that the “Country B” prosecutor does not respond to the “Country A” prosecutor’s request for mutual legal assistance, then the “Country A” prosecutor may choose to contact the BES for assistance. One German prosecutor explained:

In former days, people would have insisted on sending formal letters of request to each other, and there was nobody to help. And sometimes, it happened that, on the other side, you would get the information, and it was put there and rested for half a year. This doesn’t happen anymore. Even in the dire context, they are quicker now than they were, and everybody knows in the region that there is somebody to help you, if needed.

So, [the officials at the BES] offer [their] help, and they make use of it. So... I can assure you that this did not happen 20 years ago, and it did not happen 10 years ago. It started five years ago, and now, it is, I think, a daily experience. Not only that the bilateral exchange of information has become better, but that there is somebody to help—kind of, as I said, to play a mediator for them. So, they need somebody who has experience in mutual legal assistance in combating organized crime, and somebody who—it’s not mandatory—but who most probably speaks also Dutch, French, and English... So, these are, I think, the preconditions for making things better, and it works.

But, of course, very simple things: that somebody calls [the BES] and says, “I didn’t hear from Maastricht, or Roermond, or Liège for four weeks. Nobody helps me. Can you help?” And [the officials at the BES] contact the right persons, via [their] colleagues or directly... And sometimes, [they] get the information the same day, [and that is] information people have waited for—for weeks and months. It’s incredible. Of course, it gives the impression to people that, “This is a very clever guy,” but this is nothing! This is just the fact that [the officials at the BES] know the right people. (German Prosecutor, Interviewee 38)

At this point, the officials at the BES may get involved to ensure that the process of cooperation continues on to “Step 4(4)(1)(l),” which is the initial answering of the mutual legal assistance request, as will be discussed below.

One question that arises at this point, however, is how long it takes to fulfil a request for mutual legal assistance. Continuing from the interview transcript quoted above, Interviewee 38 explained:

I would say, normal, small, minor cases [take] a day. Average cases [take] a week or two. Big cases can be done in one day, if they are urgent cases that [require you to] put aside everything, but they can,
of course, take some months... There might be three, four, or five
[cases] with a failure in the end, and, of course, you feel responsible for
it, although the responsibility lies somewhere else...

So, as I said, I don’t have statistics on it, but I have it in my mind what
statistically would be an average. But statistics, in this purpose, are not
useful, because the cases are different. (German Prosecutor,
Interviewee 38)

This information helps place the cooperation process into context.

_Step 4(4)(1)(l): “Country B” May Send an Initial Response to “Country A” to Say that they will Fulfill the MLA Request_

If all goes well, “Country B” may send an initial response to answer “Country A’s”
request for mutual legal assistance. To this end, one German prosecutor stated:

And, the prosecutor... sends it to the German authorities, so they know
the Dutch judge has given the “green light”—has given the permission—
to search the house in some place in Germany. (German Prosecutor,
Interviewee 38)

A couple of variables emerged as influencing this step in encouraging a successful result:
the “same priorities” and “available police capacity” (see Figure 7.25 above). One Belgian
police commander stated:

I told you about manpower; at this point, it’s very important.
And if everybody’s motivated, you can go on, and we always win.
(Belgian Police Commander, Interviewee 21)

The importance of sharing the “same priorities” was underscored in a separate interview
with a Belgian prosecutor, who explained:

So, one thing was the will to give incoming MLA requests priority.
If this is done correctly, then it is a big step forward. (Belgian
Prosecutor, Interviewee 12)

Accordingly, the emergent variables of the “same priorities” and “available police capacity”
were added to Figure 7.25 above, and highlighted in green to note their facilitative
qualities.

In the event that the requested measures require police assistance, then the next step is for the “Country B” prosecutor to ask their police to fulfil “Country A's” request. This step was corroborated in several interviews:

...then they have to send it to their police. (Belgian Examining Magistrate, Interviewee 16)

* * *

...and then it comes over to me. (Belgian Police Commander, Interviewee 44)

* * *

So, [the Dutch prosecutor] has to go to the [Dutch] police. (German Prosecutor, Interviewee 11)

The police then decide how to proceed.

Step 4(4)(1)(n): The “Country B” Police Decide How to Proceed

Now, the police have three options from which to choose, depending on certain variables (see Figures 7.26 and 7.27 below). “Option 3” is discussed first (Figure 7.26).

Option 3: The “Country B” Police Refuse to Execute the Request

In the event that there is “no trust,” “no personal contacts,” “different priorities,” a “lack of police capacity” in “Country B,” or “the nature of the MLA request is too demanding,” one option (i.e., “Option 3”) is for the “Country B” police to refuse to fulfil “Country A’s” MLA request. In response to a question as to whether they had a bad experience with a German or Dutch prosecutor, one Belgian examining magistrate stated:

For one file regarding stolen vehicles, a German never answered my legal request. It just happened once, but it was important because some person was arrested, and it was urgent, and they never gave us an answer. I don't know why. It was two years ago. So, I closed the file without an answer. It makes me feel bad. (Belgian Examining Magistrate, Interviewee 18)
Figure 7.26. Step 4(4)(1)(n), Options 2 and 3 of the Process of Cooperation

Source: Qualitative data for the present study.
Interestingly, however, as was revealed in Chapter 2 above, the international legal framework regulating international police and judicial cooperation obligates signatories to answer requests for mutual legal assistance. One German prosecutor confirmed this fact by stating:

> To reject a request because of lack of capacity is legally not possible because MLA has highest priority. So, the only thing he can do is wait (for your reminder), or to negotiate with you. Here in our Euregio, it is... common practice that a request [requiring] manpower... is announced weeks before, so [that] the other party is able to make preparations. (German Prosecutor, Interviewee 11)

Nevertheless, it appears that some requests remain unanswered in practice due to various variables. To begin, “no trust” and “no personal contacts” between the “Country A” prosecutor/examining magistrate and the “Country B” prosecutor/examining magistrate and/or the police can hinder international cooperation. One Belgian police commander candidly explained:

> And, personal contact is good in that way. Everything we do together, we have [already] discussed before.

> If there is no mutual trust between [my international partner] and I, he can do it the hard way, and that is via the prosecutor with the letters rogatory. Then, it comes over to our prosecutor, and then it comes over to me. And then, [I have] to execute it, and then I say, “It’s not my case. I don’t do more than [what] they ask [for] me to do in that letter [rogatory].” So, it will end nowhere.

> But now, if you have the [personal] contact, then we can discuss the case, we do the work, we start it, and he will send a letter rogatory via his prosecutor, and everything is already done.

> But, if it [the MLA] comes officially without knowing the police [officers], it will never work. (Belgian Police Commander, Interviewee 44)

Therefore, the variables of “no trust” and “no personal contacts” were added to Figure 7.26 above, and highlighted in pink to denote their problematic qualities.

In addition, “different priorities” and a “lack of police capacity” emerged as variables that can lead to the dire option of a refused MLA request. One Belgian prosecutor stated that some MLA requests had indeed gone unanswered in the past due to a lack of police capacity:
...sometimes we have had cases in the past where... people started looking for cross-border cooperation when the investigation was almost finished, and then there was no capacity, or it was not possible for The Netherlands to work with us at that time, and then it just stops. You put all that effort into your case file, and maybe in the end, it may not work, because that single piece of information you might need is in The Netherlands, and you can't get to it. (Belgian Prosecutor, Interviewee 15)

In a separate interview, a Belgian examining magistrate echoed this viewpoint, and provided a detailed example to illustrate how the variables of “different priorities” and a “lack of police capacity” can negatively influence cooperation at this stage in the process:

**Interviewee 7:** For instance, if a suspect who we think is important enough to investigate, but the public prosecutor in Holland says, “We don’t have capacity for that now,” or “We don’t think he’s important enough at this time,” so it can sometimes be a factor of influence...

There are things which have to improve. I had a meeting the day before yesterday with a colleague of mine in Holland. A month ago, I also had a meeting with an officer of the public prosecutor. I sense that sometimes, we have different agendas. We are not always on the same page. The interests are sometimes different.

**Interviewer:** And what do you mean by interests? Drug policies?

**Interviewee 7:** For instance, I will give an example. When we have an investigation going on concerning a drug organization, and we find out that there are also people from Germany or Holland, for instance, who have an important role in this organization, for us it would be interesting, or it would be nice, when the police at a certain stage intervenes and tries to arrest everyone, that we try to arrest everyone—also the people in Holland, for instance. Whereas, [the Dutch police] might have another agenda. They might have the idea, “Well, it might be interesting to leave them alone, and maybe we can try to keep them under surveillance, and try to find out more about the context that he has.” So, this is a concrete specific example where we have different interests. Suppose the suspect is in Holland, and the suspect has an important role in a drug organization. I cannot force the public prosecutor in Holland to detain this person. If he says, “I would like not to do so,” then I can’t force them to—even when it’s in the interest of the Belgian investigation...

For example, I had a local drug dealer here recently who trafficked cocaine which he bought in Amsterdam from another dealer. It wasn’t my concern to investigate the person in Amsterdam. It was only my concern to investigate the man doing this in [Belgium]. When I asked the police to tap his phone, that was no problem; you could get it within a few hours—that was arranged. So, the moment that this person travels by train from [Belgium] to Amsterdam, I had police on the train to make surveillance, and passing the border from Belgium to Holland, the Dutch police took over the surveillance, and that worked fine—perfectly. There was no problem whatsoever. But, of course, that was
a case that only involves my jurisdiction. The Dutch were not really interested in investigating this case. Should, maybe, the person in Amsterdam be a drug trafficker who is also under investigation in Holland, then, probably, things would’ve gotten a lot more difficult—for instance, to get a telephone tap, or to take over surveillance—because then they would have liked to know, “What are you investigating?” “Who are you going to aim at?” “Which fact(s) are you going to aim at?” So, then we probably would’ve needed meetings upfront to discuss what to investigate, and what not to investigate. As long as there is no real interest in the other country, then anything that we ask gets performed quite well. But if there is a possibility of conflicting interests, then things get more difficult. (Belgian Examining Magistrate, Interviewee 7)

One German police commander also lamented the negative influence that a lack of police capacity—particularly on the Dutch side—can have on the cooperation process. Interestingly, the Dutch police and justice officials were silent with respect to the variables of “different priorities” and a “lack of police capacity.”

Finally, as will be discussed in greater detail below, the variable of “the nature of the MLA request” also emerged from the data as potentially negatively influencing matters at this point in the process of cooperation. In some cases, the MLA request may simply be too demanding of the other country. Accordingly, this variable was added to Figure 7.26 above and highlighted in orange to denote its potentially problematic effect.

Option 2: The “Country B” Police Do the Bare Minimum to Fulfil “Country A’s” MLA Request

This second option is for the “Country B” police to do the bare minimum to fulfill “Country A’s” MLA request, which would then lead the “Country B” police directly to “Step 4(4)(1)(o).” The evidence for this second option was provided above (see the quote by Belgian Police Commander Interviewee 44 in relation to the discussion of Option 3 above). The variables that emerged from the data as possibly leading to this option were “the will to cooperate” and “the nature of the MLA request” (see Figure 7.26 above and Figure 7.27 below). With respect to the latter variable, the following discussion ensued with a Belgian examining magistrate:

Interviewer: Are there any problems with respect to cooperation with the Dutch and Germans in this region?
Interviewee 16: No, it takes time. If it is what we call an “administrative international request,” it means that we ask them to make some investigation. And then, our request arrives rather quickly to their office, but then they have to take time to deal with our file first, then they have to send it to their police, and they have to wait. In Belgium, it’s about two months before having the answer to our demands. Of course, if people accept, if we have to search a house, or if we have to freeze bank accounts, or if we have to hear one person or 10 people—witnesses or a suspect—you see, it is quite different. Here in Belgium, you don’t have a real difference, but in France, for example, if you have to hear a person like a suspect, you must call a lawyer, and he has rights. He can take a long time to ask lots of questions and make lots of investigations. It takes a long time. If it is only... if you only want testimony, of course it’s rather shorter. But if you want testimony of one or 10 persons, it also takes time. It depends on the file. Sometimes it’s not correct, and they have to do an investigation there. So, it takes time to organize a hearing. Sometimes, it can go very quickly. In several countries, they have to hear the person in trial… So, it takes a long time.

This interview transcript excerpt not only provides evidence regarding the influence that the nature of MLA requests can have on the process, but also establishes that it takes time to fulfil the different types of MLA requests. Other interviewees corroborated the existence of this latter variable. Accordingly, the variable of “takes time” was added to Figure 7.27 above and highlighted in pink to indicate the problematic nature of this “bottleneck” in the cooperation process.

Option 1: The “Country B” Police Agree to Fulfil “Country A’s” MLA Request

In the event that there is a “will to cooperate,” there are “personal contacts” between the stakeholders, the “priorities between the stakeholders are the same,” and there is “available police capacity” in “Country B,” then the “Country B” police will likely agree to fulfil “Country A’s” MLA request (see Figure 7.27 below). Many interviewees naturally corroborated the existence of this option. Essentially, the “Country B” police will engage in tactics/investigative measures such as surveillance, controlled deliveries, house searches, telephone taps, fingerprint collection, DNA sample collection, and arrests to fulfill “Country A’s” MLA request, as will be discussed in greater detail below. With respect to the antecedent variables immediately preceding this option, it should be noted that their existence was determined through logical reasoning, since the opposite/converse variables were identified as preceding Option 3 (as discussed above).
Figure 7.27. Steps 4(4)(1)(n) to 4(4)(1)(o), Option 1 of the Process of Cooperation

Source: Qualitative data for the present study.
Step 4(4)(1)(o): Decide on an Approach for Operational Execution (2 Options)

Once the “Country B” police agrees to fulfill “Country A’s” MLA request, the next step (i.e., “Step 4(4)(1)(o)”) is for the “Country B” police to decide on an approach for operational execution, namely either: (1) informal side-by-side police cooperation, or (2) a “mirror investigation” (see Figure 7.27 above, and Figure 7.28 below). Each option is discussed in turn.

Figure 7.28. Steps 4(4)(1)(o) to 4(4)(1)(p) of the Process of Cooperation

Source: Qualitative data for the present study.

Option 1: Informal Side-by-Side Police Cooperation

The first option is for informal side-by-side police cooperation between the “Country B” and “Country A” police, in order to help the “Country B” police fulfil “Country A’s” MLA request (see Figure 7.28 above). One Belgian prosecutor spoke of this option:

We can also ask if the Belgian police can assist in the other country, but then they have a passive role. They can’t do an active search, or ask questions, unless the foreign colleagues agree that it happens, but they can assist. So, it also happens that our police can go to The Netherlands or to Germany to assist their colleagues, because, of course, the police here know the case, and they know every detail of the case, so it’s difficult to put it all down in writing—our request.
It is difficult to write out all the details because sometimes you don’t know. So, that is why we often ask if our police may be present for the interrogation or when the search warrant is executed. Normally, that is always allowed. I don’t know of many cases where foreign colleagues said, “No, there are no Belgian police allowed.” Normally, that doesn’t happen. (Belgian Prosecutor, Interviewee 13)

The existence of this option was corroborated by a German prosecutor (Interviewee 11), and the evidence for this was provided above in relation to the subsection concerning “wide-reaching MLA requests” (see subsection 7.4.3.4.1 above).

Option 2: “Mirror Investigation”

The other option is for the “Country A” police to start a “mirror investigation” alongside “Country B’s” investigation. Recall that one German prosecutor explained:

So... we can ask mutually for legal assistance, and I can start my own inquiry [i.e., a mirror investigation] in Germany. In this inquiry, I can do everything that the Belgian wants, or the Dutch wants, because there are connections to Germany—drug trafficking or whatever crime. I can do it. I am the one. I’m the first who has to prosecute it. (German Prosecutor, Interviewee 11)

Naturally, a “mirror investigation” can help both countries attain the information sought.

The discussion of these two options yielded additional data with respect to tactics/investigative measures. For example, in speaking about how long it takes for a mutual legal assistance request to be fulfilled, one German prosecutor explained what is involved with respect to a controlled delivery of drugs:

Did I tell you about controlled deliveries of drugs? Do you know what a controlled delivery of drugs is?

[For example], a drug delivery starts from Morocco or Spain. Let’s take Morocco. It starts from the south of Spain. You have hints by telephone tapping or something like that, so there will be a transport of drugs from the south of Spain to The Netherlands, to Germany, or even to Scandinavia or England. So, it will pass six or eight countries. Then, you have to organize [the police surveillance]. A normal thing would be that it is already in Spain, they have a grip on it, [and they] take the suspects and the drugs. But, with that idea, you would never catch the people behind [the crime]. So, the system of controlled deliveries means that, for the [time] being, you don’t get the people behind bars, you don’t [seize] the drugs, but you control the delivery throughout Europe, and you try to get the people behind [the crime], and the whole thing, and the drugs, at the last moment possible.
This, of course, needs a detailed talk about who does what with which, to whom, and in which situation. So, these kinds of things—even if you do it in [the Meuse–Rhine Euregion]—between three countries—this takes a lot of preparation, it takes time to execute it, and it even takes the time, sometimes, to look at it afterwards [e.g., debrief]. And, this you can’t do in some days or some weeks. So, there are cases—major cases—that... need some months... (German Prosecutor, Interviewee 38)

Clearly, the length of time it takes to fulfil a request for mutual legal assistance will vary according to the nature of the request.

The goal of the tactics and investigative measures is to gather enough evidence to make arrests. One Dutch prosecutor stated:

Then, the last [step] is the results: arresting people with good evidence. Out of the effort comes the end-stage/phase. (Dutch Prosecutor, Interviewee 39)

The arrests may be made in “Country B,” or “Country A,” or elsewhere, depending on the location of the offenders.

**Step 4(4)(1)(p): The Police Decide How to Proceed (2 Options)**

After the “Country B” police have obtained the information requested of them, the next step (i.e., “Step 4(4)(1)(p)”) is for the “Country B” police to decide how to proceed (see Figure 7.28 above). The two options available at this point are discussed below.

**Option 1: The “Country B” Police Gives the Information/Evidence to the “Country B” Prosecutor**

The first option is for the “Country B” police to give the information/evidence to the “Country B” prosecutor. To this end, one German prosecutor stated:

Normally, the [Dutch] police give this information back to the [Dutch] prosecution office... (German Prosecutor, Interviewee 5)

As became apparent upon analyzing the interview data, this first option is the slow and indirect option, because it adds the step of returning the information/evidence to the “Country B” prosecution service. The faster step is Option 2, wherein the “Country B” police deal directly with the “Country A” police.
Option 2: The “Country B” Police Give the Information/Evidence Directly to the “Country A” Police

Continuing from the interview transcript excerpt quoted immediately above, Interviewee 5 went on to state:

But there is a way to make this process easier. If we [i.e., German prosecution office] will write a letter, and the parket [i.e., Dutch prosecution office] says to the [Dutch] police “That’s okay; give the evidence to the Germans,” and they allow the Dutch police to give the information directly to the German police, for example...

So, that is a way to make it easier, so that the Dutch police don’t have to send the piece of evidence back to the parket [Dutch prosecution service], and the parket gives it back to us. So, they can exchange it directly. So, if the parket says, "That's okay," then it's okay. (German Prosecutor, Interviewee 5)

This is the more direct option, since the information/evidence must be relayed back to the “Country A” police in order for them to complete the investigation in “Country A.” The information/evidence, however, should ultimately be relayed back to the “Country B” prosecutor as well in order for the formal process of mutual legal assistance to continue. One Belgian prosecutor explained:

Then, we have to wait until our colleague sends all the documents back to us, because then we can use them in our case. Normally, the police already get an informal copy of the results, and they can use it already for police work, but we are not allowed to use that in our case. So, we have to wait until our colleague sends us back what we asked them for. (Belgian Prosecutor, Interviewee 13)

This naturally leads to the next step in the process of cooperation.

Steps 4(4)(1)(q) and Step 4(4)(1)(s): “Country B” Prosecutor Writes, Translates, and Sends a Formal Letter Rogatory to Officially Answer the MLA, and the “Country A” Prosecutor Receives the Answer(s) to their MLA Request

The next step (i.e., “Step 4(4)(1)(q)”) is for the “Country B” prosecutor to write, translate, and send a formal letter rogatory back to “Country A” to officially answer the request for mutual legal assistance (see Figure 7.29 below). Speaking from the standpoint of a “Country A” prosecutor for the purpose of illustration, one German prosecutor stated:
...and the [Dutch] prosecution office sends that information back to us
[i.e., German prosecutors]. (German Prosecutor, Interviewee 5)

In a separate interview, one Belgian prosecutor corroborated the existence of this step by stating:

...and when they receive it [i.e., the response to the MLA request], it [i.e., the information] becomes part of the Belgian inquiry
(Belgian Prosecutor, Interviewee 41)

This also confirms the existence of “Step 4(4)(1)(r),” as noted in Figure 7.29 below.

**Figure 7.29. Steps 4(4)(1)(q) to 4(4)(1)(s) of the Process of Cooperation**

![Diagram showing steps of the process of cooperation]

Source: Qualitative data for the present study.

It is important to note that, in the event that “Country A” happens to be a French-speaking province in Belgium, the variables concerning the cost and speed of translations become operative again because it was reported by a couple of interviewees that the French-speaking officials do not usually receive the answers to their requests in French, but instead translate the answers into French themselves. Accordingly, the variables concerning the cost and speed of translations were added to Figure 7.29 above, and highlighted in pink to denote their problematic qualities with respect to the process of international police and judicial cooperation.

With respect to “Step 4(4)(1)(s)” as noted in Figure 7.29 above, in the event that the “Country B” police did not already provide the information to the “Country A” police, then the “Country A” prosecutor will give the information to the “Country A” police at this point in the process. To this end, one German police commander remarked:

So, we get the paper and the file back... and you get it back over two, three, or four weeks. (German Police Commander, Interviewee 34)

As previously mentioned, the length of time that it takes for a mutual legal assistance request to be fulfilled depends on the nature of the request. This concludes the “long/hard way” of mutual legal assistance.

The next step is “Step 5,” whereby the case proceeds to court like a normal case. Before discussing that step, however, the other sub-processes in the larger process of international police and judicial cooperation should be further elaborated upon. Therefore, the discussion continues with an exposition of the “fast/easy way” in mutual legal assistance, and then turns to the examination of the fifth option for operational execution, namely the establishment of a Joint Investigation Team.

Option 2: The “Fast/Easy Way” in Mutual Legal Assistance

The “fast/easy way” option in mutual legal assistance emerged from the data by virtue of contributions from the “Masters in Cooperation.” In comparison to the “long/hard way” in mutual legal assistance that was illustrated above using nine figures, the “fast/easy way” in mutual legal assistance will be illustrated using only four figures, because it is more informal. To begin, an array of variables function to encourage prosecutors to select the “fast/easy way” in mutual legal assistance (see Figure 7.30 below). “Urgent cases” was the most cited of these variables. Alluding to the nature of this process, one Belgian prosecutor stated:

Of course, in very urgent matters, we can take a telephone call. That is no problem for us with The Netherlands, because we speak the same language. (Belgian Prosecutor, Interviewee 13)

These facts were echoed by German officials, and another Belgian prosecutor.
The variable of “trust” also emerged as an antecedent variable with respect to the “fast/easy way” in mutual legal assistance. In fact, “trust” emerged as the key variable upon which the entire process of international police and judicial cooperation hinges. This will be discussed further in Chapter 8.

Source: Qualitative data for the present study.
In addition, the variables of “personal contacts” and “common language/multilingualism” were also identified as variables that can encourage prosecutors to choose the “fast/easy way” in mutual legal assistance. Using the example of “speed tapping” for illustration purposes, one German police commander described the influence of these two variables:

**Interviewee 34**: I know one investigation where a German colleague called me and said, “Well, we are busy with a drug investigation, and I know that tomorrow, people will come from The Netherlands to Germany with [drugs], and we want to arrest them, but we need Dutch telephone tapping. Is it possible to get it tomorrow?” And, we tried, and it happens... we got it, via, yeah [sigh, chuckle], personal contacts.

I [went] to a Dutch colleague—who is the responsible officer for telephone tapping on the Dutch side—and he said, “Okay, there is a legal way. Your prosecutor [in Germany] has to call our prosecutor [in The Netherlands], and then it goes very fast.” So, they got the line [tapped] within 18 hours, and they heard what the suspects [said], and they could arrest them here... in a city near Aachen, with [many] kilos of [drugs].

**Interviewer**: This is interesting. So, it was just done on the phone? The granting of permission by the prosecutor?

**Interviewee 34**: Yes. They sent a letter rogatory afterward. But in the beginning, they called, and then sent it.

The Dutch side has a term for this tapping. They call it “spoed tapping,” which means “fast wiretapping.”

**Interviewer**: So, it means getting the permission informally, and then doing it formally afterwards?

**Interviewee 34**: Yes. In The Netherlands, you have one special department near Amsterdam where all the wiretapping is done, and you get the tapping line from there. And “spoed tapping” means that the Dutch prosecutor called there [and said] “Hey, I have an investigation, please do this now. The letter rogatory of the judge’s [approval] comes tomorrow, but do it today.”

Other officials also spoke of the facilitative nature that a “common language” and “personal contacts” can have on the process of cooperation.

An official’s “knowledge and expertise of the process of cooperation” can also encourage prosecutors to use the “fast/easy way,” particularly if they are aware of how the process can be expedited. This variable is connected to “creativity/thinking outside the box.” Moreover, the variable of “treaty interpretation” also plays a role in influencing prosecutors to choose the “fast/easy way,” particularly if the prosecutors involved read the treaties in such a way so as to allow the “fast/easy way” option. The evidence for these
respective variables was presented in the discussions above. Essentially, the data show that the “fast/easy way” depends on variables such as “trust,” “personal contacts,” “multilingualism,” “knowledge of the process of cooperation,” and “treaty interpretation.” Accordingly, the above-noted antecedent variables were added to Figure 7.30 above and highlighted in green to denote their facilitative qualities, with the exception of the variable of “treaty interpretation,” which was highlighted in orange. It is interesting to note that all of these variables are located at the individual/micro-level, which strongly suggests that international police and judicial cooperation is a specialist’s job. This will be discussed in greater detail in the proceeding chapters.

The “fast/easy way” in mutual legal assistance means that the stakeholders involved will contact each other by telephone, grant their permissions via telephone, and then confirm everything officially after the fact. A Belgian prosecutor described the “fast/easy way” in one simple statement:

> When it is very urgent, [the police] will call, and then we say, “Yes, it’s okay,” and then the police will execute what they request, and afterwards, [the request] becomes written, and we make it official. But it is possible that we need the judge for prosecution—for special things they ask—like, a wiretap. Then, the judge of instruction intervenes for that one action. When Germany asks the prosecution, then we ask our judge for the mandate for the prosecution. Then, it is done, and the pieces are sent to Germany. (Belgian Prosecutor, Interviewee 25)

This interview transcript excerpt addresses the key steps associated with the “fast/easy way” in mutual legal assistance. Each step is examined in the proceeding discussion.

**Step 4(4)(2)(a): The “Country A” Police Phone the “Country B” Police**

The “fast/easy way” option in mutual legal assistance begins with the “Country A” police phoning the “Country B” police to express their request for mutual legal assistance (see “Step 4(4)(2)(a)” in Figure 7.30 above). The existence of this step was logically deduced based on the evidence for “Step 4(4)(2)(b).” Essentially, for the “Country B” police to phone the “Country B” prosecutors to relay the mutual legal assistance request, they must have received the request in speaking with “Country A” officials, hence the first step in this sub-process.
Step 4(4)(2)(b): The “Country B” Police Phone/Visit/Mail the “Country B” Prosecutor to Relay the MLA Request

This sub-process continues with the “Country B” police relaying “Country A’s” request for mutual legal assistance to the “Country B” prosecutor, either by phone, mail, or in person. One German police commander explained:

Normally, you send it [by] post to the prosecutor and you get it back over two, three, or four weeks.

You can also go by car to the prosecutor and talk to him [and say], “Here, I have this problem. Can I get a house search order?” or “Can I get this?” He gives his “okay” on paper, and then you can go further to the judge to explain it to him, but mostly, also in this way, you have [to wait] two, or three, or four days to work it out. (German Police Commander, Interviewee 34)

A phone call at this stage in the process appears to be the common mode of communication.

Possible Outcomes

At this point in the process, there are two possible outcomes, either: (1) the “Country B” prosecutor does not execute the MLA request, or (2) the “Country B” prosecutor informally approves the MLA request. Each option is presented in Figure 7.31 below.

Step 4(4)(2)(c): The “Country B” Prosecutor Does Not Execute the MLA Request

In some cases, the “Country B” prosecutor may not execute the MLA request, for various reasons as discussed above. Interestingly, however, the data suggest that such an outcome is rare. One Belgian prosecutor explained:

This scenario happens when we do not have information in Belgium about targets—we don’t have a case. Then, other countries ask us something through an MLA. If it’s urgent, they will do it by phone, and we will say “Okay,” and we will tell our police to “Do this and that, and send us something [i.e., an official MLA request] to confirm it afterwards.” Usually it’s the next day, or within the next two days, but even if they ask us something through the MLA, we are still bound by the juge d'instruction. There are certain things that we cannot do, that only the judge of instruction is authorized to do. And then, we will have to ask him to do that, and he will decide “Yes” or “No,” if it is possible, according to national law. But that is not a problem at all—
it would never happen that the judge would... [refuse]. *Normally, the judge of instruction always executes what is asked,* because we can only ask for things that are possible under international law, and since we implemented those, it should not be a problem. [Emphasis added] (Belgian Prosecutor, Interviewee 15)

*Figure 7.31. Steps 4(4)(2)(c) and 4(4)(2)(e) of the Process of Cooperation*

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Available Police Capacity  n = 2

Same Priorities  n = 2

Possible Outcomes


Option 1:  "Country B" Police Agrees to Fulfill "Country A’s" MLA Request.

Different Priorities

Lack of Police Capacity

End

Source: Qualitative data for the present study.
```
Confirming that most requests for mutual legal assistance are answered, another Belgian prosecutor stated:

But, on the other hand, if MLA requests take longer to execute, that does not mean that there is bad will behind it. There can be other reasons. (Belgian Prosecutor, Interviewee 12)

Those other reasons will most likely be either “different priorities,” and/or a “lack of police capacity,” as discussed above.

**Step 4(4)(2)(d): The “Country B” Prosecutor Informally Approves the MLA Request**

In most cases, the “Country B” prosecutor will agree with the “Country B” police, and informally approve the mutual legal assistance request from “Country A.” The evidence for this step can be drawn from the quote provided by Interviewee 15 above. Naturally, the main variables influencing such a favourable outcome would be the “same priorities” and “available police capacity.”

**Steps 4(4)(2)(e) to 4(4)(2)(h): The “Country B” Police Executes the MLA Request**

The next steps involve contacting the “Country B” police, and having them execute the request for mutual legal assistance (see Figure 7.31 above, and Figure 7.32 below).

**Figure 7.32. Steps 4(4)(2)(f) to 4(4)(2)(g) of the Process of Cooperation**

Source: Qualitative data for the present study.
Although none of the interviewees reported these steps in relation to the “fast/easy way” in mutual legal assistance, these steps must exist in order to reach “Step 4(4)(2)(h),” which is the next step in this sub-process, for which there is qualitative evidence (see Figure 7.33 below). To be clear, these “missing puzzle pieces” (“Steps 4(4)(2)(e) to 4(4)(2)(g)”) were reported in relation to the “long/hard way” in the process of mutual legal assistance, and for the purpose of flow, were reproduced in this sub-process.

**Steps 4(4)(2)(h) to 4(4)(2)(i): The “Country B” Prosecutor Relays the Information to “Country A” and Confirms Everything Officially After the Fact**

The “fast/easy way” in mutual legal assistance continues with the “Country B” prosecutor phoning the “Country A” prosecutor to relay the information obtained by the “Country B” police (see “Step 4(4)(2)(h)” in Figure 7.33 below).

**Figure 7.33. Steps 4(4)(2)(h) to 4(4)(2)(j) of the Process of Cooperation**

While only one interviewee explicitly stated the existence of “Step 4(4)(2)(h),” the fact remains that this represents a key step in this sub-process, since its existence was indirectly corroborated through the data gathered in support of “Step 4(4)(2)(i)” (n = 15). Indeed, a broad spectrum of officials from the three countries, including police commanders, prosecutors, and examining magistrates, stated that the key time-saving strategy is to execute most of the steps over the telephone, and then to confirm everything
“officially” after the fact via a letter rogatory. For example, in explaining this sub-process, one Belgian police commander stated:

But, you still have to make your request and your answer official later... because we have special forms that we have to fill when we want to submit information. Why is it important? Because all the data on the forms are added to our national database. So, that's why it's important, not only to phone, but to write too, because that's the best way to share the information. (Belgian Police Commander, Interviewee 21)

In another interview, two Belgian prosecutors corroborated the above by stating:

Interviewee 48: Then, the public prosecution service in The Netherlands, or in Germany, or wherever will inform us [prosecutors in Belgium]...

Interviewee 25: ...and afterwards, [the request] becomes written, and we make it official.

In a separate interview, two Belgian police commanders provided more information about the dynamics between the three countries with respect to this “fast/easy way” in mutual legal assistance. The following excerpt was presented above as part of a longer passage, but is worthy of reproduction here:

Interviewee 10: ...Of course, afterwards comes the law, and everything has to be in the correct way...

Interviewee 9: ...the Germans are much easier to work with [the Belgians], without all those official documents. When you give them a phone call, they do it for you [informally], and then afterwards, you have to make arrangements [to ensure] that everything is officially arranged. So, when we ask, for instance, to do an observation for a group in Germany, they say, “Okay, we will do it,” but when you ask for it [of] the Dutch colleagues, they say, “Oh, have you an official document to do it? Then send it over, make arrangements, and then we will look if we have capacity...

Therefore, in light of the above, Figures 7.31 and 7.32 above correspond with Figures 7.25 to 7.28 above (see Figure. 7.3 for the lines that connect these figures).100 Naturally, the variables of “cost of translation” and “speed of translation” influence “Step 4(4)(2)(i)” and can slow the process. Finally, the “Country A” prosecutor will give the information to the “Country A” police (see “Step 4(4)(2)(j)” in Figure 7.33 above).

100 To be clear, the steps in Figures 7.31 to 7.32 were truncated for the purpose of brevity, and to minimize repetition. Figures 7.25 to 7.28 above contain all of the steps/options that could be repeated in Figures 7.31 to 7.32.
At this point, the next step is to proceed to “Step 5” in the process of cooperation, which involves the case proceeding to court like a normal case. Before “Step 5” is discussed, however, it is necessary to examine the last option for operational execution, namely the Joint Investigation Team.

7.4.3.5. Option 5: Joint Investigation Team

The final option for operational execution in international police and judicial cooperation in the Meuse–Rhine Euregion is to establish an *ad hoc* Joint Investigation Team (JIT). One Dutch police commander explained:

The [other] possibility is that we start a Joint Investigation Team. It is called a JIT. That is an overall legal assistance agreement, and within this agreement, we can exchange information over and over, and that is the difference of it: it can be used in court as proof, and that is something that is rather new. It is from Schengen.

(Dutch Police Commander, Interviewee 23)

Indeed, when asked if prosecutors must still engage in the traditional mutual legal assistance process (*i.e.*, letters rogatory) in order to approve certain police investigation tactics within the context of a JIT, one Belgian prosecutor explained that the answer is “No,” as follows:

Once a JIT has been established, and for as long as the JIT is in force... no additional MLA requests [are] needed. Everything can be done within the JIT structure. If the JIT has ended, and you find yourself needing additional info or a specific [investigative] measure concerning the case, you need to launch an MLA request. But during the JIT, no MLAs are needed. (Belgian Prosecutor, Interviewee 15)

Clearly, JITs offer the advantages of allowing close teamwork, as well as efficiency in the process of official information exchange, in direct comparison to the traditional mutual legal assistance process. One Dutch prosecutor confirmed that JITs are an alternative to traditional mutual legal assistance by stating:

And that is an important moment: are we going to use a JIT, or is it classic mutual legal assistance? That’s a decision that you have to make or leave, because the JIT has to be built up, and there are some formal legal conditions to be filled. So, that is an important stage, where, if you make the right decisions here [pointing to a piece of paper], this [pointing to the paper] will go very good—enough people, the right structure. (Dutch Prosecutor, Interviewee 39)
In addition, JITs also grant investigative competences to police officers from foreign countries who are a party to the JIT agreement. One Belgian police commander explained:

Another possibility is the JIT—the Joint Investigation Team. When we have information that a criminal organization works in two or three countries, we can decide to put police [officers] from each country, to make a team. Then, each police [officer] is competent—able to—work in the other country, because the problem with the three countries is that each police [officer] is able to work only in his own country. You have some exceptions with the process, but, that is very limited. Practically, I [as a Belgian police officer] cannot go into The Netherlands to [do] work. I cannot go into The Netherlands to process someone. I am not able to do that. But, with the JIT, it gives the competence to each police [officer] from those countries. [Emphasis added] (Belgian Police Commander, Interviewee 20)

This fact was echoed in a separate interview with a Belgian examining magistrate:

For instance, I had a serious investigation where I permanently needed things done in Holland, and there was a Joint Investigation Team agreement made up, in this case, between me, the federal prosecutor in Belgium, and the national prosecutor in Holland. This agreement allowed me, for instance, to give my Belgian police officers the authority to investigate something in Holland, or vice versa—to give an instruction to a Dutch police officer to investigate something in Belgium. [Emphasis added] (Belgian Examining Magistrate, Interviewee 7)

As will be revealed in the discussion below, the JIT option carries both advantages and disadvantages, as compared to the traditional mutual legal assistance option.

A number of variables appear to encourage police and justice officials to choose the JIT option (see Figure 7.34 below). First, “available police capacity” in all of the stakeholder countries helps make the JIT option possible, since the absence of police capacity prohibits the establishment of JITs. For example, one Belgian police commander stated:

Interviewee 22: For instance, in Liège, [they have] never had a Joint Investigation Team with The Netherlands or Germany, for instance. Never. It has been possible for the past three or four years, according to European law, to put together a Joint Investigation Team where, for instance, some investigators from Liège would go to work for two to three months in Heerlen, together with colleagues of The Netherlands. It is possible, but [they have] never [done] it.
**Figure 7.34. Step 4, Option 5 of the Process of Cooperation: JIT**

Source: Qualitative data for the present study.

**Interviewer:** Why? What is happening?

**Interviewee 22:** One investigator... has, on average, in Liège... he leads, at the same time, about eight, nine, or ten inquiries—at the same time. And, if [they] send an investigator of Liège, or two investigators of Liège, to Heerlen... they are lost for two, or three, or four months.

**Interviewer:** So, it is a question of manpower?

**Interviewee 22:** I think, yes.

This viewpoint appeared in other interviews, especially among the Belgian police and justice officials.

The next variable that helps influence police and justice officials to choose the Joint Investigation Team option is the perception that a JIT would offer “added value” over
the traditional mutual legal assistance option. Continuing from the interview transcript excerpt presented immediately above:

**Interviewer:** So, really, this just boils down to a question of manpower, correct?

**Interviewee 22:** Yes, and added value—to have some investigators who work together at the same place.

This fact concerning the importance of “added value” was corroborated in a separate interview with a German prosecutor, who explained:

> Nowadays, the state will say... “You can [establish a JIT] if you can point out that there will be *added value* from the Joint Investigation Team, as compared with the traditional way of mutual legal assistance.” [Emphasis in original] (German Prosecutor, Interviewee 11)

Therefore, it is not just the perception among practitioners that a JIT would offer “added value,” but also, the perception of the state itself, whose bureaucrats will review the request to establish a JIT.

> Variables such as the “desire for less paperwork” and the “desire for more direct work” can also influence police and justice officials to choose the JIT option. One Belgian examining magistrate spoke of both these variables:

> But I have done [a JIT] in the past, and so far, I have not really had problems with it. It has some advantages. It saves me from making a lot of paperwork—making up judicial requests. I can simply give an order, in this case, to a Dutch police officer, and it works more directly, and it saves me a lot of work. (Belgian Examining Magistrate, Interviewee 7)

For the most part, the interviewees across the countries were not strictly opposed to the use of JITs, except that they expressed laments regarding the lengthy bureaucratic process by which JITs are established, as well as their draining effect on police capacity.

> Interestingly, the opinions regarding the success of JITs varied widely. For example, consider the following statement made by a German prosecutor:

> We can form Joint Investigation Teams, but in the last years, we only had one, and it was not quite successful, I think. (German Prosecutor, Interviewee 11)
This viewpoint of a German prosecutor is entirely different from the viewpoint expressed by one Belgian police commander:

> We have the experience, of last year, of taking part in a Joint Investigation Team. That was our very first step, officially, in one big investigation, we worked together with the Dutch colleagues in this case, in terms of the JITs. In my experience, it was very good cooperation. (Belgian Police Commander, Interviewee 10)

Overall, the interviewees provided more positive reviews about JITs than negative ones. It is important to note, however, that the JIT option has been rarely used because of reasons such as: (1) the investigative measure is relatively new; (2) some officials are unsure of the legal precedent surrounding the admissibility of JIT-obtained evidence; (3) many Belgian police officials are opposed to offering manpower in support of a JIT due to an already limited amount of police manpower in Belgium, as well as the perception that JITs are misused by the Dutch as a way to solve Dutch police capacity problems; and (4) it has been (surprisingly) difficult for the officials in the Meuse–Rhine Euregion to identify a suitable case for a JIT (i.e., a case that is a crime-fighting priority for all three countries), for reasons that remain unknown. Therefore, an examination of the efficiency and effectiveness of JITs may be somewhat premature at this point in time.

### 7.4.3.5.1. Step 4(5)(a): The Prosecutors Must Obtain Formal Approval for the Establishment of a JIT in their Own Country

To establish a JIT, the first step is for the stakeholder prosecutors to obtain formal approval to establish a JIT in their own country (see “Step 4(5)(a)” in Figure 7.34 above). The process by which a JIT is established in each of the countries naturally varies somewhat, due to the differing hierarchical structures/chains of command in each of the countries. For example, in speaking about the process by which a JIT is established in Belgium, one Belgian prosecutor explained:

> When [we] want to make a JIT, we have to ask for the approval of the federal prosecutor, [and] that puts a limit on the use of JITs. They only want it for special, high-level cases, and not for everyday cases, because it takes a lot of time and a lot of work. (Belgian Prosecutor, Interviewee 15)

It is even more difficult to establish a JIT in Germany. One German police commander explained:
There’s also a new contract that allows Joint Investigation Teams...
You need an “okay” from the Minister of Justice here in Germany.
So, it’s very high-founded for a Joint Investigation Team, and, for that
reason, we don’t have it until now. For nearly 10 years, we have not
had a Joint Investigation Team. I, myself, only know of two JITs that
worked by the Bundeskriminalamt...
For each investigation, you have to found a new team, and they are only
allowed to work together for this special investigation for a short time—
some months.

And in Germany, you need the “okay” from the Minister of Justice.
So, the prosecutor has to ask the Chief Prosecutor in Cologne, [then] he
has to ask his country Minister in Düsseldorf, [then] he has to ask the
Federal Minister of Justice, and then you get the “okay” on the same
line. So, if you do it [i.e., initiate a request for a JIT], you have
half a year of time to spend to wait for an “okay.” (German Police
Commander, Interviewee 34)

Indeed, the JIT referred to above occurred in 2008 between The Netherlands and
Germany in response to heroin trafficking (see Table 3.2 above, Chapter 3). Since then,
however, Germany has been involved in at least two additional JITs. One German
prosecutor corroborated the above-noted facts by stating:

Then, another problem, the German side is very restrictive concerning
Joint Investigation Teams... For a JIT, I need permission of the federal
government (Berlin/Bonn). To get this I have to [outline] the added
value of a JIT compared with the normal procedure of mutual assistance.
So, in fact, civil servants with little or [no] prosecution experience decide
[the way in which] I should organize my investigation... (German
Prosecutor, Interviewee 11)

Lengthy JIT approval processes impede international police and judicial cooperation by
slowing down the enterprise. As such, the variable that “the JIT approval process takes
time” was added to Figure 7.34 above and highlighted in pink to denote its problematic
quality. Interestingly, as will be exposited below, the Dutch have the lengthiest and most
complicated formal process to establish a JIT, yet not one Dutch police or justice official
raised or complained about this fact.

The Process to Establish a JIT in Belgium

Compared to Germany and The Netherlands, it is easiest to establish a JIT in
Belgium, due to the relatively short chain of command by which such a request must be
canvassed (see Figure 7.35 below). The qualitative evidence revealing these steps were
garnered from four Belgian prosecutors, one of whom explained:
Figure 7.35. Step 4, Option 5 of the Process of Cooperation: The Process to Establish a JIT in Belgium

Source: Qualitative data for the present study.
Step 1: [The] public prosecutor or investigating judge writes to the federal prosecutor asking for the approval to form a JIT;

Step 2: [The] federal prosecutor agrees with the JIT, or not \textit{(i.e., if the request is made by the investigating judge, the federal prosecutor can only refuse for reasons of police capacity, or if the JIT is not in accordance with the national criminal policy)};

Step 3: If the JIT can disturb public order or harm the fundamental interests of Belgium, the federal prosecutor first has to get the approval of the Minister of Justice, before he can agree to the JIT;

Step 4: [The] federal prosecutor sends [the] approval to the prosecutor or investigating judge;

Step 5: [The] prosecutor or investigating judge signs the JIT agreement. (Belgian Prosecutor, Interviewee 15)

In sum, the Belgian chain of command to establish a JIT consists of only two levels: (1) the federal prosecutor, and in some cases (2) the Minister of Justice.

**The Process to Establish a JIT in The Netherlands**

The chain of command by which a request for a JIT should be canvassed in The Netherlands differs from the chain of command in Belgium (see Figures 7.36 to 7.39 below). One Dutch prosecutor briefly explained the Dutch process:

For a certain measure in Germany, there is a certain approval needed higher up, and [the German magistrate at the BES] knows where to get it, and who to call to arrange for that approval. I have the same. I have a good network in The Netherlands, and I can arrange that something is done quickly for such an investigation.

For a JIT, you need approval of the highest level—The Hague, our central board—and, I know what is important for them to give approval. So, I will tell my colleague, “I need this from you,” and I will call, and maybe they will get an approval at the same moment by phone already to start the JIT... (Dutch Prosecutor, Interviewee 39)

Clearly, networks and personal contacts can help facilitate the JIT-approval process.

When asked to provide more detail about the approval process for a JIT, another Dutch prosecutor described the step-by-step process:

The approval process for a JIT in The Netherlands:

Step 1: The public prosecutor informs his chief public prosecutor and gets his or her approval;

Step 2: He writes a legal request in which he asks his colleague public prosecutor to join in a JIT;
Step 3: This legal request has to be registered by the regional IRC (a common Bureau for the police and prosecution that registers and coordinates the follow-up on legal requests);

Step 4: The regional IRC sends the request to a national public prosecutor which is situated in the *Landelijk Parket* (national public prosecutors’ department) in Rotterdam;

Step 5: The national public prosecutor of the *Landelijk Parket* is competent to give a temporary approval to the start of a JIT;

Step 6: Then, the local prosecutor, together with his foreign colleague, works the building of the JIT out in a plan and a draft of the JIT agreement;

*Figure 7.36. Step 4, Option 5 of the Process of Cooperation: The Dutch Process to Establish a JIT in The Netherlands*

Source: Qualitative data for the present study.
Step 7: The plan and the draft of the agreement [are] sent to the chief public prosecutor of the *Landelijk Parket*;

Step 8: The chief public prosecutor of the *Landelijk Parket* approves (or not) both documents and sends them to the Board of General Public Prosecutors in The Hague;

Step 9: The Board of General Public Prosecutors approves (or not);

Step 10: After the approval, the (regional) Chief Public Prosecutor signs the agreement for the installation of a JIT;

Step 11: The JIT starts. (Dutch Prosecutor, Interviewee 40)

As aforementioned, this is the lengthiest chain of command by which a prospective JIT should be vetted, yet there were no complaints from the Dutch in this regard. This is explained by the shortcuts available due to “personal contacts,” as well as the advantages that the Dutch gain by establishing a JIT, namely the additional manpower and resources that come with international police and judicial cooperation.
Figure 7.38. Step 4, Option 5, of the Process of Cooperation: The Dutch Process to Establish a JIT in The Netherlands (Continued)
Figure 7.39. Step 4, Option 5 of the Process of Cooperation: The Dutch Process to Establish a JIT in The Netherlands (Continued)
The Process to Establish a JIT in Germany

The chain of command by which a prospective JIT must be canvassed in Germany is shorter than the chain of command in The Netherlands, but the Minister in Berlin must approve the prospective JIT (see Figures 7.40 and 7.41 below).

Figure 7.40. Step 4, Option 5 of the Process of Cooperation: The Establishment of a JIT in Aachen, Germany

Source: Qualitative data for the present study.
As was partially presented above, but worthy of reproduction in whole here, one German police commander explained:

**Interviewee 34:** You need an “okay” from the Minister of Justice here in Germany. So, it’s very high-founded for a Joint Investigation Team. And for that reason, we don’t have it until now. For nearly 10 years, we have not had a Joint Investigation Team. I, myself, only know of two JITs that worked by the Bundeskriminalamt...

So, the prosecutor has to ask the Chief Prosecutor in Cologne, [then] he has to ask his country Minister in Düsseldorf, [then] he has to ask the Federal Minister of Justice, and then you get the “okay” on the same line. So, if you do it [i.e., initiate a request for a JIT], you have half a year of time to spend to wait for an “okay”...

**Interviewer:** So, Germany, because the process to get a JIT is so complicated, you have only had two JITs in the past 10 years?

**Interviewee 34:** That I know of, and those were JITs that were founded on the works here in Aachen. Those were JITs where the Bundeskriminalamt (BKA) in Wiesbaden, Germany does work. I think it is the same like the FBI. It is a federal unit on the Bundes level... It is the police organization... on the federal level, police in Germany... each [German state] has its own police. But, there is one level up, and that is Bundes, and that is the federal level, and they have [had] two Joint Investigation Teams, that I know of. But here, in this Euregion, on the German side, we do not have a JIT.
**Interviewer**: But the two that you know of were done by the Bundeskriminalamt?

**Interviewee 34**: Yes. They were drug-related Joint Investigation Teams.

Recall that one German prosecutor corroborated the above, stating:

Then, another problem: the German side is very restrictive concerning Joint Investigation Teams. Historically, mutual legal assistance falls under Foreign Affairs, and it still does. Years ago, it was the Secretary of State who would decide if you can do it or not. But in our modern times, they have, by law, given it further down. They said, “You, in the prosecutor’s office in Aachen... you can do extraditions or whatever on mutual legal assistance, but there are some exceptions.” If the interests of the state may be involved, and there is a list of points where they say in cases, “Joint Investigation Teams fall under these exceptions,” then you must first ask Berlin what they think if we [in Aachen] give permission. So, if I even think of taking part in a Joint Investigation Team with other countries, I have to write via my General Attorney in Cologne, then North Rhine–Westphalia—which is one State in Germany. Our government is in Düsseldorf, so via Düsseldorf to Berlin. Then, in Berlin, they look it over, and say “Yes” or “No,” or that they “Have to know more.” For all practitioners, it is not a good idea that I have to ask Berlin. So, I have a Minister. He decides whether, in practice, a Joint Investigation Team will make sense or not. I think almost enough to decide myself [laughter]. Then, Germany officially says, “We are not against Joint Investigation Teams.” In former times, they used to say it must be the “Ultima Ratio,” which means “no other solution.” (German Prosecutor, Interviewee 11)

As was stated by Interviewee 34 above, it can take up to six months to obtain an approval for a prospective JIT in Germany. Obviously, such a delay can hinder the process of international police and judicial cooperation.

**7.4.3.5.2. Steps 4(5)(b) to 4(5)(l): The JIT is Established, and Its Tasks are Executed**

After the prosecutors in each participating country have obtained formal permission to establish the JIT, the JIT may begin. The next step is for the prosecutors and police officers to decide whether to base the JIT in one building (i.e., with each of the team members working side-by-side under the same roof), or to declare that the JIT team members shall remain based in their own respective buildings and countries (see “Step 4(5)(c)” in Figure 7.42 below).
In speaking about this step, one Belgian police commander went on to also describe steps 4(5)(d) to 4(5)(l), in one statement (see Figure 7.42 above, and Figures 7.43 and 7.44 below), as follows:

There are two possibilities. When you want to make a joint team, you, maybe, have to go and sit together in the same building, [and] everyday talk to each other. You are doing telephone [taps] in the same room, so you can speak with each other, [for example], “On my line, my suspect is saying this. What is your suspect saying?” and so on. This is, of course, the best way of working, but, there are a lot of practical problems. Where are you going to do it? Where do you have the opportunity? Which building? The computers, and so on? Who’s going to finance it all? Which language shall we speak? Because, it’s okay for Belgium and Holland, but it’s not very okay with the German colleagues, because they speak a totally different language [i.e., German]. Most of us can speak [German], but to write in German, or to read in German, it is not always very easy...

So, I was telling about JITs. There are two ways to make a JIT. [First], join together in one building together with them for a certain period. Let’s say, for half a year, we go to put 20 investigators together, we give them some materials, we give them goals, and we go. [Second], we [voted] for the other one: every team [shall] stay on their own ground, in their own building.
Figure 7.43. Steps 4(5)(e) to 4(5)(j) in the Process of Cooperation
Figure 7.44. Steps 4(5)(k) to 4(5)(p) in the Process of Cooperation

Source: Qualitative data for the present study.
So, what did we do? There is this EOT in Heerlen, with 12 people, and we have the eight police [officers] here in the federal police in [one city in Belgium]. We worked together on one Joint Investigation Team, but we all stayed in our unit, in our organization.

Every day, we shared information via EPICC. EPICC is a very good instrument to share information [such as]: What did you do today? What are the results of your investigation? Did you do some telephone tapping? Observations? And so on...

Every day, within each team, there was a daily briefing—of course. Every inspector did some task in the investigation, and [the leader of] the EOT, and [the leader] for my team, every day we did a briefing with [the] staff to hear what they did in the investigation, and so on.

And, once a week, [they] came together—the chief of the EOT in Heerlen and [the leader of the team in Belgium], together with the prosecutors—in Maastricht... So, we [met] there, and we talked and discussed the strategic goals: “Do we need some warrants?” “Do we need something from one or the other prosecutor?” “Did we [meet] our goals already, or do we need some more time?” and so on.

And, when there [are] some practical problems, let’s say from the starting of our telephone tapping, we did something else. The people in our station who were working with telephone tapping—two or three [people] everyday—they made a telephone call at the end of the day to share the information, let’s say, what was the most important [thing] to know [with] the other colleagues in Holland who are [also] doing their tapping there. So, you can’t wait one week to share information about what people are saying by telephone. You know, [when suspects are saying], “The girl has to come, and she has to be locked up in a building,” and so on. You can’t wait one week for sharing that [information]. So, we met every day, [or] every two days. We had [direct] contact between the tapping investigators, by phone or via EPICC. Sometimes, they shared the typed [transcript] of every conversation, and they shared via EPICC, because EPICC is capable to share the information in a very confidential/trusted way. We cannot send them [information] by e-mail, but EPICC does have a system.

(Belgian Police Commander, Interviewee 10)

In addition to describing numerous steps, the above-noted interview transcript excerpt also revealed that “resources” can either positively or negatively influence the process of international police and judicial cooperation at “Step 4(5)(c),” depending on the abundance or lack thereof. As such, this variable is highlighted in orange to denote its potentially problematic qualities (see Figure 7.42 above).

With specific regard to “Step 4(5)(i)” (i.e., the members of the JIT liaise with the prosecutors during the investigation), it should be reiterated that:
cross-border investigation without the public prosecutor is not possible. [For example], the leaders of the national teams in a JIT must be public prosecutors by law. (German Prosecutor, Interviewee 11)

This is a significant fact to keep in mind, because as will be revealed in the chapters that follow, some police officials do not prefer the fact that prosecutors lead JITs. This is a source of serious friction/difficulty that functions to decrease the popularity of JITs among police officials.

Moreover, it is important to note that, throughout the duration of any JIT, the composition of the team can change due to various reasons, and such changes can have a negative influence on the cooperation process. Two Belgian police commanders explained:

**Interviewee 9:** We also had a Joint Investigation Team with the national division in Holland, and, [with respect to] the cooperation, it was perfect. There was no problem. But the problem you have... they have a team—they have a unit there—but within this unit, the personnel who [are] working there [are] moving on quite often. So, within the period they are working together, we work together with about 30 persons—also, always different persons. So, for instance, you have the analysts, he got a better job, he moved out, you get a new one, and after two or three years, this analyst also moved out. So, you get another one, and you still have to do the investigation that is not so easy.

**Interviewee 10:** That’s correct. We work all the time with the same people—just like when I was talking about the EOT. [One Dutch police officer] was the head of the unit (EOT). Just after the JIT, after six months, he just went away [to take another job]. Okay, no problem with that, but after six months, you have another one. You can’t cooperate when every time you have new faces, new persons, new... [dynamics].

The problems associated with personnel changes were corroborated by a German prosecutor who, in a separate interview, stated:

For a Joint Investigation Team, you have to sign contracts. If you have personnel fluctuations, where one police officer goes out [leaves the Joint Investigation Team], and another police officer comes in, then you have to make a new [Joint Investigation Team] contract. I know of one case—a German and French Joint Investigation Team— they had 38 different personnel changes in the team. So, in the end, they had 38 different contracts. So, do you think that was positive for collaboration? No way...
You have to make a formal contract in which you have to name the target of the investigation, the [work] share [i.e., tasks] each participant shall have in it, and name the police officers taking part in the investigation. Once signed, you have to stick to it. If you want to change the target, or even replace a police officer, you will have to negotiate a new contract. (German Prosecutor, Interviewee 11)

Personnel changes within the context of the JIT are clearly problematic, with respect to both the JIT contract and also the sociological process of cooperation itself. The complications that have arisen from personnel changes have caused JITs to fall out of favour among some the police and justice officials. Since this hindering variable of “personnel changes” cannot be pinpointed to any particular step within this sub-process, it was not added to the figures discussed above.

7.4.3.5.3. Step 4(5)(m) to 4(5)(o): Police Prepare Evidence in a Formal Indictment, and the Lead Prosecutor Reviews the File

The next step is for the police to prepare the evidence in the form of a formal indictment (see Figure 7.44 above). One Dutch police commander explained that step, and what happens afterward:

They put it all together in a paper that the Dutch call “Process Formale”... which means... a protocol... that goes to the public prosecutor... and when he says, “I think it’s okay,” then it goes to court. (Dutch Police Commander, Interviewee 26)

This is standard procedure.

7.4.3.5.4. Step 4(5)(p): The Other Prosecutors Translate the File to Determine if They Can Profit from the Investigation

Interestingly, however, in the case of the JIT, there is only one file, which naturally poses implications with respect to language. One German prosecutor explained:

In a JIT, you only have one file in the language of the “leading nation.” So, if you work together with French-speaking Belgians and Dutch people, and the Belgians have the lead, the file will be made up in the French language following Belgian rules. If you now need a search warrant from a German judge, you must prepare a German translation of the (whole) file for him (which takes time and costs money), or you must ask the Belgian prosecutor to send you a request for mutual assistance, something the JIT idea just wants to avoid. And, if you want to have profit from the JIT investigation, you have, in any case, to translate the file and check if the Belgian way of investigation is also suitable for your case. (German Prosecutor, Interviewee 11)
Therefore, while JITs streamline some aspects of the cooperation process, the requirement for translations still remains imminent in some cases. Accordingly, the variables of “cost of translation” and “speed of translation” were added to Figure 7.44 above, and highlighted in pink to denote their problematic qualities with respect to the process of international police and judicial cooperation.

7.4.4. **STEP 5: The Case Proceeds to Court like a Normal Case**

Once the operational execution phase is complete, then the international case proceeds to court like a “normal”/local-level case. This step is identified as “Step 5” in the process of international police and judicial cooperation (see Figure 7.45 below).

*Figure 7.45. Steps 5(a) to 5(c) in the Process of Cooperation*

A number of interviewees corroborated this point. For example, one Belgian prosecutor stated:

> It becomes like a normal inquiry. They ask for the information through an MLA, and when they receive it, it becomes part of the Belgian inquiry. When the police finish their inquiry, the case is sent to court in a classical way. (Belgian Prosecutor, Interviewee 41)

In a separate interview, a German police commander echoed this point and provided more information, with the dialog unfolding as follows:
Interviewer: So now, the decision is made that the prosecution is going to happen in The Netherlands, and the process now is like any other case?

Interviewee 34: Yes. So, the German and Belgian files go to The Netherlands with letters rogatory, and they are worked out there for the jury.

Thus, the process of international police and judicial cooperation occurs mainly from Steps 1 to 4, as described above.

Continuing from “Step 5” presented above, a Belgian prosecutor and a German prosecutor, respectively, spoke about the sub-process concerning the hearing of witnesses:

Interviewee 12: It is then like a national case: you prosecute it until the end, you make the indictment, and it comes to the court. Then, perhaps, you have to invite the witnesses from abroad.

Interviewee 46: In Germany, it would cause some problems because you have to hear the witnesses again. I know that, from the Dutch system, it is similar, that you have more the written version (once you have heard the witnesses, then you can introduce the witness papers [transcripts]). In Germany, you have to hear the witnesses again. It’s a slight difference. But your question aimed on “How does it go on?” So, it goes on with national procedure. It is not international then, anymore.

It is important to note, however, that international involvement continues when the witnesses required to testify are the police officials from abroad (see “Step 5(a),” Figure 7.45 above). In one interview with a Dutch police commander, the following dialog ensued:

Interviewer: So, once the investigation is done, then it goes to the prosecution. And, what involvement does the police have with the judiciary?

Interviewee 31: It ends for us when it goes to the public prosecutor, but it could be that some of the colleagues who are involved are having to tell something about their investigation in that case, during the process.

Interviewer: Like, testify in court?

Interviewee 31: Yes.

Interviewer: And is there still an element of cooperation at that level, at that point in the process?

Interviewee 31: No. They have to testify, and that is it.
Interestingly, although international support is necessary for the prosecution to continue in any given country (by virtue of the attendance of police officers as witnesses in some cases), this support is not viewed as “cooperation” per se.

The process continues with defence lawyers possibly raising objections about the information/evidence obtained through international channels (see “Step 5(b),” Figure 7.45 above). One Belgian examining magistrate explained:

**Interviewee 7:** But then, of course, there’s always the possibility that when the case goes to trial in Belgium, someone might make an objection about [evidence/information obtained through informal international police and judicial cooperation]. Someone might say that, “These pictures in the case—I want them out of the file, because they weren’t obtained through proper channels.” That’s always a possibility. Then, it’s up to the judge to determine whether he lets them stay in the file, taking into account his judgment. But, at least, something in the file is better than nothing in the file.

**Interviewer:** How often do you find problems at that level, where there is a question, and people are making a big fuss about it, and the evidence is thrown out of court?

**Interviewee 7:** Well, it depends on how serious the case is. In cases that are less serious, with (generally) lawyers who are not as well-paid as some other lawyers, then things pass normally, with less problems. There is not a lot of fuss about it at trial. But in cases—especially heavy cases where there’s organized crime, where there are very well-paid lawyers in the case—then, of course, they try to seek every argument that is possible. Then, they make a lot of fuss about it in court. That can be a possibility, yes. But, that is, of course, their duty and their right as a lawyer; they have to exploit every means possible in favour of their client, of course. But, not every case is as serious as another case.

As noted in the first paragraph of the interview transcript excerpt quoted immediately above, the next step in the process (“Step 5(c)”) is for the judge to make a decision about the admissibility of the evidence (see Figure 7.45 above).

After the usual court process is followed, the judge then makes a decision about the guilt of the offender(s) and sentencing (see “Step 5(d),” Figure 7.46 below). One Dutch police commander explained:

...and the court says, “Okay, I am going to sentence it, or not”—mostly “Yes”—and then they go to jail. That is the process of it in a nutshell. (Dutch Police Commander, Interviewee 26)

With some exceptions, the court process is generally similar between the three countries.
The last step is one of reflection, wherein the police and justice officials consider the success (or failure) of the particular case of international cooperation (see “Step 5(e),” Figure 7.46 above). One Dutch prosecutor commented on the spectrum of possible results. The dialog in that interview proceeded as follows:

**Interviewer:** And the only way to get to the end is to go through each of the steps, as you suggest? It must be like that?

**Interviewee 39:** Yes. Each of those steps has risks, where it is not going optimal or well, and it influences the results. In my experience, in all the international cases, we have had cases on every quality level—total failures—if you want to make 10 steps with nobody arrested...

Then, we have [had] others that have had just a few arrests, where, if there were 10 people [in a criminal organization], only two would be arrested and eight would not be.

You could do it on a scale, from “total failure,” to “pretty good,” to “fantastic”—something like that. In reality, we have all these results.

**Interviewer:** Because the variables are always changing.

**Interviewee 39:** Yes, and the conditions or pre-conditions are changing every time again, because we don’t have it organized in a structure.

Most of the investigations will end “reasonably well”/“pretty good,” and a real minority is “very good,” if you ask me. So, it is not a negative.
I have experience in all for the steps, but 70% will come here [pointing to a piece of paper, indicating a successful result].

The possible results were added to Figure 7.46 above accordingly.

This concludes the exposition of the step-by-step process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, as pieced together by the researcher using the interview data gathered for this study. Now that the step-by-step process has been established, two additional datasets should also be presented here, namely: (1) data depicting the step-by-step process of international police and judicial cooperation as a funnel (much like the proverbial “criminal justice system funnel”); and (2) data revealing the police and justice officials’ perceptions regarding the efficiency, effectiveness, and their own personal satisfaction levels with respect to the international cooperation process.

7.5. The International Police and Judicial Cooperation “Funnel”

Due to various hindering variables, international police and judicial cooperation becomes increasingly difficult as a case proceeds through the process. There is also an attrition rate for cases that enter the process. To illustrate, consider the following discussion that ensued with one Belgian prosecutor:

**Interviewee 41:** We have 15 cases in a year that need collaboration.

**Interviewer:** Only 15?

**Interviewee 41:** It is different for the police. Here, it is for the judiciary. Police have more cases to collaborate on. Here, we have approximately 10 to 15 cases per year. There are police cases that are not so important, so they stay to the level of the police—they have not become cases that can be judged.

**Interviewer:** So, there are 15 cases of international law enforcement cooperation in [this one city in Belgium] that require cooperation with The Netherlands and Germany in a year? That means that there are more cases than 15 that require cooperation in the Meuse–Rhine Euregion as a whole?

**Interviewee 41:** Yes... There are two levels of cooperation... When it comes to [the] police, to share information between two police authorities... it is easier for the police of the three countries to share information—they don’t need anything. But when they need to use this information in a higher level—like magistrates—now it becomes more
difficult. The information that the police have [doesn’t] become concrete \([i.e., \text{formalized/official}]\); they are only investigating, but it does not become concrete to take it to court, for example.

**Interviewer:** That’s why you have to ask for it through an MLA?

**Interviewee 41:** Yes. For example, if they are tracking one person in Belgium, and he crosses the border, normally, the Belgian police cannot continue to chase him. Only if he has the authorization from the [judge] to continue, can he continue. That is a [judicial] case. In this case, the Meuse–Rhine Euregion functions very well.

To observe somebody after they cross the border, or the transportation of goods or people from one country to another, those three things function very well. There is very good communication between the police and magistrates...

You were surprised to find out that we only deal with 10 or 15 cases of international law enforcement cooperation a year, but it is also important to know that we don’t have a lot of means \([i.e., \text{resources}]\). It should be a really big case for us to invest so much energy and resources.

There are lots of small cases, but they are addressed by each country; they are not treated on this level \([\text{of international cooperation}]\). It should be a big case for it to be treated \([\text{by international cooperation}]\), because the manpower, and the financial means of the police and the judicial system are not very high—they don’t have the means... [Emphasis in original]

There are many opportunities throughout the process of international police and judicial cooperation for the process to be hindered, or to come to a complete stop, due to various variables. As well, the process of international cooperation becomes more difficult once the justice officials \([i.e., \text{prosecutors and examining magistrates}]\) become involved. These facts were clearly illustrated and supported throughout the current chapter. Consequently, not all cases of serious transnational organized crime reach ”Step 5” in the process of cooperation \([i.e., \text{court}]\). Therefore, the process of international police and judicial cooperation can be thought of as a funnel, to symbolically represent both the decreasing number of criminal cases, and the increasing difficulty of the process, as the process of cooperation continues (see Figure 7.47 below). This funnel concept was supported by other justice officials who provided similar interview data. For example, one Dutch prosecutor stated:

> When we are doing a case, operationally together, it is very good. The results are good. But, on a scale of 100% of cases to do, we only do very little. So, when we do it, I think the results are okay, but on the big heap of Euregional crimes, I don’t think that we do very many. I can’t give it a number because there is no number. It’s a dark number.
> (Dutch Prosecutor, Interviewee 8)
To be clear, the “bottleneck” in the process of international police and judicial cooperation occurs mainly at “Step 4,” which concerns operational execution. At that point, the process of cooperation becomes the most difficult and complex, since the most popular mode of operational execution is “classical” mutual legal assistance (i.e., the “long/hard way”). Significantly, the operational execution phase is one part of the cooperation process that the police and justice officials in the Meuse–Rhine Euregion wish to improve.
7.6. Perceptions among Police and Justice Officials Concerning the Efficiency, Effectiveness, and their Own Personal Satisfaction Levels with Respect to the International Police and Judicial Cooperation Process

Recall that, according to the organizational behavior literature, employees play a key role in organizational behavior, including organizational change (see Chapter 4 above). Therefore, the remainder of this chapter is dedicated to presenting the police and justice officials’ perceptions concerning the efficiency and effectiveness of the cooperation process, as well as their own personal satisfaction levels concerning the same, so as to elaborate upon the processual data presented above. As will become apparent, the responses to these three secondary research questions were quite varied, ranging all the way from “10 out of 10” to “5 out of 10”—across the questions. To orient readers to these datasets, summary statistics are presented first, followed by the qualitative evidence.

7.6.1. The Police and Justice Officials’ Views Concerning the Efficiency of the International Police and Judicial Cooperation Process

After describing the process of international police and judicial cooperation, the interviewees were asked the following question: “On a scale of 0 to 10—with 0 being the lowest, and 10 being the highest—how efficient would you say is the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?” The responses to this question are depicted pictorially in Figure 7.48 below, and the concomitant summary statistics are presented in Table 7.2 below.

To facilitate comparisons between groups, the data were converted from frequencies to percentages in Figure 7.48 below. Notably, most of the interviewees—across the countries—allocated an efficiency rating of “7 out of 10” for the process of international police and judicial cooperation (see also Table 7.2 below). Additional responses were skewed toward the low-end of the scale. The subsections that follow offer a closer examination of this dataset, by exploring the reasons behind the police and justice officials’ ratings.
Figure 7.48. Bar Graph Depicting the Police and Justice Officials’ Views Concerning the Efficiency of the Process of International Police and Judicial Cooperation

Table 7.2. Summary Statistics of the Police and Justice Officials’ Views Concerning the Efficiency of the International Police and Judicial Cooperation Process

<table>
<thead>
<tr>
<th>Efficiency Ratings</th>
<th>Belgians</th>
<th>Dutch</th>
<th>Germans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Respondents</td>
<td>23</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Sample Size for Summary Statistics</td>
<td>19</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>Average</td>
<td>6.84</td>
<td>6.4</td>
<td>7</td>
</tr>
<tr>
<td>Mode</td>
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<td>7</td>
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<tr>
<td>Median</td>
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<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Standard Deviation</td>
<td>0.90</td>
<td>0.97</td>
<td>1.63</td>
</tr>
</tbody>
</table>

Source: Qualitative data for the present study.

101 The “Sample Sizes for Summary Statistics” in Tables 7.2, 7.3, and 7.4 were determined by subtracting the number of respondents who provided a response of “It depends” from the total number of respondents to this question in general. This was done to separate the numerical values from the nominal values, so as to generate meaningful measures of central tendency.
7.6.1.1. “10 out of 10”

None of the interviewees rated the overall efficiency of the process of international police and judicial cooperation in the Meuse–Rhine Euregion as a “10 out of 10.” This is significant because it is another indication that the process of international police and judicial cooperation can be improved.

7.6.1.2. “9 out of 10”

Only two interviewees—one Belgian prosecutor and one German prosecutor, in separate interviews—rated the efficiency of the cooperation process as a “9 out of 10.” The Belgian prosecutor explained the rationale as follows:

I think a few years ago, we started at about “6 out of 10,” but thanks to the Meuse–Rhine construction, it is eight or nine, and you have some specific cases that it is even a “10 out of 10,” because we had one case, where we also had a Joint Investigation Team, and it was for human trafficking. It all started... in [one city in Belgium], but we had very specific information about the lines coming from, something like Eastern Europe, to Maastricht, and to Belgium. We here had all the information, and we took it to the meeting in Maastricht, and we said to the Dutch colleagues, “Here, we have very detailed information about human trafficking, and it is interesting for you because we have names, addresses, and everything very specific.” And then, it was a judge of instruction from Belgium, and a Dutch prosecutor, who said, “Well, we are going to start a Joint Investigation Team,” so that the Belgian and Dutch police officers worked together very, very closely. In the end, it resulted in a conviction in The Netherlands, and I think that last week, also in Belgium, we had also very good cooperation, so that was an excellent case of cooperation. (Belgian Prosecutor, Interviewee 13)

This glowing review, however, appeared to be an anomaly, since most of the other interviewees were somewhat more critical about the efficiency of the cooperation process.

7.6.1.3. “8 out of 10”

Two Belgian police commanders rated the efficiency of the cooperation process as an “8 out of 10.” One Belgian police commander explained:

The process is rather good, I think, “8 out of 10.” We have good processes. Sometimes, you can’t get the result, because there are some elements that do not depend on you. We have a good process. We have working groups working very well together, and at one time, they say, “Now, to go further, we need a common database,” and you don’t have the legal possibility to make a database, so you can’t have
this result, but the process is working well, I think, if that’s what you mean. It can be improved, of course, but I think it’s working well. (Belgian Police Commander, Interviewee 36)

In the interview transcript excerpt above, Interviewee 36 drew an important distinction between the process of cooperation, and the ways in which cooperation may be advanced. Although the two issues are related, they should be viewed separately for the purposes of analysis and discussion. These issues will be revisited/elaborated upon further in the final chapters of this dissertation.

7.6.1.4. “7 out of 10”

The most popular efficiency rating for the cooperation process was “7 out of 10,” across the different countries and professions. Interestingly, most of the Belgians and all of the Germans who answered this question with a “7 out of 10” did not provide further elaboration/explanation to justify their response. The Dutch police and justice officials, along with one Belgian prosecutor, however, provided some justification as to why they each selected “7 out of 10.” To begin, the one Belgian prosecutor explained:

Once we decide to work together, the cooperation works. Getting there is often the problem, but I think the situation is much better now than when the BES did not exist. So, I’ll give it a “7.” (Belgian Prosecutor, Interviewee 15)

In an interview with Dutch police commanders, the BES was also identified as a key facilitating structure in the process of international police and judicial cooperation. One Dutch police commander explained:

I would also say between “7 and 8,” because we already mentioned that we did not have, in former times, the possibilities. Now, we have the possibilities. We have very good cooperation—also the prosecutors—in Germany, Belgium, and Holland—thanks to BES. So, it’s very good, and I would not say that we have the right to have a “10,” but between “7 and 8” would be a very good score. [Emphases in original] (Dutch Police Commander, Interviewee 31)

The two interview transcript excerpts cited immediately above put a more positive “spin” on the efficiency of the international cooperation process. As will be shown below, however, other police and justice officials did not view the process as efficient. For example, while also citing a “7 out of 10” score, one Dutch prosecutor provided a more critical rationale, stating:
Well, it’s not very efficient... My first impression is that it is very, very effective, but sometimes it is like dragging a dead horse. (Dutch Prosecutor, Interviewee 8)

While the same ratings were cited by several interviewees, the rationales behind them were quite different. This is just one example of the strength of qualitative research to uncover more than what quantitative research is able to reveal, and why both methods were used in this particular instance.

7.6.1.5. “6 out of 10”

Only Belgian police and justice officials rated the efficiency of the international cooperation process as a “6 out of 10.” One Belgian prosecutor stated:

It’s a heavy procedure, so maybe “6” or “7 out of 10.” I don’t have lots of means [resources]. (Belgian Prosecutor, Interviewee 41)

This statement naturally refers to the negative influence that a lack of resources can have on the process of international police and judicial cooperation.

In yet another interview, another Belgian prosecutor re-framed the issue by looking at the bigger picture, stating:

“Six out of 10.” We have to find other solutions. We have to make other agreements, treaties, to be more effective, I think. But it is not up to the prosecutor to find those answers. It is up to politicians. (Belgian Prosecutor, Interviewee 6)

As will be argued in the latter chapters of this dissertation, the legal framework can undoubtedly be adjusted to help facilitate international police and judicial cooperation. As will also be argued below, however, the police and justice officials can do a great deal on their own—without the help of politicians—in order to help improve the process of police and judicial cooperation. These matters are fully discussed in Chapter 12 below.

7.6.1.6. “5 out of 10”

A small number of the interviewees rated the efficiency of the cooperation process as a “5 out of 10.” The following interview transcript excerpt, taken from an interview with a Dutch police commander and a Dutch prosecutor, goes far to illustrate the practical problems experienced at the ground-level during the cooperation process:
**Interviewee 28:** Asking for a wiretap for 10 lines, and we can only manage five wiretaps, then it is a “5 out of 10,” because you can ask [for] a lot of things, and you have to do the requests, but not all those things can be managed.

If you receive a request—an MLA—you go to the prosecutor’s office, and we go to the police forces here in The Netherlands, and you say, “They ask for 10 wiretaps, two house searches, and three arrests of people searched by the German authorities.” [Then the prosecutors say], “Okay, then we are looking for... okay, three of those 10 lines are not used for one month already, okay. Is it necessary to wire them?” Then we say to the Germans, “Okay, it is not useful to wire them.” So, we are working together.

[Efficiency is achieved] by keeping contact [with our international partners].

**Interviewee 29:** When we receive such an MLA, we look after it; [the IRC receives] the request, [registers] it, and [says], “Okay, this is for you.” We read it, we try to understand what they’re asking, and then I see something that is not useful to us, because we can’t do those things in Holland by law, or the person is not living anymore in Holland but he has moved to Belgium. Then, we call the prosecutor or police forces in Germany, and we say, “You’re asking this, but [your request] number seven, you mentioned ‘House search [of] Mr. X,’ but Mr. X is not living anymore in The Netherlands—he moved since, the 1st of April, to Belgium.” “Okay, I understand,” he says, and he knows he has to do an MLA to Belgium. Then, this MLA is successfully ended, but we did not do a house search. I’m trying to say that we manage those MLAs. And, when the Germans do good background work, they called us at an earlier [point] to see whether this person was living in The Netherlands...

While the officials may pose many requests for mutual legal assistance, unfortunately, due to pragmatics, not all requests can be answered. The interesting point to highlight here is that, *prima facie*, the two officials cited above viewed such failure in cooperation as amounting to a “5 out of 10” with respect to process efficiency. They went on, however, to actually explain that such failures can still ultimately result in “successful” cooperation (*i.e.,* effectiveness).

In a separate interview, a Belgian examining magistrate also drew attention to some practical problems that can arise at the ground-level and impede the efficiency of the cooperation process. This Belgian examining magistrate explained:

“Five or six out of 10.” It is not always efficient. I guess, it takes a lot of paperwork, the information does not always get swiftly to the place where it has to be.

Let me give you an example. A year ago, I asked the Dutch police in an ongoing investigation to make surveillance. We had information that a criminal meeting was taking place... somewhere in Holland,
and I asked the Dutch police force, *etcetera*, to make surveillance at that [location]. It is only a few weeks ago that I received the camera images of this [location], on which there was a lot of persons to see, who have already been in custody in Belgium for [many] months, and who have been disputing that they are involved in these facts, saying “I have never been there”—things like that.

Now, a few weeks ago, I received the camera images which show that these people are seen on the camera having meetings with other suspects. So, sometimes, I think, if I would have received this information months ago, we wouldn’t have had this discussion, all the while with the suspect denying his involvement and effects.

So, it happens sometimes that it is not efficient, and of course, it is not really damaging the investigation in this way that the suspect has not been released or anything, but it is a discussion that we could have prevented if we would have had the information sometime earlier. (Belgian Examining Magistrate, Interviewee 7)

Considering the interview data presented above, the Dutch police would likely explain that the reason for their delay in assisting this Belgian examining magistrate was due to a lack of police resources. If Dutch police resources had been set aside for the purpose of international cooperation, this Belgian magistrate probably would have been served much faster. This point will be discussed in the chapters that follow.

### 7.6.1.7. “It Depends”

Several interviewees decided to answer this question of efficiency with the response of “It depends.” Two Belgian police commanders explained their rationale as follows:

**Interviewee 20:** It depends on the case. In Belgium, we don’t have a global view of this. We are starting to do strategic analysis of criminality in the Meuse–Rhine Euregion.

**Interviewer:** Who is doing it?

**Interviewee 19:** Civilians, or police officers in EPICC. EPICC does that. But we do not have criminal analysts. So, we don’t know the results. That is the reason why it’s difficult to answer this question, because in one situation, the process is excellent—“9 out of 10”—and in another situation, another investigation, it may be “4 out of 10.” It depends on the type of investigation, but it is difficult to give a global appreciation.

As was established in the chapters above, the police and justice officials in the Meuse–Rhine Euregion are operating without proper baseline data concerning serious transnational organized crime. They have also been operating without data about the
complex enterprise of international police and judicial cooperation. Data are simply not gathered on these phenomena by Belgium, The Netherlands, or Germany.

In another interview, one Belgian prosecutor provided a different rationale to justify an efficiency rating of “It depends,” by explaining:

If they have the same interests, then it’s no problem. Then, we have a lot of meetings together, because it’s only 20 kilometres—it’s a short time to go to Maastricht. (Belgian Prosecutor, Interviewee 24)

The “same interests” was identified by several other interviewees as a variable that can positively influence the process of international police and judicial cooperation. This variable is discussed further in Chapter 8 below.

In a similar vein, but in a separate interview, one German prosecutor also explained that the efficiency of the cooperation process depends on certain variables. This German prosecutor simply stated:

That depends. If I find “open ears,” then it’s easy. (German Prosecutor, Interviewee 11)

As will be discussed at length throughout the remainder of this thesis, many variables contribute to “open ears” and ultimate “ease” in the process of international police and judicial cooperation.

7.6.2. The Police and Justice Officials’ Views Concerning the Effectiveness of the International Police and Judicial Cooperation Process

The interviewees were then asked: “On a scale of 0 to 10—with 0 being the lowest, and 10 being the highest—how effective would you say is the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?” In each interview, the researcher operationally defined the key terms (i.e., “efficient” and “effective”) for the interviewees. The term efficient was defined as relating to the workings/mechanics of the cooperation process, while the term effective was defined as relating to the results of the process, such as conviction rates. Figure 7.49 below displays the results to this question in the form of a clustered bar chart, and Table 7.3 below displays the summary statistics.
Figure 7.49. Bar Graph Depicting the Police and Justice Officials’ Views Concerning the Effectiveness of the Process of International Police and Judicial Cooperation

Source: Qualitative data for the present study.

The responses ranged from “10 out of 10” all the way to “5 out of 10,” and “It depends.” The most common “effectiveness rating” among the Dutch police and justice officials was “7 out of 10,” and the most common “effectiveness rating” among the Belgian and German police and justice officials was the slightly more negative “6 out of 10.” The rationales behind these ratings are presented below.

Table 7.3. Summary Statistics of the Police and Justice Officials’ Views Concerning the Effectiveness of the Process of International Police and Judicial Cooperation

<table>
<thead>
<tr>
<th>Effectiveness Ratings</th>
<th>Police and Justice Officials of the Meuse–Rhine Euregion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Belgians</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
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</tr>
<tr>
<td>Sample Size for Summary Statistics</td>
<td>21</td>
</tr>
<tr>
<td>Average</td>
<td>7</td>
</tr>
<tr>
<td>Mode</td>
<td>6</td>
</tr>
<tr>
<td>Median</td>
<td>7</td>
</tr>
<tr>
<td>Standard Deviation</td>
<td>1.34</td>
</tr>
</tbody>
</table>

Source: Qualitative data for the present study.
7.6.2.1. “10 out of 10”

None of the Belgian interviewees rated the overall effectiveness of the cooperation process as a “10 out of 10.” Meanwhile, two Dutch officials and one German official rated the effectiveness of the cooperation process as a “10 out of 10.” The following dialog ensued between the researcher and one Dutch police commander:

**Interviewer:** And by “effective,” I mean “results.”

**Interviewee 28:** Then it is a “10,” but I have to explain that, because in international law enforcement cooperation, we are obligated to do every MLA—there is always cooperation—so it will always be a 10, because we always have to work out an MLA. That is [due to] the European Convention on Human Rights and the national law. We have to do that. So it is always a “10.”

Generally speaking, there was much data suggesting otherwise. Specifically, many officials, as will be shown below, suggested that the end result of cooperation is not always a “10 out of 10.” For example, one German prosecutor put it this way:

If we do it, the result is “10 out of 10.” (German Prosecutor, Interviewee 11)

The key word here is “if,” which suggests that there are some cases in which cooperation does not occur. As was shown above, the process of cooperation can end with successful or unsuccessful results. Moreover, the examination of the step-by-step process of cooperation showed that there are many opportunities throughout the process wherein cases of cooperation can come to a complete halt. In these cases, success cannot be obtained. Therefore, cooperation cannot be labelled “effective” when it does not generate positive results, such as convictions.

7.6.2.2. “9 out of 10”

Notably, only five Belgian police and justice officials rated the effectiveness of the cooperation process as a “9 out of 10.” The typical rationale was provided by a Belgian police commander who stated:

I can speak for the drugs [section]… 90% [effective], together with the Germans or the Dutch. About 90% to 95% [of cases] go to trial. (Belgian Police Commander, Interviewee 44)
It was on the basis of estimates regarding the number of cases that proceed to trial that these five Belgian officials were able to gauge the effectiveness of the cooperation process.

### 7.6.2.3. “8 out of 10”

Three Dutch officials, one Belgian prosecutor, and one German prosecutor rated the effectiveness of the cooperation process as an “8 out of 10.” One Dutch prosecutor explained:

> The effectiveness: “8” to “9” [out of 10]. When a common investigation is started, success is mostly guaranteed. (Dutch Prosecutor, Interviewee 40)

In a separate interview, a Belgian prosecutor elaborated upon this perception, by stating:

> Conviction rates are very high because before we ask for some assistance from our colleagues in The Netherlands or Germany, we also think very carefully. We ask ourselves, “Is it worth it that we do the effort, or that we ask our colleagues to do the effort?” If it’s a case of lower priority, well then, we won’t ask for anything. So, I think that it’s “8 out of 10.” (Belgian Prosecutor, Interviewee 13)

The German prosecutor who ranked the effectiveness of the process as an “8 out of 10” stressed that, although there has been much improvement in this regard in recent years, there is still room for improvement.

### 7.6.2.4. “7 out of 10”

Most of the interviewees who cited “7 out of 10” in response to this question about the effectiveness of the cooperation process simply provided a numeric answer, and did not provide a rationale. Only two interviewees provided a rationale: one Belgian prosecutor, and one Dutch police officer. Notably, the Belgian prosecutor focused on the micro-level in providing a rationale:

> It’s difficult to say, because I don’t have a view of the results, but I can say something like “7 out of 10,” for two reasons. One, there is a lot of cooperation. There are a lot of structures, and they have a lot of meetings, but they lose a lot of time also. The advantage is that they have a lot of meetings, structures, negotiations, and talking. The disadvantage is that they have too much of that; they are not operational enough... The Dutch like to talk a lot, as you know [laughter]. But also the Germans too. We like to take a file and start...
If you give a file to the Dutch, they say, “Stop,” and then we start talking for half an hour about... But we [Belgians] start working on it, and perhaps, we will see, after some days, if we need a meeting...

We insist that [there should be] more results in the Euregion. It’s a nice idea, it’s quite a good structure also, but with [Dutch] priorities and the selection of files... we want to have results, and I’m afraid that we don’t get that... [T]he Board of the College of Prosecutors General in The Netherlands... insists on the same thing. They insist to have more results [in the Meuse–Rhine Euregion]—that there is too much talking. (Belgian Prosecutor, Interviewee 4)

In contrast, one Dutch police commander focused on the macro-level in providing a rationale:

We are still not a “10,” but I would say, between a “7” and an “8 out of 10.” It could always be better, but, as I already said, after 1995—after the treaties came—Enschede, Prüm—we have lots of possibilities. To give you an example, for instance, in 1995, we had a murder in Heerlen. A woman was murdered in a severe way. We did not solve the case, but the “Prüm Treaty” gives the opportunity to exchange DNA. So, we had in this case—the murder case from 10 years ago—we found at that time DNA—strange DNA—and we compared it with DNA in a German DNA databank, and we found the suspect in Germany, and he confessed after 10 years, after we showed him that we found his DNA at the crime scene. He confessed to the murder, 10 years later. When we did not have the “Prüm Treaty,” or the possibility that we were given to exchange DNA, it was impossible, and we would still have a cold case that we did not solve. But now, we solved it. So, Prüm is very important, and not only with DNA, but with fingerprints too. So, Prüm is, on several additional points, additional to the Benelux and the “Enschede Treaty”... (Dutch Police Commander, Interviewee 31)

Thus, while different factors were taken into account, each of these officials were led to the same conclusion: “7 out of 10.”

7.6.2.5. “6 out of 10”

A total of eleven police and justice officials across the three countries rated the effectiveness of the cooperation process as a “6 out of 10.” One Belgian prosecutor stated:

“Six out of 10”... because it can be improved, and because of the different problems I mentioned, such as time, translations, etcetera.

The problem is that criminals can pass through the border easily. For us, the police have to stop at the border, and cannot go through. That makes it very difficult for us to find criminals, because criminals
have no limits geographically, but we have [geographical and other] limits. (Belgian Prosecutor, Interviewee 6)

This statement represented the common outlook of this subgroup.

7.6.2.6. “5 out of 10”

Only two interviewees—both Belgians—rated the effectiveness of the cooperation process as a “5 out of 10.” One Belgian examining magistrate explained:

Interviewee 7: “Five or six out of 10.” Well, this is a feeling I have, but I’m not sure whether this is shared by my colleagues in, for instance, Holland. I have the feeling that maybe we are more effective in Belgium. Maybe due to the... more complex, or, seemingly unorganized way things sometimes happen in Belgium, but they happen.

In Holland, there is another approach [to] criminal investigation. A case has to be sometimes [brought] in front of a commission before it’s decided to put police or judicial capacity into it. They weigh a case, in fact. And this system, sometimes, I have the impression, it makes things... the Dutch don’t always receive results in their cases.

I’ve had cases here in Belgium where the suspects have been detained—been charged of criminal effects, which are usually quite serious—but those people should have been tried in their own country years before. Normally, that would’ve been the case. If you spend too long discussing whether or not you will investigate the criminal activities of a certain suspect, while you are discussing it, the suspect keeps on going with his activities, and it keeps growing, and it becomes more and more difficult to catch him. So, that’s my impression. It’s difficult to explain, but, I sometimes have the idea that people should have been tried a long time before in Holland, but they were not. Then, they came to Belgium, and we have to clean up the problem which should have been cleaned up before in their own home country. We don’t spend a lot of time discussing whether or not we will put police capacity into an investigation. We just investigate it and start the investigation, instead of spending months and years discussing whether we will investigate it.

Interviewer: It is more action in Belgium, and less talk.

Interviewee 7: Yes—that is a way of putting it. Although, in Holland, there is more structure. These meetings about whether or not to investigate a case... it is more structured. There are commissions and hearings, and things like that. Here in Belgium, those things don’t exist, but at least we do investigate them, and we don’t spend time discussing whether to investigate them. So, in a way it’s a bit more chaotic, but it’s giving us more results, I guess, than in Holland. But that is my impression. Maybe my colleagues in Holland don’t agree with that. [The Dutch] have the idea that things in Belgium are more chaotic than in their own country.

Also, due to differences in their judicial system, which they do not always understand, so they don’t find their way always... addressing the wrong magistrate... addressing themselves to the public prosecutor,
when they should have been addressing it to me, or vice versa when the case is already out of my hands. So, [the Dutch] don’t always find their way. So, they think that things are chaotic here [in Belgium]. We do have quite good legislation, and we try to make the best of it, and we try to get results.

I am not giving good publicity to my Dutch colleagues [laughter]. It’s not like I am chauvinistic or anything. It’s only my personal experience. However, when I meet my colleagues, it’s not like we argue a lot. They are nice people, and I try to be nice to them also, but sometimes, [sigh], it’s frustrating.

In sum, the variables of the Dutch “Weigh Commission,” “different ways of working”, and “different judicial systems” were identified by this Belgian examining magistrate as influencing the effectiveness of the cooperation process.

7.6.2.7. “It depends”

Finally, four Belgian officials explained that the effectiveness of the process depends on various factors. Two Belgian prosecutors explained the situation as follows:

**Interviewee 24:** It depends on the case. It is difficult to say. It depends on the evidence they can gather. It is the same problem—if they want to cooperate—especially the Dutch capacity. I have had, in all these years, I have had many results in drugs [i.e., investigations], in actions, the same day, in the two countries. On the same day, we talk to the press in the two countries. And, there are also cases where there is nothing, because they don’t have capacity.

**Interviewee 25:** It is always the same question: if they are interested, or not. If they are interested, [the end result of the cooperation] is perfect. If they are not interested, it’s zero [laughter].

**Interviewee 24:** If we have targets on both sides of the border, and the [criminal] leader is located in The Netherlands, then we will have results. And, when The Netherlands know the [criminal] leader, and they have the same interests, then you will have good results.

The variables of “same interests/priorities” and “police capacity” tend to favor a successful conclusion in cooperation, particularly if the case is instigated by The Netherlands, and for The Netherlands. Many other interviewees in Belgium and Germany raised this fact about The Netherlands. These perceptions/observations/realizations by the Belgians and Germans about Dutch behavior have not helped to facilitate cooperation. On the contrary, these facts have hindered cooperation, as they have made the Belgians and the Germans less eager to participate in international cooperation with the Dutch, because generally speaking, the Dutch are viewed as focused on their own interests. Specifically, the Dutch police and justice officials are seen as willing to cooperate when the case concerns the
Dutch, the case matches Dutch crime-fighting priorities, and when the Dutch have police capacity available, but recalcitrant when these criteria are not met.

In another interview, two Belgian police commanders qualified their statement of “It depends” by explaining that “it is very difficult to say,” due to different definitions of the term “conviction rate.” The following discussion ensued with these two Belgian police commanders:

**Interviewee 35:** It is very difficult to say.
Conviction rates... you know, the “conviction rate” is when you solve a crime?

**Interviewer:** Yes.

**Interviewee 36:** There is not one definition of “conviction rate” between all three countries.

**Interviewer:** It’s very hard...

**Interviewee 36:** Yes, it’s very hard. If you begin with conviction rates—statistics and so on—you will have a big problem, because the definitions are not the same. In Belgium, we have a “successful conviction” when we know all of the criminals that participated in the case, [and] we arrested at least one of them. Then we can say for us that this goes as a “conviction.” In Germany, you only have to think you know the authors of a crime—well, not only think, but you have to have some indications about the authors—and then, for you, the job is not done, the police officers will search to arrest them, but in that case [it gets counted] in the conviction rate. You know? So, we have to know all the authors, and at least to have arrested one of them, whereas our German colleagues statistically can say, “This crime is okay for us” when they think they know who did it. So, you have conviction rates... I can tell you... you have conviction rates for 12 people in Belgium, and for the same criminal category, you’ll have five persons in Germany, but you can’t compare it.

“Different definitions” with respect to crime types and conviction rates between the three countries clearly contribute to problems in drawing comparisons. It seemed, however, that sometimes, some interviewees would draw upon the lack of data as a way of ending the conversation. As was discussed at length in Chapters 3 and 6 above, the enterprise of international police and judicial cooperation has been long-standing in the Meuse–Rhine Euregion. It is surprising that mechanisms have not yet been put into place to harmonize data collection between the three countries, so as to help guide international cooperation efforts. This will be discussed further in the chapters below.
### 7.6.3. The Police and Justice Officials’ Personal Satisfaction Levels with Respect to the International Police and Judicial Cooperation Process

After being asked to rate the efficiency and effectiveness of the process of international police and judicial cooperation in the Meuse Rhine Euregion, the police and justice officials were then asked: “On a scale of 0 to 10—with 0 being the lowest, and 10 being the highest—how satisfied are you overall with respect to the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?” Figure 7.50 below displays the responses to this question in the form of a clustered bar chart, and Table 7.4 below reports the measures of central tendency.

As Figure 7.50 and Table 7.4 show, most of the police and justice officials across the three countries cited “7 out of 10” or “8 out of 10” in response to this question. The differences between the means could not be tested by virtue of a statistical “t test” because the samples were not generated randomly. Therefore, these datasets could only be examined using summary statistics, alongside the raw qualitative data.

**Figure 7.50. Bar Graph Depicting the Police and Justice Officials’ Personal Satisfaction Ratings with Respect to the Process of International Police and Judicial Cooperation**

![](image)

*Source: Qualitative data for the present study.*
Table 7.4. Summary Statistics of the Police and Justice Officials’ Personal Satisfaction Ratings with Respect to the Process of International Police and Judicial Cooperation

<table>
<thead>
<tr>
<th>Personal Satisfaction Ratings</th>
<th>Belgians</th>
<th>Dutch</th>
<th>Germans</th>
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<td>Total Number of Respondents</td>
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<td>Sample Size for Summary Statistics</td>
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</table>

Source: Qualitative data for the present study.

7.6.3.1. “10 out of 10”

None of the interviewees stated that they are 100% satisfied with the process of international police and judicial cooperation in the Meuse–Rhine Euregion. This finding is significant because it suggests that police and justice officials may be open to new ideas that may help improve the process of cooperation.

7.6.3.2. “9 out of 10”

Only three Dutch police commanders stated that they have a personal satisfaction level of “9 out of 10” with respect to the international cooperation process. One Dutch police commander explained:

I am very satisfied because I’ve been working in the police force for [many] years now, and the last [several] years have been... international cooperation. If I see the evolution of what was from 12 years ago, until now, it’s incredible... and it’s thanks to the treaties, because we want to cooperate. There are many colleagues in Belgium and Germany who want to cooperate, but when you don’t have the tools to cooperate, then it’s very difficult. (Dutch Police Commander, Interviewee 31)

As will be seen below, the majority of the other interviewees had lower personal satisfaction levels with the process of cooperation.
7.6.3.3. “8 out of 10”

Most of the Belgian police and justice officials reported a personal satisfaction level of “8 out of 10” in terms of the cooperation process. The dominant view among the Belgian officials was succinctly captured in one statement made by a Belgian prosecutor:

“Eight and a half out of 10.” The cooperation has greatly improved. There is a mutual understanding of each other's possibilities and limits. When we do (or don’t do) something, we try to explain why (it isn’t possible)... but there is always room for improvement... the cooperation is much better than before. (Belgian Prosecutor, Interviewee 15)

In a separate interview, two Belgian police commanders expressed the same point of view, but offered more detail to explain their perspective:

**Interviewee 35:** There are positive things, but there are also things that we must work out to make it better. But we also see... we have a positive attitude in this work, but there are frontiers, different systems, different ways of working, different laws...

**Interviewee 36:** I would like to say, how satisfied are we? I think it depends [varies] from year to year, but now, we have reached a good level. Two years ago, I would have said, maybe “6 out of 10.” Now it is “8 out of 10.” I think, because, we went through some real hard problems, within the working group on drugs, and that also has to do with differences in law, differences in systems, and cultures too, but we managed it. We went through it, and now we are really on a really good level. And if we are on a good level for the drug problem, then we can say that we have made great steps, because that is, maybe, the biggest problem here, because of the differences in laws and systems.

**Interviewee 35:** If you had said to a German police [officer] two years ago that drug plantations would be a priority in The Netherlands, they would say, “You are ill.” But now it’s a priority, for the whole Netherlands.

**Interviewee 36:** So, I would say “8 out of 10.”

Thus, the significant progress that has been made in terms of improving the cooperation process over time has helped to positively influence some officials' personal satisfaction levels concerning the process.
7.6.3.4. “7 out of 10”

Like those police and justice officials who reported a personal satisfaction level of “8 out of 10”, the police and justice officials who cited a personal satisfaction level of “7 out of 10” provided essentially the same rationale, namely that the process of cooperation has improved a great deal over time, but there is still room for improvement. The following response offered by a German police commander represents the dominant view among this subgroup:

Well, I grew with it. I have seen it from the beginning until now. I have the idea that it could be better. So, I think [my satisfaction] is “7 out of 10.” I trust that it will become better. (German Police Commander, Interviewee 34)

In a separate interview, one Belgian prosecutor provided more information:

I am very satisfied. Perhaps, I think that there has to be more exchange, and perhaps more cooperation possible. So, I would say that it is “7 out of 10.” But the reason is that, sometimes here in [my city in Belgium], I always push my colleagues to give information and to think further than [this city] only, because crime doesn't stop at the frontiers... sometimes, I think my colleagues don't give the information quickly, or they say, “Well, we have our criminals here, and that is enough,” and they think very local, because before we have our meeting in Maastricht, [a meeting reminder is sent by email] to everybody to say that, “We have a meeting. We have some points and cases to discuss,” but there [are] very few reaction[s] to that. So... I think that's something that we have to work on here in [this city in Belgium]...

I think that there is more information that can be shared, or that can lead to investigations in the region... I think that there is a lot of information that stays here. (Belgian Prosecutor, Interviewee 13)

The lack of inter-agency information sharing was an issue raised by several of the interviewees, and will be addressed in greater detail in Chapter 8 below.

7.6.3.5. “6 out of 10”

Most of the people who stated that their personal satisfaction level can be rated as “6 out of 10” simply provided a numeric response. Only one rationale was provided by a Belgian examining magistrate, who in speaking on behalf of two other Belgian examining magistrates stated:

“Six out of 10.” It can be improved, and especially with The Netherlands, in our opinion. (Belgian Examining Magistrate, Interviewee 16)
A great deal of frustration was expressed by some of the Belgian officials toward some of the Dutch colleagues with respect to the cooperation process, in terms of the obstacles that the Belgians face in cooperating with the Dutch (i.e., lack of Dutch capacity, different priorities). Some of this frustration has already been revealed in a few of the interview transcript excerpts presented above. These issues will be examined in greater detail in Chapters 8 and 9 below.

7.6.3.6. “5 out of 10”

There was a broad spectrum of results among the subgroup of officials who reported a personal satisfaction level of “5 out of 10” with respect to the cooperation process. One Dutch prosecutor stated:

My personal satisfaction: “5” [out of 10]. We certainly can and must do better in this field, because in a region like ours, public security can only be served by cross-border cooperation. That means that those who are in charge [should] look further than their own borders. (Dutch Prosecutor, Interviewee 40)

More information was provided in a separate interview with a Belgian examining magistrate:

“5 or 6 out of 10.” I have the impression that police cooperation works better than judicial cooperation.

For instance, when I need information from Holland, I try first to obtain this information by asking my police force to ask the Dutch police force. Sometimes, I get this information much more quickly, and without all the paperwork, meetings and discussions. So, I have the information. The only problem is that this is “police information,” which if I want to really use... in a criminal case, I have to make it official by asking my colleagues in another country, for instance, in Holland. But, at least, if I already have the information... my investigation [can] continue...

So, I try to look for the least resistance... for instance, by using police channels, which are sometimes more efficient... (Belgian Examining Magistrate, Interviewee 7)

This, of course, confirms that the “classical” process of mutual legal assistance is indeed more lengthy and prone to problems than the more informal process of international police cooperation.
In a separate interview, a critical perspective was offered by one German prosecutor who stated:

It is like “50–50.” So, “5 out of 10.” (German Prosecutor, Interviewee 11)

Unfortunately, there are no statistical data available that measure the success of international police and judicial cooperation cases. Therefore, it should be stressed that comments such as these are perceptions. Nevertheless, it is interesting and revealing that an official would make a comment such as this. As has been clearly established above, although there has been great advancements in international police and judicial cooperation, there is still room for improvement.

7.6.3.7. “It depends”

A few officials—two Belgian prosecutors, and one Dutch prosecutor—explained that their own personal satisfaction levels with the process of cooperation vary, depending on certain variables. In one interview, the three Belgian prosecutors explained:

**Interviewee 24:** It is always the same. Sometimes, it’s perfect, but other times it’s zero.

**Interviewee 48:** If you compare our cooperation here in our region with the rest of The Netherlands, and it is “10” here, then it is “3” or “4” there.

**Interviewee 25:** It’s very specific.

**Interviewee 48:** It is knowing people, and having daily contacts. Our police work practically daily with them. So, they get to know one another. But when you go higher up into The Netherlands, you don’t have those contacts, then it’s difficult to get something.

**Interviewee 25:** Or with France, for example, it’s very difficult [laughter].

**Interviewee 48:** International cooperation depends a lot on having good personal contacts with other prosecution services.

The variables of “personal contacts” and “geographic proximity” are discussed in greater detail in Chapter 8 below.

One Dutch prosecutor also reported that their own personal satisfaction level with the process of cooperation depends on the perspective from which one views the issue:
The way we made progress, coming from where we came from, we are doing very good. We are at an “8” or a “9.” But, on the whole, maybe I’m impatient, but I would like to say that we are only at “5,” because there’s so much more to do. So, it depends a bit on the perspective that you’re looking from. (Dutch Prosecutor, Interviewee 8)

This statement concludes this subsection, and also reconciles the disparity among the various satisfaction ratings reported above.

7.7. Summary

In responding to Research Question #2, the police and justice officials demonstrated different levels of knowledge and expertise with respect to the process of international police and judicial cooperation in the Meuse–Rhine Euregion. The interviewees generally only spoke about their own specific part in the process of cooperation. Nevertheless, this chapter revealed numerous interesting research findings. The main findings of this chapter were that:

1. Some interviewees were better-versed in the process of cooperation than others, with some so knowledgeable, experienced, and strategic in the process of cooperation that they may be called “Masters in Cooperation”;
2. The process of cooperation—even when considered in a generic form—is complicated, consisting of many discrete steps;
3. Many influential variables were identified as having the capacity to either facilitate or hinder the process of cooperation at specific steps;
4. Surprisingly, most of the police and justice officials did not refer to the BES at all while describing the process of international police and judicial cooperation in the Meuse–Rhine Euregion. The only people who referred to the BES as playing a part in the process of international police and judicial cooperation were officials from the BES, as well as only three other justice officials ($n = 6/44$). This is the first point in the process of international police and judicial cooperation where it appears that the system of cooperation established in the Meuse–Rhine Euregion may not be working optimally, simply by virtue of the fact that a key entity for cooperation (i.e., the BES) was not referred to by a larger number of the interviewees;
5. Most of the officials reported using the most complicated, difficult, and time-consuming approach for operational execution in the context of international police and judicial cooperation (i.e., classical mutual legal assistance), when easier/faster options exist. This suggests that the process of cooperation may be longer and harder than it has to be;

6. The “Masters in Cooperation” reported using the easiest/fastest (informal) channels in cooperation at key points in the process;

7. JITs are rarely formed, due to: (a) the highly bureaucratic procedure by which JITs are established, and (b) the negative perceptions surrounding the use of JITs;

8. Efficiency, effectiveness, and personal satisfaction ratings concerning the cooperation process all hovered around the “7 out of 10” mark across the countries and professions, suggesting that the cooperation process can be improved.

The foregoing in-depth examination of the cooperation process was necessary because: (1) the step-by-step process of international police and judicial cooperation in the Meuse–Rhine Euregion, along with the influential variables, have never before been documented or examined; (2) the data help reveal what is happening in practice in the Euregion; and (3) the data provide a grounded framework for further analysis and discussion. In conclusion, this chapter answers Research Question #2 by revealing that the process of international police and judicial cooperation proceeds in a sequential, step-by-step manner, with one or more variables influencing each step, and the “fast channels” remain open to the “Masters in Cooperation” at the key points in the process of cooperation.

7.7.7 Looking Ahead

Chapter 8 below identifies and describes the many other variables that influence the process of international police and judicial cooperation. To be clear, the variables identified here in Chapter 7 were the ones that emerged from the interview data in specific regard to the discussions concerning the step-by-step process of international cooperation proper (i.e., Research Question #2). When asked to identify and describe additional variables that influence the process (i.e., Research Question #3), many other variables were discussed—both deductive and inductive. While the variables stemming from Research Question #3 were not added to the flow-chart diagrams presented here in Chapter 7, these variables nevertheless operate in the background to
influence the process of cooperation, and should also be considered when setting out to determine the ways in which international police and judicial cooperation may be improved. Therefore, Chapter 8 builds upon Chapter 7 by delving deeper down the proverbial “rabbit hole” in search of the other variables that influence the process of international police and judicial cooperation, so as to further establish a solid foundation for Research Question #4, which examines how the enterprise of international police and judicial cooperation in the Meuse–Rhine Euregion may be improved.

**Interviewer:** What variables influence the process of international law enforcement cooperation in the Meuse–Rhine Euregion?

**Interviewee 9:** The people themselves.

**Interviewee 10:** Yes, it starts with the people. That’s correct.

This chapter builds upon the findings presented in Chapter 7 by identifying numerous additional variables that influence (facilitate/impede) the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. By way of some background, when asked to identify the variables that influence the process of cooperation, only a few of the interviewees were able to identify some variables “off the top of their heads,” with others candidly confessing to the researcher that they had never before thought about the process of cooperation from such a perspective. Therefore, the list of deductive variables examined in Chapter 4 was used to guide all of the interviews at this point (see Appendices E to H).

The interviewees were then asked if they could identify any additional influential variables (i.e., inductive variables). In some cases, the officials agreed that the list of deductive variables stemming from the organizational literature was comprehensive, and that they could not think of additional variables that influence cooperation in the Euregion. In other cases, however, the interviewees were able to identify additional influential (inductive) variables. Therefore, a clear demarcation is made in the present chapter.

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It should be noted that the interviewees provided the same sorts of responses to the following questions: (1) “What are the variables that make cooperation proceed badly?”; (2) “What are the challenges in cooperation?”; and (3) “What are the gaps in cooperation?” Therefore, the researcher concluded that these lines of questioning are the same, and that they simply offer different ways of approaching Research Question #3.
between the deductive versus inductive variables, so that readers may see exactly how the present study builds upon and extends the organizational behavior literature. These findings are presented here to: (1) fill the lacuna in the published literature relating to organizational behavior within the context of international police and judicial cooperation in the Meuse–Rhine Euregion; and (2) answer Research Question #3 by arguing that, although the extensive and complex international legal framework may leave some people with the impression that the process of international police and judicial cooperation should occur smoothly and predictably within a “vacuum” that is immune to outside influences, the present research suggests that an overwhelming number of micro- (individual/interpersonal) and macro- (organizational) level variables affect (facilitate/impede) the process of international police and judicial cooperation in the Meuse–Rhine Euregion.

8.1. Micro / Individual-level Variables

A long list of micro-level variables were identified as influencing the process of international police and judicial cooperation in the Meuse–Rhine Euregion. This list includes all of the deductive individual-level variables listed in Chapter 4, except for the variables of “psychological capital” and “learning.” The additional inductive variables of “recruitment,” “knowledge/expertise,” “experience,” “speed/time,” and “specialists” also emerged as playing an influential role in the process of cooperation. Each of these variables is discussed below.

8.1.1. Deductive Variables

The interviewees confirmed that the following deductive individual-level variables play a role in influencing the process of international police and judicial cooperation in the Meuse–Rhine Euregion: “culture,” “beliefs,” “values,” “attitudes,”

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103 This was not surprising, since the OB approach focuses largely on the micro-level.
104 Due to time and resource limitations, these two variables were not explored in the present study. It should be noted, however, that with respect to the variable of “psychological capital,” one related variable (i.e., “optimism”) emerged from the data, and will be discussed below in relation to the variable of “attitudes.” In addition, although the variable of “learning” was not explored in this study, the related variable of “training” was explored to some extent, and the concomitant findings are also presented below.
“personality,” “perceptions,” “motives/motivation,” and “training.” The first of these variables to be discussed is “culture.”

### 8.1.1.1. Culture

A number of specific examples were provided by some interviewees to illustrate the influence of culture on international cooperation. While culture was cited by almost all the interviewees as an influential variable, the interviewees disagreed with respect to the type of influence this variable has on international cooperation. For some, culture facilitates cooperation, because according to them, they share the same culture. For others, however, culture hinders cooperation, because in their view, there are significant cultural differences between the key stakeholders across the three countries in the Meuse–Rhine Euregion. The different points of view, along with the consequences of the varying perceptions, are examined below.

#### 8.1.1.1.1. All One Culture

Some of the interviewees began by drawing upon history, recounting how the countries used to be “all one country,” which has established a shared *bourgondisch culture* (*i.e.*, the love of life, good food, good drink). Two Belgian police commanders explained:

**Interviewee 10:** In Napoleon time, before 1830, Belgium became independent. Before this, we had the French Revolution—Napoleon law—the French occupation. So, the King Napoleon had this whole entire region adapted to France. At some time, the King of the Low Lands—there was a Dutch king at the time—he took back a part of Belgium and Holland from the French occupation. And from that time, the two Limburgs—the Belgian part of Limburg and the Dutch part of Limburg—became one region. Afterwards, in 1830, Belgium split up from the Dutch occupation... and made one entire country.

But we feel a lot more effectiveness with Maastricht or Heerlen people, because they speak our same dialect... in Limburg. When we go to Brussels... I would rather deal with somebody in Maastricht, than to speak to somebody in Brussels. Brussels is far away [from the Euregion], they have other dialects, backgrounds, and so on.

**Interviewer:** I didn’t know that.

**Interviewee 10:** Yes, and that’s the reason why... because, the very first [question] that you [asked] is, “How can this kind of cooperation work?” And the very first answer we just gave is “the people,” “motivation,” and so on. So, this history—that the people within this triangle [of the Euregion]—Limburg, and also a bit of the German-speaking part—it is just historical. We were [once] together, [then] split
apart, but we always speak the same dialect, have the same historical backgrounds, and so on.

A small example [for you]... When we work together with the Germans—the Dutch and the Belgian officers—when we have a case, and in the evening, we say, “Can we go for a drink? For a beer?” We go for a beer, but when we ask people from the other sides of the countries, they say, “No thank you. We go home” [laughter].

**Interviewer:** Which parts of the countries are you talking about?

**Interviewee 9:** Limburg...

For instance, when I’m working with Amsterdam, they say, “No thank you, we don’t go for a beer. We go home and you go home.” But we have the same culture [as the Dutch from South Limburg], so we... go for a beer and drink some beer together. That’s possible with those colleagues [from South Limburg] and those colleagues [from Aachen], but when you go further on, they don’t do it because they don’t have the same culture...

**Interviewer:** So, where do the cultural divisions start, where you can go for beer with some people but not others?

**Interviewee 10:** This whole region here—the Euregion—is good, because we have the same culture. When we see each other, we always go for a chat or a beer... We enjoy the bourgondisch way of life. We like the good way of life. We like festivities, we like to drink beer and chat with each other, and sometimes, [over] two beers, you can discuss more than if you do it officially on the table. And, when some colleagues from Brussels come, they sometimes speak French, or far away from Brussels, on the [North East] coast side [of Belgium], they speak a totally different dialect, so you say, “What are they talking about?” And historically, you don’t feel any [connection or commonality].

**Interviewee 9:** We like the food, the drinks, and the good life, but I don’t know the word you [would] use in English [to describe this]...

This shared bourgondisch culture has helped create a collegial/friendly/understanding atmosphere among some of the police and justice officials, which in turn helps facilitate international police and judicial cooperation.

### 8.1.1.1.2. A Decreasing Culture Gap

Other interviewees, however, argued that there are different cultures among the three countries in the Meuse–Rhine Euregion. A set of Dutch police officials diplomatically discussed the issue in positive terms, by describing a decreasing culture gap. The interview dialog unfolded as follows:

**Interviewer:** Can you please give me a brief example of how culture has influenced cooperation?
**Interviewee 32:** For example, of course history says that we’ve had the Second World War. In the beginning, working together, having a German police officer driving a German police car, here in Limburg, in this neighborhood, was very... tricky.

**Interviewer:** And that was in the mid '90s [Schengen].

**Interviewee 32:** Yes. Now, we have common patrols in the border region, together with Dutch and German police officers. It is a normal site at this moment. And our neighbor countries say, “The Dutch manage the drug problem,” but they don’t understand what we are doing here in The Netherlands, so it’s very important that [foreign police officers] are working together and we can say, “Okay, it is not allowed, and the Dutch government is also doing something about drugs, and the police are also doing something about drugs,” because normally the French or the German colleagues don’t understand anything about us [regarding] drug policy...

**Interviewee 31:** For instance, when you come to our common centre [EPICC], for a Belgian colleague, it’s common to shake hands [with every colleague] every morning, whereas a German guy will [walk in and just] say, “Good morning everyone,” and that’s it.

**Interviewee 32:** But the Dutch guys don’t.

**Interviewee 33:** But, Belgian colleagues for instance, and also the French colleagues, shake hands every morning. And the men will kiss the ladies on the cheek [laughter].

**Interviewee 32:** On the Joint Hit Teams, you can see it. And, also, when only Dutch colleagues are here, they shake their hands. That is what we learned from our [Belgian and French] colleagues. Yeah... the physical contact is something else than saying “Hello, good morning.”

This was an example of how the different cultures are now being embraced, and the colleagues who work cross-border are learning/adopting some aspects of the cultures to help facilitate cooperation by making the work environment more friendly and welcoming to all.

### 8.1.1.1.3. Different Cultures

Most of the interviewees focused on how the different cultures in the Meuse–Rhine Euregion hinder cooperation. Consider the following sampler of statements gleaned from separate interviews:

The cultures are totally different. (Belgian Prosecutor, Interviewee 4)  

There are cultural differences, but no cultural problems in the Meuse–Rhine Euregion. (Belgian Prosecutor, Interviewee 12)
The problems we have focus on language, culture, the structure of different organizations. You have to know who is the right person to contact. (German Police Commander, Interviewee 1)

In some cases, the interviewees were able to provide specific examples to illustrate how differing cultures hinder international police and judicial cooperation in the Meuse–Rhine Euregion. For instance, the following exchange took place between the researcher and one Dutch prosecutor:

Interviewer: Can you please give me an example of how culture gets in the way?

Interviewee 8: Yes, I can give you a good example. We had this concept of “Euregio Crime,” and we... [had a colleague]... give a presentation on this concept to our colleagues in the Euregion, which he did. And he did this alright, but after that, especially the Germans, they were so mad, and I didn’t understand. I thought, “My gosh, what did we do? We just told them about a nice idea/ideal that we had, and what is wrong with that?” But then I found out—and it is also for Belgium like that—so I am aware now. When you want to share something, and get people with you on a concept/new idea, you don’t plan a meeting, and then just, with a PowerPoint presentation, you list “a,” “b,” “c,” and [then say], “What do you think about it?” That is too threatening. That is not Belgian, and that is not German. No. What you should do is invite them for a dinner—the two of you—talk about it, have a nice evening, and then you know, it’s much more... a big cultural difference. You know, in Holland, we are the talking ones, we always have ideas, and we love exploring possibilities, and we do what is called “polder”—it is typical Dutch—you know, if one says “a,” and the other says “z,” and then you talk as long as you need to come together. That is what it means. That is what Dutch people do. So, you can have a firm opinion, “This is what I think,” [Interviewee 8 then gestures by pounding fist into palm], and the other one says, “This is what I think,” and then there is no problem, because then you start [discussing/exploring/negotiating/compromising], and then we find each other...

So, this “polder” is not known by Belgian people. I say it in general, because in the meantime, after three and a half years, we have learned from each other, the Belgians, the Germans, and [us], and we sort of have a nice mix in the culture now. We try to not see the differences, but again, as I told you, to find where we can find each other. So, also in culture, we are looking at each other and talking about how it sometimes might be a problem.

This particular cultural difference in communication/negotiation styles caused major delays in the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion, as discussed in Chapter 6 above.
8.1.1.2. Beliefs

Beliefs also play a role in influencing international police and judicial cooperation. The interviewees explained that the dominant belief among the key stakeholders in the Meuse–Rhine Euregion is that international police and judicial cooperation is necessary. Such a belief facilitates cooperation. One Belgian police commander stated:

For example, a train has a motor, and everything follows. It is the same for us. Quite a lot of people believe in this cooperation, and have done quite a lot of work to make it real.

And of course, perhaps, some police [officers] may not really believe in it, but it is of no importance, because they are doing nothing to end it, so it doesn’t influence us. (Belgian Police Commander, Interviewee 19)

Simply put, positive beliefs lead to action and positive results, whereas negative beliefs lead to non-action. To elaborate upon the more negative line of thinking, some of the interviewees reported that advancements in cooperation “depend on political will,” which suggests a more external locus of control. As a result of this belief, it appears that some officials are doing less than others to advance international police and judicial cooperation, assuming that such work depends on other people. Yet, as the researcher argues in this dissertation, a great deal can be done at the individual-level to improve cooperation, because many of the variables that influence cooperation are at the individual-level, which means that many of the required changes can and should be made by the police and justice officials themselves.

8.1.1.3. Values

Personal values were also identified as influencing international police and judicial cooperation. Some interviewees began explaining the influence of this variable by drawing upon the shared history and culture of the people in the Euregion. For example, one Dutch police commander stated:

That is not just in the police, but also in the culture of the people. I believe that since the Meuse–Rhine Euregion is not so big, we have the same culture. So, the people who are working in the police will always have the same values... it’s okay for cooperation. (Dutch Police Commander, Interviewee 3)

105 This will be discussed in greater detail in Chapter 9 below.
This point was echoed by a Belgian prosecutor in a separate interview:

The starting point is that the historical background in this region is the same... the values in our more tight professional criminal justice system—the judiciary, and the police—are also similar—nearly the same, despite the differences in the regulations and provisions. The system, the states of law for all the three... For example, independent judiciary, prosecution, and police have similar approaches. So, we share—even in the tighter professional level—we have nearly the same values. So, it results in a high \[i.e.,\] strong identity in the Meuse–Rhine Euregion. There’s more identity between the three different parts of the Euregion than there is identity between Aachen and Berlin, Liège and Brussels, Maastricht and The Hague. (Belgian Prosecutor, Interviewee 2)

More specifically, the dominant value among the group of police and justice officials was effectively expressed by a Dutch police commander who stated:

I think that police officers around the world are psychologically the same people, most of the time, I think. They want to help people, and catch the thief. Very quickly, we are on the same level, I think. (Dutch Police Commander, Interviewee 32)

The internationally shared value for justice naturally facilitates international police and judicial cooperation.

8.1.1.4. Attitudes

Many interviewees confirmed that the attitudes of the officials involved in international cooperation play a large role in influencing the process. Interestingly, only positive attitudes emerged from the data. Data that could be categorized as “negative attitudes” are presented below under various other subsections, including those relating to “perceptual ambiguity” and “difficult personalities,” since those data do not fit the parameters of the “attitudes” variable \(\text{per se}\), but instead better fit the parameters of the other noted variables.

8.1.1.4.1. Fun/Passion/Enjoyment

A variety of positive attitudes are present among the police and justice officials in the Meuse–Rhine Euregion. Specifically, the positive attitudes of fun, passion, and enjoyment toward international police and judicial cooperation were reported by some of the Dutch officials in particular. Consider the following sampler of statements:
And it is fun. I like it very much. (Dutch Examining Magistrate, Interviewee 14)

* * *

In the end, we are all fighting crime, and that is what we are all paid for and working on, and where are our passion is. We have to join on passion. You can wake us up at night—all of us—for fighting against crime—and that's what we have to talk about [i.e., not differences]. (Dutch Prosecutor, Interviewee 8)

* * *

I enjoy this work. (Dutch Police Commander, Interviewee 28)

Obviously, an official who views the work as fun, enjoyable, and/or their passion will help facilitate international police and judicial cooperation.

8.1.1.4.2. Goodwill

Goodwill was another key positive attitude that emerged from the data. For example, one Dutch police commander stated:

There is goodwill to cooperate. The culture is also there, but cooperation is expensive. In this time, with the economic problems, there’s not that much money for cooperation, because the police chiefs don’t only have EPICC within their responsibility, but also community police, traffic police, and so on, and the [police chiefs] have to manage their money between all of these services. But there is very goodwill, and it goes by itself. There are lots of good plans. There are no troubles between people. It works. Cooperation is a matter of goodwill. (Dutch Police Commander, Interviewee 26)

Indeed, many interviewees across the countries and the professions cited the attitude of goodwill as helping to greatly facilitate international police and judicial cooperation. For example, one Belgian prosecutor stated:

One thing that makes cooperation positive is goodwill. The execution of MLA requests have priority here in Belgium. (Belgian Prosecutor, Interviewee 12)

Goodwill was not only reported as a facilitative variable, but one that is absolutely necessary for cooperation. One German prosecutor put it in these terms:

...the prosecutors depend on the goodwill of the police. If they see no need for cross-border investigations, there is no concept and no decision! (German Prosecutor, Interviewee 11)
In a separate interview, one Belgian examining magistrate provided a more detailed explanation:

I would say make sure that everyone has a great deal of goodwill. If everyone tries their best, then we can get results. Going to trial is like a chain—it’s only as strong as its weakest link. If the police don’t do their job, then there won’t be any results. If the investigating judge does not do his job, then there will not be any results. If my colleague over the border does not do his job, then there will not be results. So, if everyone has a great deal of goodwill, then I guess we can get results...

I think the best way still is trying to persuade or contact people who have a lot of goodwill to perform or to execute the request. If you meet people like that, usually there is no problem. It’s only when you meet people who think, “Please leave me alone. Don’t ask me too much.” Then you have a problem, because you can’t change anything about it. It’s in his or her hands at that time. So, if everyone has goodwill, then I think that the results could be even better. (Belgian Examining Magistrate, Interviewee 7)

Interestingly, the police and justice officials spent more time talking about goodwill as a facilitative variable in cooperation, than talking about the legal obligation that each country has toward international police and judicial cooperation due to the legal framework.

8.1.1.4.3. Optimism: Looking for Solutions

Optimism emerged as a positive attitude that works to facilitate international police and judicial cooperation. Examples of this manifested in statements such as, “We believe in the project” (Belgian Prosecutor, Interviewee 4), indicating the resolve of certain police and justice officials in terms of ensuring that international police and judicial cooperation continues to flourish.

In addition, some senior police officials across the three countries explained how viewing situations with optimism actually helps with the identification of solutions. Two Belgian police commanders explained:

Interviewee 36: So, you see, you are in Europe with a lot of treaties—Schengen, Prüm, and so on, and then we have the “Benelux Treaty,” and bi-lateral treaties. But there are some great differences in law, in principles, in procedures, and so on. So, we cooperate together, but it is not easy. We always have to find solutions.

Interviewee 35: We must be creative.
Interviewee 36: And maybe that’s the keyword. You do not have to search for difficulties or problems. They are there, we know that. But you always have to have in mind that you need a solution.

If you work, in your mind, with a search for the solution, it is different from working within your mind [by focusing on] the problem. You see? You have to see it in a positive way.

So, what we tried to do, in all our work, is to know each other, beginning with explaining to the other what you do, how you do it, and why you do it. The others explain that to us too. Accept it and respect it. Maybe there are some things that will look silly to you, but if it is so in the neighbor country, you have to accept it. And, try to work together.

Interviewee 35: And it works.

Interviewee 36: And, if you have someone on the other side who also thinks the same way, it will work...

Interviewee 35: We have a positive attitude in this work.

It appears that an optimistic attitude permeates many facets of international cooperation, all the way from interpreting treaties in a facilitative manner, to actually executing requests for mutual legal assistance, and finding answers to problems in the field.

8.1.1.4.4. “There are no problems with attitude”

This subsection concerning the variable of attitudes can be concluded with one summative statement made by a Dutch police commander:

There are [little to no] problems in attitude or [culture]. People have the same targets, so they want to work together. The problems are more from formal regulations. (Dutch Police Commander, Interviewee 26)

The range of positive attitudes that emerged from the data suggests that the level of commitment toward international police and judicial cooperation among the key players is high.

8.1.1.5. Personalities

There was consensus among the interviewees that personalities greatly influence the process of international police and judicial cooperation. For example, one Dutch prosecutor stated:

And I think that you have to have the right persons at the table. And I do not mean in position [i.e., job function], but I mean persons [i.e., personalities/skills]. When you have some people at the table,
it will never work—it will just be obstructed [throughout] the whole process. It’s about personalities. (Dutch Prosecutor, Interviewee 8)

Indeed, a wide spectrum of personality types were noted as being present in the Meuse–Rhine Euregion. These data are presented below.

8.1.1.5.1. **Humorous and Fun-Loving Personalities**

Interestingly, *humorous and fun-loving personalities* can help facilitate international police and judicial cooperation, by making it easier and more enjoyable for all parties involved. In the words of one Dutch prosecutor:

> As it comes to the culture, you should talk about it and laugh about it. If you don’t do the things with humor, it will never work. Have fun together. (Dutch Prosecutor, Interviewee 8)

Although very few police and justice officials explicitly identified this personality type as being important and facilitative, the researcher observed that the “Masters in Cooperation” all demonstrated a wonderful sense of humor during the research interviews, which made the interviews fun! Ultimately, the research interviews were an exercise in international cooperation in and of themselves.

8.1.1.5.2. **Passionate Personalities**

The idea of having passion for one’s work was first introduced above as an attitude. *Passion* can also manifest in terms of personality. Indeed, some of the police and justice officials across the three countries admitted their great passion for international cooperation. Passion manifests in the form of dedication. One Belgian police commander stated:

> It’s all about dedication. If people are not dedicated to the job, then they don’t have to come over here to work. (Belgian Police Commander, Interviewee 30)

In a separate interview, a Dutch police commander spoke of their level of dedication to the job:

> …we are very involved in the cases, and we are working sometimes 24 hours a day, because I feel responsible for the cooperation... (Dutch Police Commander, Interviewee 28)
In more subtle terms, one Belgian prosecutor explained how passionate personalities help facilitate international cooperation:

> Then, I think that personality is important. You know that there are some officers who really say that, “It’s important that we help the other countries, and we have to do so.” That works. It’s a positive effect that when people come together, as we do, and you also explain your case, and you say why it’s so important for you, then our colleagues agree to help us, and also force the police to do so... (Belgian Prosecutor, Interviewee 12)

Considering all of the difficulties associated with coordinating cooperation on an international level, passionate personalities clearly help fuel the enterprise.

### 8.1.1.5.3. Supportive Personalities

Some of the interviewees explained that international police and judicial cooperation can be facilitated by supportive personalities. For example, one Belgian prosecutor stated:

> This variable is of great influence for international law enforcement cooperation—that there are personalities in the region who stand behind projects. Most people support cooperation. (Belgian Prosecutor, Interviewee 2)

Indeed, this was echoed in a separate interview with two Dutch prosecutors, who explained that supportive personalities can be particularly influential in the context of international police and judicial cooperation, when such personalities belong to people in positions of power. In their words:

**Interviewee 40:** Yes. I think that a certain manager can make it difficult for us to broaden our point of view/perspective.

**Interviewee 39:** We need management with the vision and [openness] in international law enforcement cooperation of course.

**Interviewer:** And, do you feel that you have that right now?

**Interviewees 39 & 40:** Yes.

This fact emerged in a separate interview with a Belgian prosecutor who stated:

> I think it’s important because when the head of an organization believes in a project, then, also he can “warm up” the rest of his organization. If it is necessary, perhaps he can force some things, but I think it’s important that when the head of the organization... if they believe in
such a project, I think then it can succeed. (Belgian Prosecutor, Interviewee 13)

The converse was also true, with some of the interviewees noting that when a leader is unsupportive of cooperation, the project will not work.

8.1.1.5.4. Courteous and Respectful Personalities

Courteous and respectful personalities also emerged as being capable of facilitating international police and judicial cooperation. Essentially, these personalities reflect good interpersonal skills and cultural sensitivity. Consider the following exchange that ensued between the researcher and one Dutch prosecutor:

Interviewee 39: And, some skills—let’s say, human skills—to work with people from another country, and often another culture [are necessary for international police and judicial cooperation].

Interviewer: Yes—interpersonal skills and cultural sensitivity.

Interviewee 39: Not every person has that [kind of sensitivity/aptitude] in his system. To be open, and to have real respect, although a police [officer] or police force may have a total different system that you may think is a stupid system. Look at it. Why is your own system, or your own approach, so wonderful? So, you need police officers who have those types of skills. You need them on the working floor, and in management, you need them even more.

This is a key variable in the context of international police and judicial cooperation, because without it, cooperation may not happen and/or international relations may be damaged.

In a separate interview, one German police commander provided an example to demonstrate how courtesy and respect manifest in the context of international police and judicial cooperation in the Meuse–Rhine Euregion. He explained:

Interviewee 34: I learnt in school the Dutch language, and then I stopped with it for nearly 30 years, but you get it back when you work daily there [in The Netherlands]. And, when we work together, I always [spoke] in the Dutch language, and the Dutch colleague always answered in the German language. We don’t realize it ourselves. Other people realized it and said, “What are you doing?” But, it was the way it works on our team.

Interviewer: That’s amazing! And why would you and your colleagues do that? Is it so that you can practice the other language? Or, is it so that when the answer is given, it’s very clear to understand? Because,
it’s so nice for you to speak Dutch to them, and German to you. It’s kind of like you’re honoring each other.

**Interviewee 34:** Yes... it is a courtesy. In the beginning, it was courtesy, and later, we don’t realize it ourselves, but it works.

This phenomenon of speaking to a foreign colleague in his/her own mother tongue, and for the foreign colleague to reply back in the mother tongue of his/her colleague, was reported by other interviewees in separate interviews. Clearly, courteous and respectful personalities can help facilitate international police and judicial cooperation, by creating a welcoming work environment that is open to different languages and cultures.

### 8.1.1.5.5. Open-Minded Personalities

Open-minded personalities also facilitate international police and judicial cooperation. A number of the interviewees—across the countries and the professions—emphasized this fact. Consider the following statements, made in separate interviews:

- You have to look at it with an open mind, and not be so close-minded. (Dutch Police Commander, Interviewee 23)
- I am open-minded. (Belgian Police Commander, Interviewee 21)
- You have to be open-minded, also, to work together. (Belgian Prosecutor, Interviewee 13)

One Belgian police commander provided more detail as to the workings of this variable within the context of the international cooperation process:

- There is still a small problem within the law... Here, [my colleague] talked about working with prosecutors, but in Belgium, from the moment you start phone tapping, you need a judge of investigation, but that doesn’t exist in Holland. From the moment that this judge appears, he is the leader of the investigation. He takes over from the prosecutor, and that sometimes gives problems... in our [drug] investigation, it was no problem, because the judge we had at that moment was very open-minded, and he liked to do international cooperation. So, he was very... yeah, it depends on the man or woman [i.e., personality]. In our case, it worked perfectly. This judge was very open-minded, because at that moment, you also have the national [federal] prosecutor in Belgium who gets involved. (Belgian Police Commander, Interviewee 9)
An open-minded personality is indeed required to embark upon this enterprise, which requires the interpretation of a large legal framework, the allocation of resources, and interpersonal interactions with cross-border colleagues of different cultures.

8.1.1.5.6. Fearful / Timid Personality Due to Limited Language Skills

Fearful/timid personalities hinder international police and judicial cooperation. In response to being asked, “How do personalities influence cooperation?” one German prosecutor explained:

Yeah, certainly. Sometimes you have to ask “Why?” For example, some people are grumpy and angry, whereas other times, maybe it is a certain fear of getting into contact with the other person on the other side of the border, because you don’t speak the language, then you don’t want to get in touch on these matters, and then in that way, people are not very friendly usually. So personalities, okay, it is one thing. There are certain personalities who, for example, do not want to cooperate, and maybe there are certain attitudes... (German Prosecutor, Interviewee 5)

The researcher also observed some fearful/timid personalities in the conduct of the field research. Specifically, some of the police and justice officials who were very concerned (i.e., modest) about their so-called “limited” or “poor” English language skills did not want to speak English with the researcher, because they were fearful of making grammatical errors. Ironically, however, when these officials had enough courage to speak in English, it was the researcher’s assessment that their English language skills were excellent! Fearful/timid personalities exist in the Euregion. Unfortunately, these personalities have the ability to complicate/delay matters when they are involved in international cooperation (i.e., by not wanting to speak/write, by not wanting to be involved, by requesting the assistance of an interpreter).

8.1.1.5.7. Unhelpful / Disengaged / Indifferent Personalities

International police and judicial cooperation also becomes more difficult when unhelpful, disengaged, or indifferent personalities are involved. One Dutch examining magistrate provided some insight into this matter:

Interviewee 14: Well, there is an obligation to cooperate with the request for legal assistance. So, they have to cooperate formally, but when they are unwilling to cooperate, then, you could say that it is "slippery," because when there is an obligation, one has to cooperate and obey the request. But when one hesitates or makes it difficult for
the colleague from a foreign country, then of course, it does not go with the overarching legal structure and framework.

**Interviewer:** Why? How do you explain that? Is it just because of personalities?

**Interviewee 14:** Yes, I am convinced, because with other persons you have no problems. On the contrary, they cooperate completely—100%. So, it does not matter about the system, but rather the person. Not only I, but also other colleagues experienced the same, and with the same colleagues or courts, but mostly, it is the same people.

**Interviewer:** Would you call them “obstructionists”?

**Interviewee 14:** No, that’s going too far. They are just not helpful.

The existence of unhelpful personalities was also confirmed by some Belgian and German police and justice officials. For example, one Belgian police commander explained:

One of the federal police units... in Tongeren... doesn’t cooperate... very much. They don’t often send people to these meetings... because they’re not really interested, maybe, or they are not motivated, and you see that, all the information about this area—Tongeren—is not coming to this point [to be shared with other agencies]. Why? Because the head of the unit, or the chief, he says, “Well, the Euregion, it’s not my thing.” But, with all the other colleagues, with Liège, with Verviers, Maastricht, Heerlen, and Aachen, and so on, [there is] very, very good sharing and joining of information, and so on. I think we have learned to know each other, and also with everyone’s working systems, political background, in their country... Okay, but we have to learn to know each other with our pros and cons, and that is one of the strengths, indeed. When tomorrow, somebody is coming, and [they say], “Oh, this Euregional [stuff] is [B.S.],” it will not work anymore. (Belgian Police Commander, Interviewee 10)

These facts were confirmed by other interviewees, and also by virtue of the fact that no police officials from Tongeren were interviewed for the present study.

As alluded to in the interview transcript excerpt presented above, the variable of **personalities** may be tied to the variable of **motivation**. This assertion was supported by two Belgian police commanders, who, in separate interviews, made strikingly similar comments. Consider the following statements:

It starts with the people that you’re working with... you have motivated police officers or [you have] police officers who do their “9-to-5 job.” That is the first, and the most important thing, I think. The rest... you can look for solutions, but, when you have some people who are cooperating with you, who do only a “9-to-5 job,” you can forget it. (Belgian Police Commander, Interviewee 9)
There are some people who come to “work to live,” and there are other people who are coming who “live to work.” And those people who are coming here just to earn their money and go home after five [o’clock], they don’t have... in our system, in our culture, not the same values and things, so it’s very difficult. (Belgian Police Commander, Interviewee 43)

The influence of the variable of “motivation” on the international cooperation process is examined further below.

8.1.1.5.8. Problematic / Obstructionist Personalities

While some interviewees maintained that the more “negative” personality types are limited to simply being unhelpful/disengaged/indifferent, other interviewees stated that more problematic/obstructionist personalities also exist—across the three countries and professions—and that they also participate in international police and judicial cooperation in the Meuse–Rhine Euregion, which functions to complicate matters.

One Dutch police commander explained:

**Interviewee 23:** Here in Holland it is not, but I know from my Belgian colleagues, for instance, that when they need an investigation judge, they look at who is in the [schedule] this week, and when they don’t like him or her—if they expect problems with him or her—they wait a week, and they go to the next in charge.

**Interviewer:** “Judge shopping” [laughter].

**Interviewee 23:** Yes, that is a very good word—“judge shopping.”

We [in The Netherlands] don’t need to do that, because the contact between the police officers, and the judge, and the prosecutors in Holland is much more close than it is in Belgium or in Germany.

In a separate interview, another Dutch police commander explained that problematic/obstructionist personalities are also found among the police across the three countries. This Dutch police commander stated:

We have assholes in the police, and they [i.e., the Belgians and Germans] have assholes in the police. And, sometimes you meet a Dutch police officer who is so, and doesn’t tell you anything that you want, or information that I had to know. He doesn’t tell me. And also, there were those kinds of people in the German police. But normally, when you see it altogether, there is no difference between a German colleague and my own [Dutch] colleague. (Dutch Police Commander, Interviewee 3)
These facts were confirmed in a separate interview with a Dutch prosecutor, who candidly provided some illustrative examples of how problematic/obstructionist personalities have been involved in international police and judicial cooperation in the Meuse–Rhine Euregion, and what happens when such personalities are involved. This Dutch prosecutor explained:

**Interviewee 39:** If a team chief of such an international team is kind of an arrogant type, we could really have problems with that in an international investigation. If the person doesn’t have the right attitude, knowledge, and skills, and if he is the chief of the team, then the effect is—even if only one detective is not able to do that—it is that he will stop everything!

I had a very important international investigation, and I really got problems. That was with a Belgian police chief. He was in charge, but everything had to be run by him, and everything was, “No, that’s a stupid question from the Dutch. I won’t do it.” Or, later, [it was as though the Belgian police chief would say] “I have my own interests now, on my side of the border.” So, things were not arranged, things were not executed. The chief of a team is in a position to block anything.

**Interviewer:** So, as the chief of the team, they are the ones who can make the decisions, and they can block things that way? Or, would you say that it affects things in that the leader has an effect on the team members? An organizational culture can be affected by the leader; if the leader is a nice person, and has nice ways, everybody will be happy. Would you say that is the case in investigation teams too, where the influence runs downhill?

**Interviewee 39:** Yes, a chief can influence his team of course. [Now the whole team may think] “The Dutch are asking too much,” or, the other way around. I must say, in both cases, after the investigation, that Belgian police chief had a new “job offer” [i.e., a demotion]. And, the same thing happened with another case.

I had a Dutch police officer… his behavior was beyond anything that you could allow on an international level. He also has a new job now, on a lower level. It’s dangerous for themselves, because in this kind of investigation [i.e., international], you are “on the screen.” Those international things will draw more attention than a regular [job]. It’s high-profile if you are working with another country.

So, but the case is gone.

Okay, let’s say that the chief gets a kind of “bill” [i.e., “pays the price”] for it in his career, but the case is gone, and the trust between those two police forces is gone. You need maybe a year or more of talking [to repair it].

So, it was an example of the right skills, experience, and knowledge—brining good cooperation into an international investigation—on both sides. If only one side has fulfilled it [good knowledge, life skills and experience] [cooperation will not be good]. Good cooperation will
be good between equal qualities \(i.e.,\) when people with equal skills, knowledge, and experience come together, then cooperation will be good.

So, those kinds of things will be considered in the decision-making. Who will be the detectives, to be put into that kind of international investigation? Who will be the chief? Then it is important to determine whether he speaks German. If a chief of a team can’t call his colleague... and speak in their language to say that they want to make an arrangement on this and this...

**Interviewer:** So, decisions are made with so much care like that?

**Interviewee 39:** No, but it should be done that way. Sometimes it’s all taken care of. In other cases, 80% of this is fulfilled. This would be my dream in an international investigation \(i.e.,\) for all the steps to be taken care of. [Emphasis in original]

Clearly, it is extremely problematic for people with obstructionist personalities to be involved in the enterprise of international police and judicial cooperation, and yet it continues to happen because there are no measures/structures in place to regulate who is involved in a case of international police and judicial cooperation. The current idea in the Meuse–Rhine Euregion is to train all police and justice officials in international police and judicial cooperation, because in theory, everybody should know how to participate in a case requiring international police and judicial cooperation (see the quote by Belgian Police Commander Interviewee 36 in subsection 8.1.2.5 below). As will be explained in the final chapters of this dissertation, not everybody is suitable to participate in cases of international police and judicial cooperation. Indeed, as will be clearly shown in this dissertation, some people are more suitable for this sensitive/high-profile job than others.

### 8.1.1.5.9. “Personality does not always matter”

Interestingly, despite the data presented above suggesting otherwise, some interviewees stated that personality does not always matter in the context of international police and judicial cooperation. For example, one Belgian prosecutor said the following in one interview:

**Interviewee 12:** There might be colleagues who are very nice, but you don’t get your things \(e.g.,\) MLAs executed. And there are other colleagues \(who\) you do not like so much, but they do a good job...

**Interviewer:** How can we explain this? I’m trying to find trends and patterns. For example, if we have trust, cooperation will be good, and if we don’t have trust, cooperation will not be as good. But this one is hard for me, because it doesn’t fit in my structure. So, how can we say
this? Oh, I have an idea... What are the reasons for the behavior? If it is not personality, we can hold personality constant, and say that personality does not matter in this case. So, then what is it that makes them act?

**Interviewee 12:** It can be trust, it can be other priorities, it can be culture...

These findings were supported by other interviewees, including one German police commander. Indeed, when asked the question, “How do personalities affect the process of international cooperation?” his response was as follows:

 Doesn’t matter. A police officer—from any part of the world—is a police officer. We talk the same language. It doesn’t matter. (German Police Commander, Interviewee 34)

These findings, of course, underscore the suitability of the Organizational Behavior approach in examining the present phenomenon.

### 8.1.1.6. Perceptions

There are various facets of *perceptions* that can be explored, but for the purpose of this study, *perceptual ambiguity* is a prime focus, since perceptual ambiguity can impede international police and judicial cooperation. Indeed, the data revealed numerous instances wherein the police and justice officials across the three countries are viewing the exact same issue differently. For example, some officials view “legal differences” as major impediments to cooperation, whereas others do not view them as impediments. In some cases, the perceptual ambiguity itself impedes international police and judicial cooperation. One Dutch prosecutor explained:

There are people who say that, “We have really big differences with respect to the definitions,” and it gives us big problems with respect to cooperation because you can look at the differences and make a problem of it. If I see what we have here in legislation, and cooperation, as compared to what is happening in Canada and the US, I think we are far ahead. Again, this is a question of whether the glass is “half-full” or “half-empty.” Of course, we still have differences, and sometimes they do give us a problem. But, I find that colleagues say that [we have big differences] a lot of times, as a kind of excuse for not cooperating. They say, “Ah, the legal systems are very different, so it’s difficult to cooperate.” They say that before they even have a case and try to cooperate. A colleague told them, “We have big differences,” or they read somewhere that there are differences. But, I have done a lot of cases in the last years, and there is no case where, for the main targets, we could not achieve our targets. Let’s say, sometimes we lose; we have four targets in the case, and one of them I do not achieve
because of differences, and three of them I achieve. Those legal differences can give you problems sometimes. (Dutch Prosecutor, Interviewee 39)

Clearly, in the case of international police and judicial cooperation, it is better for the officials involved to view the proverbial glass as “half full,” since if they approach a situation with negative perceptions, international cooperation will be impeded.

Other interviewees confirmed perceptual ambiguity as a complicating factor in international cooperation. For example, one German prosecutor explained that perceptual ambiguity can arise between justice officials when interpreting the legal framework that regulates international police and judicial cooperation.106 This German prosecutor stated:

**Interviewee 38:** I often hear the sentence, “Oh, this is not allowed in our country,” and then you take a closer look, and find out that the legislation is not really different, but they see it differently. So, this depends [on] the fact that people have a different view [of] the same problems.

**Interviewer:** Yes, it’s all about perception.

**Interviewee 38:** That’s what it is. I did not find the right term for it...

We are working with people, and if they are politicians or sportsmen, or prosecutors or police, they are different. So, it can happen to you, and perhaps it was the right example that I gave you, how they don’t see eye-to-eye about “what’s allowed” and “what is not forbidden.”

You [can] find [this difference of perception] in the same prosecution office. Don’t go to the Dutch or the Belgian—take the German ones [as an example]. Go to Cologne and you find a colleague who says, “Yes, I do that because it is allowed, and it is efficient, and so on,” and if you go one floor up or down, you find someone with the same background who says “No, it’s not allowed.” And, but this is not a percentage, but even less, you find [some] people [who] are not willing. But that is an international problem that, I think, you find everywhere in the world. To be very drastic, you find idiots everywhere. I don’t think, at the moment, there are more problems.

Although legal instruments state principles, directives, and procedures, their application is subject to interpretation by human beings. Again, this is a situation where international police and judicial cooperation is aided by those police and justice officials who approach the legal framework with an eye to facilitating matters.

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106 The idea of law being legal/explicit versus “not illegal”/implicit versus illegal/illicit, as was discussed in Chapter 7 above in relation to the “long/hard way” in mutual legal assistance.
Apparently, there is enough ambiguity in the legal framework regulating international police and judicial cooperation in general that police and justice officials in the Meuse–Rhine Euregion may interpret it so as to support their own personal preferences about whether they want to cooperate or not. To be clear, if people want to cooperate, they cite the law. Conversely, if people do not want to cooperate, they also cite the law! In one interview, one Dutch police commander explained:

> We’ve tried to look at the possibilities, and the differences. Not looking for the difficulties, but the things that bring us together, and use that as the base, because when I don’t want to, I always find a reason to not do it… But your attitude on this matter should be: “We want to, so let’s go. What are the possibilities?” And the binding factor is the will to catch crooks [laughter]. I always try to make it simple in my own mind, so I always try to bring it back to basics… When you bring it back to basics, then you’ll have the point of the real issue. (Dutch Police Commander, Interviewee 26)

These passages all suggest that perceptual ambiguity can influence international cooperation, and more significantly, that viewing the proverbial glass as “half-full” facilitates cooperation, whereas viewing the proverbial glass as “half-empty” only serves to impede cooperation, if not block it entirely. Therefore, optimistic, positive people who believe in international cooperation ultimately facilitate the cooperation process.

There is also perceptual ambiguity with respect to Dutch behavior specifically. On the one hand, the Dutch police and justice officials all explained that cooperation with Belgium and Germany is good, they enjoy it very much, and they would like to see international cooperation continue to expand and increase. For example, recall that one Dutch police commander stated:

> We have very good cooperation—also the prosecutors—in Germany, Belgium, and Holland—thanks to BES. I have much respect for my colleagues. [Emphases in original] (Dutch Police Commander, Interviewee 31)

There were no complaints whatsoever from the Dutch about the Belgians or the Germans. The Dutch simply stated that they wish for international cooperation to expand between the three countries. On the other hand, the Belgians and Germans reported that they are generally not impressed with some of the conduct of the Dutch police and justice officials.
within the context of international cooperation. Interestingly, the Belgians and Germans did not criticize each other; they explained that cooperation between Belgium and Germany generally works well. All of the complaints/criticisms concerning the process of international cooperation, and the prospect of advancing international cooperation, were directed toward the Dutch. One German police commander briefly stated:

I believe that police command in The Netherlands frequently follows their own interests, but they don't admit it. They try to let us [be] in the dark about their real intention (i.e., money from the EU, manpower for their own tasks, and so on). (German Police Commander, Interviewee 34)

These sentiments and suspicions were echoed in many interviews with Belgian and German officials. One Belgian police commander candidly provided more insight into the problems:

**Interviewee 21:** You know, The Netherlands is probably one of the European countries that is the most difficult to work with. Why? A perception problem. They are working quite differently. It's very, very difficult [to work with The Netherlands]. It's so easy to work with Germany, France, Italy, but with The Netherlands, it is very, very, very difficult. Law enforcement [is] okay, but [working with the Dutch] judicial level, it’s quite difficult.

The other countries that we have some difficulties with are the English-speaking countries—the UK—because the legal system is quite different—the common law system. The settlements [i.e., judgments] are quite different in Western Europe. It is so different that it is sometimes difficult to get satisfactory results when you are requesting something from the other country. That is for the English-speaking countries.

With The Netherlands... we don’t understand sometimes. Let’s say that we have to—within the framework of an investigation—would like to send an international rogatory letter—knowing that it is sometimes difficult—“What are we doing?” We pick up the phone, we give a ring [to The Netherlands, to get some guidance on how to do the rogatory letter to meet their requirements]. [We say,] “Tell me how do I have to write my international rogatory letter? What do I have to ask you, exactly?” and so on. And the colleague or the magistrate on the [Dutch] side says, “Okay, you must write this, this, and this.” Okay. It’s written like that, it’s translated [into Dutch], it is sent to the Dutch authority, and no answer. We give a call back [to the Dutch, to follow up], and they say, “No, it’s not like this. You must precisely state this and this.” It’s a game that you sometimes play for months, just because of the details. It doesn’t change anything about the facts or the summary

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107 Readers will recall that some of these data about “uppercuts” have already been presented as appropriate in Chapters 6 and 7 above.
of the... [case]. It is sometimes quite difficult. Here, everyone in my [investigative] department would say exactly the same. It is one of the countries that we do not like to work with.

**Interviewer:** May I write that?

**Interviewee 21:** Yes.

**Interviewer:** This is very interesting, because I interviewed the Dutch last week, and they are saying that cooperation is good—everything was good.

**Interviewee 21:** Yeah! Because the Dutch people, if they want something, you know, there are no rules. They come [to Belgium] without forewarning us. If they want something, we give it, because it’s in our mentality to give it. But if we want something from them, they will say, “No, no. It’s not like this.” For example, if you ask for a picture of somebody in jail, they will say “No, you need an international rogatory letter.” And we say, “Are you kidding? We are just asking for the picture of a person in jail.” [The Dutch response is:] “Yes, but we have to ask for the authorization of the person in jail.” [We say] “No! Don’t do that! I don’t want him to know that we are going to get his picture, because he’ll realize that I’m working on him!”

**Interviewer:** This is so interesting, because at the end of the day, we are all working toward a common goal. It seems to me that there are some things that are just getting in the way.

**Interviewee 21:** Yes. There are so many examples of things. I have to say that, in EPICC, it is a real pleasure to work with [all of] them [i.e., all of the Dutch, Belgian, and German officials working at EPICC].

Negative perceptions impede both the process of international police and judicial cooperation, and the prospect of advancements in that regard.

### 8.1.1.7. Motives and Motivation

While some of the police and justice officials involved in international cooperation are simply involved because it is their job (i.e., the extrinsic desire for pay), the data suggest that most of the police and justice officials involved in the enterprise are highly motivated to achieve excellence in their international cooperation work. For example, consider the following statements, gleaned from separate interviews:

And if everybody’s motivated, you can go on, and we always win. (Belgian Police Commander, Interviewee 21)

* * *

The goodwill is there. Everyone in the Meuse–Rhine Euregion—every police officer—wants to cooperate. That is absolute. No problem. (Dutch Police Commander, Interviewee 26)
These two quotes represent the data in this regard very well.

The next step is to explore the various reasons (i.e., motives) behind the motivation among some police and justice officials to engage in international cooperation. The list begins with the core intrinsic desire “to serve and protect.”

8.1.1.7.1. “To make society a safer place”

A number of the police and justice officials reported that the key motive underlying their behavior is simply to make society a safer place. The following interview transcript excerpts illustrate this fact:

To decrease crime, and make a better world. (Dutch Examining Magistrate, Interviewee 14)

*   *   *

...to make society, at least, a safer place... That is something, I guess, that’s a motive for everyone who works in justice or police, I guess. (Belgian Examining Magistrate, Interviewee 7)

This research finding was expected, considering that the mandate of police and justice organizations is to help ensure public safety. Upon closer examination, however, additional underlying motives surfaced in the data. These additional motives are presented below.

8.1.1.7.2. The Need for Information—“Give and Take”

One Belgian prosecutor was able to identify the mandate, drive, and goal that satisfies both the need and the drive, within the context of international cooperation. This Belgian prosecutor stated:

The incentive… you see it in your own files—that information from abroad is needed to assist in your case, so you’re pretty sure that the other one [i.e., your international partner] will need your information. So it is “give and take”—the exchange of information. That is the thing that drives us. (Belgian Prosecutor, Interviewee 12)

Essentially, in the case of international police and judicial cooperation, the mandate is to bring perpetrators of serious transnational organized crime to justice, which leads to the drive to cooperate, which leads to the incentive of exchanging information, which in turn satisfies both the need and the drive (see Chapter 4 above).
8.1.1.7.3. The Love of the Work—New, Challenging, Different Work

Other interviewees stated that their motive is simply “the love of the work.” In one interview, two Dutch prosecutors provided more information as to the nature of international cooperation work:

**Interviewee 39:** International law enforcement cooperation is the kind of new and extra dimension, [as] compared to the regular work in this organization. In BES, on The Netherlands’ side of the organization, [there are] nine to ten people, and the other 240 people (in the public prosecution service) are those who work on the regular criminal cases—for example, a murder case. The people who work on the regular cases are the ones who have a network of five people, and only communicate with people within their own organization. But, if people are interested in more difficult work—international cases are more difficult than national cases—so, if you’re interested in having work that is something extra, more difficult, and different, that is the motivation of everybody here.

**Interviewee 40:** And, having the opportunity to meet interesting people with the same interests from different countries. Sometimes, you have the opportunity to travel abroad. The people in the BES travel the most, as compared to the total public prosecution service.

Clearly, motives in alignment with the demands/goals of international police and judicial cooperation (i.e., increased safety/justice, and decreased serious transnational organized crime) will help to facilitate the cause.

8.1.1.8. Training

*Training* is a variable that can facilitate international police and judicial cooperation. Interestingly, however, efforts in this area appear to be very grassroots, intermittent, and piecemeal, at both the police and justice levels across the three countries. The limited training available for police and prosecutors involved in international cooperation is discussed below.

8.1.1.8.1. Police Training for International Cooperation

The police training available for international cooperation includes one-day courses hosted by certain agencies for their own police officers, informal information via the NeBeDeAgPol Working Groups, special tools such as the CD-ROM glossary and the *Vademecum*, as well as just learning on the job. The evidence substantiating the existence of each of these training modalities is presented below.
No Common Training/Expertise Centre

To begin, there is no common training centre in the Meuse–Rhine Euregion for international police and judicial cooperation. As two Belgian police commanders explained:

**Interviewee 10:** But, the basic level—common training and common expertise—we do not have.

**Interviewee 9:** So, we are missing this [i.e., the support level] at the moment.

Therefore, the different police organizations in the Meuse–Rhine Euregion have resorted to different approaches in terms of educating their police officers with respect to international police and judicial cooperation.

One-Day Courses

Some senior police commanders have taken the initiative of hosting one-day police training courses for their own police officers, to educate them about the importance and process of international police and judicial cooperation. A Belgian police commander explained one such initiative:

And I mentioned some problems we have because the young police officers who go to police school... for me, there is a lack in the police schools about international cooperation. You have to explain to these people why it’s so important—not only to say, “You have to share the information.” No. Explain to them that it’s important to share. Why? Because it is a game of give and take. It is always the same. If you help someone once or twice—it doesn’t matter—in any way—the day you will need him, he will give you an answer too, because it’s a game of give and take. And that is the way things must go...

And, we have some initiatives too... probably everyone will talk to you about that... we have decided to give a one-day course on international cooperation to our colleagues, just because, first, as I told you, in the police schools, for us, they are not highlighting this aspect of our work enough, and just to remind everybody that we are a federal police force. It is our, let’s say, hard-core business. If we do not work in that way, nobody will do it. So, we have to do it. We do not have to fear working this way. We have to dare. Working on the international level is the only way to fight organized crime. (Belgian Police Commander, Interviewee 21)

Unfortunately, however, these one-day police training courses appear to be relatively uncommon, since not many officials spoke about such initiatives.
Advertising EPICC as a Tool

Another way in which senior police commanders educate frontline police officers about international police and judicial cooperation is by drawing attention to the role of EPICC. One Belgian police commander explained:

It is the role of each [police] chief to say/convince his guys that EPICC is a good information exchange instrument. (Belgian Police Commander, Interviewee 20)

This was confirmed in a separate interview with another Belgian police commander, who provided some more information. The interview dialog proceeded as follows:

**Interviewer:** What other variables affect the process of cooperation?

**Interviewee 30:** Being known in your own country is very important. Bringing information to the colleagues on the street, and in the bureau, [and saying that]... EPICC... can do it this way. And we are always seeing, for instance, last year, at the Formula 1 Grand Prix in Spa-Francorchamps (Belgium), we were over there with German, French, and Luxembourg colleagues, and there were colleagues from that area, and that is the Euregion, and they did not know [the police officers from EPICC], because [the police officers from EPICC] were sending information, and some information [was] stopped at the commanding level, but [the EPICC officers were] working for the ground-level—the people on the street. Therefore, one of [the EPICC] chiefs of information was going over there, meeting the people, and telling them about EPICC.

**Interviewer:** So, it is almost like educating the police about what is available?

**Interviewee 30:** Yes.

Educating officers about the services available for cross-border work, such as through EPICC, helps to facilitate international police and judicial cooperation.

**Tactical Training**

Tactical training also exists for international police cooperation. Some of this tactical training is very specialized, for Joint Hit Team members and integrated mobile squads for special events. Three police officers based in The Netherlands explained these types of tactical training:

**Interviewee 33:** We do it here on the local level. We have been trained by the BES for the Dutch procedure for arresting people in different places—the suspects can drive cars, the suspects can be in an apartment—so we are trained, and we are a team, so we train like a
team. [Foreign police officers working with] Dutch colleagues must know when we are in action, when we are on the field... what they are going to do, when they are going to do it, and by which way—how... We must know, and we must be trained together. So, we do, very often, shooting training, arrest training—on the street and in buildings—and, also by the BES, [foreign police colleagues] went to the [Dutch] police academy to be trained for the procedure—how you arrest a suspect in a house, when you have to break the door, we also have a special way to act.

**Interviewee 32:** Most of the time, we have a special way to open doors.

**Interviewee 31:** We don’t knock or ring [laughter]...

**Interviewee 32:** It’s very important, for their safety, that they train a lot. Yes, it’s a difficult job...

**Interviewee 31:** We train together, we have our... how do you call them... mobile squads. For instance, if there are major problems with supporters from a soccer team or something, we have mobile squads. We train our mobile squads with Belgian and German squads, so we know something about the structure of their force, and our people know about their force.

In a separate interview, one Belgian police commander corroborated these facts, adding:

Nowadays, that is where the Dutch colleagues are very good—in training. So, they give us training [*i.e., regarding*] new techniques [such as]: how to handle [things] when you go into a laboratory of synthetic drugs; how to handle [things] when you’re in a [cannabis] plantation; and they have a lot of experience, and they share it with us—with the Belgian and German colleagues. For instance... we will go to Holland to [take] a course on cannabis plantations. [The Dutch] organize it, and as well, the German, the Dutch, and the Belgian colleagues. [The Dutch] have the “know-how,” and they have the money to buy some equipment. And they do a presentation, especially from a security point of view, because with drugs, when you have production units, like we have here in the region, there is a lot of security problems. It is very special, and we are not trained to handle it. The Dutch do have specialists, and they share their knowledge, and, that is a positive point of [international cooperation]. (Belgian Police Commander, Interviewee 9)

Clearly, international police and judicial cooperation will be facilitated when the members of integrated teams share knowledge, best practices, and apply the same tactics.

**Sharing Best Practices in the NeBeDeAgPol Working Groups**

The NeBeDeAgPol Working Groups offer yet another modality through which training and information are shared. Two Belgian police commanders stated:
Interviewee 10: Also now, in our working group, we try to share as much best practices as we can. There were a couple of opportunities. We went to Holland, and we looked at the way they work against private prostitution, escort services, and so on, and we’ve learned, I wouldn’t say “a lot,” but we’ve learned some new techniques. We learned something [where we say], “Oh, look at how they do it. Look at how they arrange it.” Maybe they [will] learn something from us too...

And we propose to act in the same way, to our prosecutor. [We say to our prosecutor], “The next time that we are going to do a control of an escort service, we can maybe [follow] the Dutch process.” And, there was a little [question], “Aren’t we going to [overstep the law]?”...

So, the prosecutor has to first read [our plan], and maybe give his opinion, [for example], “Oh, maybe we shouldn’t do it like this.” But in the end, we do have a solution [regarding] the way of working. We have a scenario for the way we can work. So, we have learned best practices from our Dutch colleagues from a totally different point of view... we learn from each other, and this is very positive.

Interviewee 9: Not everything is bad [laughter]. We work very good together.

Thus, training in international police and judicial cooperation need not always be formal. In some cases, the training occurs informally by virtue of the working groups.

Special Tools: The CD-ROM Glossary and the Vademecum

Interestingly, the interviewees also pointed to the CD-ROM glossary and the Vademecum as educational tools. For example, the dialog proceeded as follows in one interview with a Belgian police commander:

Interviewer: Does that education happen here? Are the front-line officers... do they know about international cooperation?

Interviewee 19: We try to make tools for the personnel. We have a CD-ROM with the translation of every judicial police term.

Of course, the Vademecum was also cited by the interviewees as a mechanism by which they are learning how to cooperate with their cross-border colleagues. Some of the interviewees, however, pointed out that the Vademecum is lacking in some regards. For example, the tool does not answer questions about intelligence sharing. Two Belgian police commanders explained:

Interviewee 10: In our workgroup, from the very beginning, in 2007, we are asking the BES and NeBeDeAgPol—the prosecutors from the Euregion—we are asking [them], “Tell us. We want to work together; we want to cooperate, and that’s one of our goals, in our action plan, or whatever. We have to do some operations, actions, and controls. We want to do it, but tell us which are the latest [legal developments]?
Which is the field [legal framework] that we can work within? Due to the law, what can we do? Can we go, with our guns or weapons, to an action or control in Germany? Can we do something there, when there is an action or control at a club, or a bar, or whatever? If we see some girls [i.e., prostitutes], can we interrogate them, as a Belgian police officer over there [in Germany], not within any investigation, but just to take part of a control of these girls, in order to see whether they come from Belgium, or maybe have some pimp living in Belgium, and so on? Is it allowed? What about insurance? When something happens when you drive your car—if a German and Dutch colleague get into a car accident, are we insured for that?” And these are particular questions that we didn’t get any decent answer on.

**Interviewer:** From what I understand… a CD has been made, but it is very new—it’s only two weeks old. It was done in collaboration with the University of Gent, and they are answering practical questions, but it’s only been in effect for two weeks, and it is only for Belgium?

**Interviewee 10:** Yes, it’s for the situation in Belgium, seen through Belgian “glasses” [looking at international cooperation] towards Germany and Holland. But, it is not an instrument for Dutch colleagues to look to see how they [should] cooperate with the Belgians and the Germans. It’s made by a Belgian university—the University of Gent.

**Interviewer:** It’s only from the Belgian perspective?

**Interviewee 9:** Yes, and, the next exercise will be that the German and Dutch colleagues will take this information over and turn it [considering] their law, and so on. But, okay, it’s very practical. In one view, you can say, “Okay, I am doing a cross-border observation. What do I need? Who do I have to phone? Who do I have to [make] contact with? When is it official? When is it not official? What can I use? What can’t I use in my further investigations?” Therefore, it is very practical for us.

**Interviewee 10:** When you come to some sort of situation, [where] you are just doing an observation, and [you realize] “Oh, it’s cross-border. What do I do now, to be legally [covered]?” You look, or you let somebody look, and you get an answer within some seconds. But, when you look a little further, in this very beautiful PowerPoint presentation… you see that sometimes, when you ask questions, [such as] “How about how sharing information between these countries?” And, we start to talk about… I do not know if you know the difference between intelligence and information?

**Interviewer:** Yes, I do.

**Interviewee 10:** There is no answer in this [i.e., the implications of how and whether information or intelligence can be shared across borders]. It is not in this presentation. It is just written “forbidden.” When I ask the question, “How do I share information—intelligence—by the way, with my German colleagues, in order to get them [i.e., the Germans] started on some investigation?” it is written in the presentation: “Are you in some kind of Joint Investigation Team?” [We answer] No. “Are you in some kind of rogatory letter [mutual legal assistance process]?” No. “Is it intelligence—soft information?”
[We answer] Yes. [Then, the CD-ROM says] “Stop.” So, okay, the presentation [i.e., CD-ROM] is beautiful, but it doesn’t give an answer for what I should do then. “Stop.” Okay, stop, but I wanted to get something started.

**Interviewee 9:** So, we put it in the map [i.e., the flow-chart in the CD-ROM], and it’s finished. That’s not what we are working for.

**Interviewee 10:** So, the tool is very good, but they cannot just work with the laws and official things. There are [laws], but there are not official laws, or whatever, dealing with “What do we do when we get some very high intelligence in Belgium about Dutch or German men, or a criminal organization, working on prostitution or human trafficking?” But, [the intelligence] is [soft], and coming from an informant, for instance, who doesn’t want to get himself identified, or whatever, and he says, “Don’t tell it to anybody else, because then the criminal organization will know afterwards that it’s coming from me, and I’m dead.” So, what do we do with this [information]? In Belgium, okay, this information is being shared with the prosecutor. The prosecutor says, “Okay, we are going to find something out, to get it in some kind of protocol with protection of the witness,” and so on, but what do we do with this information, if they are talking about somebody in Germany? Can I, may I, is it allowed to share this intelligence with our German colleagues? [And the response is], “Oh, no—it’s not allowed.” And, it is coming from both ways. When we ask for some information—just as I just told—about a couple of suspects, we are running an investigation on a criminal organization: two Dutch suspects, and two Belgian. And, we are asking the Dutch colleagues, “Do you know these two people? They seem to be involved in a very high-level investigation. Who are they?” EPICC, for instance, can tell us where they live, what kind of car they have, the number plate of the car, and so on, but they don’t... they are not allowed to tell us, “Hey, in Holland, there is some intelligence about these [people], because last year, they were involved in an investigation on drugs, and this may still be ongoing.” All this weak [soft] information cannot be shared within the three countries, and that is very... [not good].

**Interviewer:** So, the sharing of intelligence is not allowed by law, but does it still happen on an informal basis?

**Interviewee 10:** Let’s say, there is no law that allows it. It’s not allowed, but there is no law that [prohibits it].

**Interviewee 9:** We share the information, but on an unofficial basis.

**Interviewee 10:** As a police officer, it is [classified as] information [from] “police to police.” But, you cannot write it down in the protocol [formal police report]. You cannot say, that, for instance, in Germany or in Holland, “This information exists there.” You can’t mention it [in a report]. So, we have to look for another way to get this information in your protocol.

Thus, tools designed to educate police officers about international police and judicial cooperation are helping to facilitate the process somewhat, but due to some gaps in their construction, remain lacking in some regards.
“Most of us learn by doing”

Surprisingly, despite the data indicating that some standardized approaches toward training have been implemented in the Meuse–Rhine Euregion, some interviewees stated that they simply teach themselves. One German police commander explained:

...most of us are learning by doing, and we are always looking for younger police officers [who] will take it over. (German Police Commander, Interviewee 34)

These facts were corroborated by other interviewees.

8.1.1.8.2. Prosecutor Training for International Cooperation

Naturally, international prosecutorial training differs somewhat from police training. Yet, as discussed above in relation to police training, prosecutorial training also ranges from self-education, to networks, seminars, and secure Intranet sites.

Self-Education, Networks, Seminars, and Intranet Sites

The interviews with prosecutors revealed a “mixed bag” approach to prosecutorial training in international cooperation. To illustrate, consider the following exchange that transpired with one Belgian prosecutor:

**Interviewer:** You just learn as you go along?

**Interviewee 6:** Yes... Information on how to do international law enforcement cooperation exists, but prosecutors are not obliged to do it. But it’s very, very general.

**Interviewer:** Is this the information that is found on the European Judicial Network on the Internet?

**Interviewee 6:** No, it’s different. It’s information that is organized by the information institute for prosecutors and magistrates in Belgium. There are people who work on these kinds of cases, and they are coming to explain it.

**Interviewer:** Who are those people? Are they prosecutors who are very experienced in international law enforcement cooperation?

**Interviewee 6:** Yes. 

**Interviewer:** So, experienced prosecutors in Belgium put on some sort of a seminar/training?

**Interviewee 6:** Yes, but in the federal prosecution service, there are prosecutors who have very good experience. Those people with information come to speak... a former federal prosecutor... [and a Belgian prosecutor] of Eurojust. It is those people who come to speak...
to us and share information, but it is general information. They can’t go into details because it’s different in different countries...

**Interviewer:** Do you ever consult the European Judicial Network on the Internet?

**Interviewee 6:** No. When we have questions, we just ask other prosecutors in [Belgium], or in the federal prosecution office.

You know, we have a new book by Professor Fijnaut. I think it’s a good book. It makes comparisons between the three countries and the law between the three countries. It helps find a solution. But it is a big book, and it is written in French. There is another volume by Van Daele...

These findings can be juxtaposed against what was gleaned in a separate interview with other Belgian prosecutors:

**Interviewer:** How are people in your prosecution service trained to specialize in international law enforcement cooperation cases?

**Interviewee 24:** There’s nothing; we learn by doing it. But sometimes, there are seminars.

**Interviewer:** Who puts them on?

**Interviewee 24:** The High Council of Justice. Sometimes, they do seminars.

**Interviewee 25:** And at BES...

**Interviewee 48:** And we also have expertise—a network. In every prosecution service, there is one prosecution officer who is the reference point for international cooperation. We have them for different types of crimes—home burglaries, whatever. We also have one for international cooperation. Every several months, there is, on a higher level, these expert meetings where those magistrates come together, and they can exchange experiences, information, and address problems. And we also have an Intranet, where certain people, who are specialized in international law, post questions and answers to questions on how we can address certain problems. But for us, we self-educate. We find solutions.

Therefore, it appears that prosecutorial training in Belgium with respect to international police and judicial cooperation may be somewhat unstandardized, since prosecutors in the same country are pointing toward different mechanisms by which they are learning about international police and judicial cooperation.
Annual Training Co-Hosted by the BES and a Dutch Law Professor

Interestingly, only one prosecutor in the Euregion mentioned the annual training co-hosted by the BES and a Dutch law professor as a training modality for those involved in international police and judicial cooperation. This German prosecutor explained:

[The BES does] it once a year... [they] invite, I think about, for every country, about 20 prosecutors—not police [officers]—to get trained in cross-border criminality fields... [The officials at the BES], together with [a Dutch law professor]... brought up some cases, and [they] had, of course, the solutions in [their] pockets, and [they] made a two-day seminar with our colleagues, about how to solve the cases, and then, [they] gave out the handouts for the solutions. This is done every year together with him... (German Prosecutor, Interviewee 38)

Due to the disparity found in the data concerning this variable of training, it appears that greater steps can be taken toward enhancing and standardizing police and prosecutorial training with respect to international police and judicial cooperation, so as to better facilitate the cooperation process.

8.1.2. Inductive Variables

8.1.2.1. Recruitment

The inductive variable of recruitment was actively explored by the researcher, since cooperation may be influenced by the nature of the recruitment and subsequent involvement (i.e., voluntary versus forced). When asked this question, the interviewees all reported that involvement in international police and judicial cooperation in the Meuse–Rhine Euregion is voluntary, and that moreover, the voluntary aspect of the work helps to facilitate international cooperation, since this variable is tied to the variable of motivation. One Belgian police commander stated:

What makes [international cooperation] good? Certainly the fact that... the police officers, most of all, volunteer to work together. That’s important. (Belgian Police Commander, Interviewee 22)

These facts were corroborated in other interviews. Accordingly, the data confirmed that the variable of recruitment is important to study when examining international police and judicial cooperation, since voluntary involvement can facilitate cooperation.
8.1.2.1.1. Management Asks for Volunteers

When asked, “Is there a special way that officials are identified to help with cases of international law enforcement cooperation?” the interviewees essentially explained that their boss asked if they would like to volunteer. For example, a Belgian prosecutor, and a German prosecutor, respectively, stated:

Interviewee 12: I was asked in the very beginning if I was interested in mutual legal assistance, I accepted, and now I have been doing it for years. I volunteered...

Interviewee 46: You only find volunteers, not because of the money, but because of the idea that they appreciate the idea of mutual legal assistance.

Management, however, appears to be quite astute in selecting potential employees for this offer. One Belgian police commander explained that effective involvement in international work also depends on a person’s language skills. The interview dialog proceeded as follows:

Interviewer: How are people recruited to help with international law enforcement cooperation? From what I understand, in speaking with the other people, they say it’s voluntary.

Interviewee 20: Yes. It’s voluntary. It depends on language too, because most of the meetings are in Dutch or in German—never in French. It’s difficult to find, sometimes, police [officers] in Liège or Verviers who can speak and understand the other language.

Language is a very important variable. In Germany, we have no one who speaks French or Dutch. Dutch people speak Dutch or German, but not French [and the Germans speak German]. And [the French-speaking Belgians] must do [their] best to understand everybody.

The variable of language is explored in great depth below.

8.1.2.2. Knowledge/Expertise

Knowledge/expertise in international cooperation (of the overall process, the “fast tracks,” the “slow tracks,” the different systems, the different laws, the variables, etc.) among the police and justice officials emerged as a key inductive variable that influences the international cooperation process. This is an important variable to be examined closely, since as will be argued in the present dissertation, international police and judicial cooperation is a specialist’s job, and it should be recognized as such. Indeed, the data
suggest that knowledge/expertise greatly facilitates the process of international police and judicial cooperation, and that a lack of knowledge/expertise hinders the process.

8.1.2.2.1. Expertise in the Process of International Cooperation

There are many facets of knowledge/expertise in the process of international cooperation. The facets include knowledge/expertise about: what can be expected from different countries, the organizational structures/systems of different countries, the resources available for international cooperation, as well as simply knowing one’s international colleagues. To begin, consider the following interview transcript excerpts—collected from the three different countries, across the professions—which all underscore the point that expertise in the process of international cooperation is required to facilitate matters. One German prosecutor explained:

So, they need somebody who has experience in mutual legal assistance—in combating organized crime—and somebody who—it’s not mandatory—but who most probably speaks also Dutch, French, and English... So, these are, I think, the preconditions for making things better, and it works. (German Prosecutor, Interviewee 38)

These comments were echoed in a separate interview with a Dutch prosecutor, who stated:

Interviewee 29: I think also the experience, which is gathered by the same persons who are sitting here [for] years, because there is an experience built by persons here. So, they know what they have to do.

Interviewer: Expertise?

Interviewee 29: Yes, expertise... It also makes it quicker.

A Belgian examining magistrate confirmed that expertise facilitates the process of cooperation by stating:

We are a region here that is very close to Germany and Holland. We have to direct a request for mutual legal assistance a lot of times. It happens very much that we have to ask another country to investigate something for us. There are regions in Belgium, for instance, in Leuven, which is more in the central part of Belgium, where they are not really in the habit of making a lot of requests for mutual assistance. Of course, when you do so a lot of times, that is not a lot of work, because you get a lot of experience in it. But if you do so once in a while, then I can imagine that you have some objections to it. You might think that it’s a lot of work, and you don’t really know what information to put in, and things like that. So, if you do those things a lot, it gets easier. [Emphasis added]. (Belgian Examining Magistrate, Interviewee 7)
Some of the various facets of knowledge/expertise in the process of international police and judicial cooperation in the Meuse–Rhine Euregion are explored below.

**Knowledge about What Can Be Expected from Different Countries**

Many of the interviewees explained that the police and justice officials involved in international cooperation should possess some knowledge about what can be expected from the different countries. For example, one Belgian prosecutor briefly stated:

> There is a mutual understanding of each other’s possibilities and limits.  
> (Belgian Prosecutor, Interviewee 15)

In a separate interview, one Dutch police commander provided more information:

> You must have experience with the Dutch law, German law, and Belgian law, because when they give the name of a person to a German prosecutor, and there is information that he committed a drug offence, then I have to be aware that this name is going to be [put] in a German file, and then the German prosecutor is forced to do an investigation on this person.  
> (Dutch Police Commander, Interviewee 28)

Thus, knowledge about what can be expected from different countries not only relates to the possibilities in international cooperation, but also the potential ramifications/consequences of starting an inquiry with a transnational dimension.

**Knowledge of the Organizational Structures in Different Countries**

Knowledge about what can be expected from different countries is actually tied to knowledge about the different countries’ organizational structures. One Belgian police commander explained:

> The knowledge of the other systems, because the police organizations are very different in the three countries. The cooperation and the relationship with justice are very different in three countries. It’s very important for us to know what we can actually expect from our colleagues, and in order to know it, you have to have a comprehension and know how they are structured, and how they work. So, actually it’s about training perhaps, and to get contacts with colleagues.  
> (Belgian Police Commander, Interviewee 22)

This fact surfaced in a separate interview with a Dutch police commander who stated:
We train our mobile squads with Belgian and German squads, so we know something about the structure of their force, and our people know about their force. (Dutch Police Commander, Interviewee 31)

Knowledge of the organizational structures in different countries usually leads to knowledge of those countries’ different organizational systems.

**Knowledge of the Organizational Systems in Different Countries**

Many interviewees spoke about the importance of knowing what can and cannot be done by one’s international colleagues in the context of international police and judicial cooperation. One Dutch prosecutor stated:

> And respect for their neighbor’s systems and possibilities. [For example] don’t ask for a telephone tap in Belgium when it is not allowed in a certain variant. That doesn’t look too good—that they don’t know that it could not happen in this case. (Dutch Prosecutor, Interviewee 39)

One German police commander provided additional information in a separate interview:

> You have to understand which way the investigation works on the other side. There are very, very great differences... But when you know the ways, and you know the people, you get the chance to investigate together. (German Police Commander, Interviewee 34)

There are many dimensions to the way an investigation works in a particular country.

**Example #1: Different Vehicle Registration Systems**

To underscore the necessity of understanding one’s foreign colleagues’ systems when engaged in international cooperation, some of the interviewees provided illustrative examples. One Belgian police commander spoke about the differences between various vehicle registration systems in different countries:

**Interviewee 30:** And, you have to have knowledge of all existing systems in your country, and knowing what you can get from the other one. For instance, in Germany, they don’t have a national registry for inhabitants. So, when you have a name and date of birth, and this person lives in Germany, you can’t find them if you don’t know which town, or which “kreis” as they call it, which is like a big city with all the neighbor cities together [i.e., district]. If you don’t know which [district] the person lives in, you can’t find them. And we can try by driver’s license, license plates, or something, but a national registry doesn’t exist over there [because] it was held over from the war. After 1945,
Germany was occupied by the rest of... the Americans, the French, the Belgians—all of Germany was occupied. And the police in Germany—a great police station—I don’t know the numbers, but from like 100 people and more, they don’t have a police chief. The police chief is always a politician. It is not a commissioner, because after 1945, they were afraid that too much power in one person or one agency is not allowed. And it is still not allowed. Therefore, in Germany they call it “datenschutz,” which is information protection. And, every city, or every [district] has its own registration system, but we cannot ask them nationwide. It’s a very medieval...

Like I said, knowing each other’s systems: what can I ask a colleague? What exists in that country? I know I don’t have to ask a German colleague to check a registry of inhabitants because it doesn’t exist. They have, like a history of license plates, in Germany; they have local license plate agencies. Every town has its own plates. In Germany, you see the license plate starting with AC, which means Aachen; K means Köln. So, every license plate in Germany belongs to a kreis [district]. Knowing that, you can help.

Nowadays, in this region, you see trucks and cars from all over Europe, because there are no borders at all. You see Bulgaria, Serbia, Croatia, Italy, Spain—and all the license plates look the same—[because] it’s a European standard: a white license plate, with black characters. Every person seeing a license plate thinks it’s German, but it isn’t. It might be Polish, Bulgarian, French, Spanish. Knowing the systems, we can help the colleagues in our own country to determine which plate the person saw.

Like in Poland, they took the same system as Germany. The first two letters refer to the region, and then the rest of the plate...

In France, they altered their system on the 1st of April [2009]. Now, they have a system where the license plate belongs to the car and stays with the car, as long as the car “lives.” In Holland, they have the same.

In Belgium, the license plate belongs to me. I have had the same license plate for 40 years. And, when I have a new car, I can register my plate to my car. We have the entities of a person, a plate, and a car. When you have the three of them linked by the Bureau of Motor Vehicles, then you have a valid registration.

In Germany, the license plate is linked to the kreis, and then there is a car, and then there is the owner.

In Holland, the plate belongs with the vehicle identification number—with the car, like France. Now, when you buy a car, you have the plates and the papers all together. You go to the post office in Holland, and the post office clerk makes the registration. Therefore, Holland has a lot of false information on the license plate registry, because it was too expensive maybe [to maintain a different system], so they went to the post office. In Holland, the post office is somewhere in the supermarket. So, one or two employees of the supermarket do post-work, half an hour a day, and you’re showing your license paper, you’re showing your identification card—it might be a driver’s license—and they are
[sometimes] altering the name on the plate. This system is not very stable.

**Interviewer:** So that is where the vehicle registration information is maintained? At the post office?

**Interviewee 30:** No, they send it to the [indiscernible].

**Interviewer:** So most of the work gets done at the post office?

**Interviewee 30:** Some work is done at the post office. Also, in the bigger cities, there are also bureaus of the [indiscernible], which means... the “National Service of the Vehicle Registration.” They have a database, but the information given from the post office is incorrect. Normally, someone not living in Holland cannot have a Dutch license plate. It’s very logical. But in the last two weeks, we found... Belgian people having license plates with a false address...

**Interviewer:** It’s very complicated.

Clearly, detailed knowledge of the organizational systems in different countries can help facilitate international police and judicial cooperation.

**Example #2: The Overtime Policy of the Dutch Police**

As an additional example gleaned from a separate interview, two Belgian police commanders recounted the overtime policy of the Dutch police to illustrate why it is necessary to understand the systems of one’s international colleagues in the process of international police and judicial cooperation. These Belgian police commanders explained:

**Interviewee 43:** In The Netherlands, and also in Belgium, you have a law that says “[Police officers] can work eleven hours a day”... but normally, after about 11 hours, you have to stop, and a colleague takes it over. When you are in surveillance, and you start in the morning, nothing happens. After 10 hours, targets begin to move. In The Netherlands, after 11 hours they say, “Oh, we are sorry, [but we have to go home now]. The shift is done.”

**Interviewer:** Are you kidding? Oh my goodness!

**Interviewee 43:** Yes, it happens.

**Interviewer:** From what I’m hearing, the Dutch are a little bit difficult to cooperate with because of their priorities, their rules, etcetera.

**Interviewee 43:** Yeah. But, we know their problem, so we don’t call or we don’t [get ourselves into a position where the limitations of the Dutch police and laws can affect our police work].

**Interviewee 44:** We know how to act and solve the problem.

**Interviewer:** So, how do you solve the problem?
Interviewee 43: So, after seven or eight hours, we are already saying [to the Dutch], “Oh, it is possible that another team has to come over.” Or, we...

Interviewee 44: You have to convince people to work for you.

Interviewee 43: Then, in Belgium, we have the same law, but, if that happens [i.e., if targets start to move in the eleventh hour of a shift], we work 12 or 13 hours, and we see what we can do. But, I must say that the law in The Netherlands is very strict.

Interviewee 44: And that’s understandable, because for every time they [work] over [time], they need to pay an amount [i.e., a fine].

Interviewee 43: There is a penalty. So, they have to pay.

Interviewer: Who? The police?

Interviewee 43: Yes.

Interviewer: And who do they have to pay?

Interviewee 43: The government.

Interviewee 44: I think you have to return to The Netherlands and ask that.

Interviewer: They didn’t mention that to me. It’s so interesting to be speaking with the different organizations because I’m getting the big picture this way... I didn’t get this information from the Dutch when I spoke with them last week. It was a different picture [laughter]. They are very happy with cooperation, they are very happy with the Belgians. They explained that they are cooperating so nicely with them.

Interviewee 43: [Us] too. We are not complaining.

Interviewee 44: They don’t lie, but they don’t tell you everything.

It is interesting to observe that knowledge of one’s foreign colleagues’ systems can actually help overcome limitations in the process of cooperation, because issues can be anticipated and addressed even before they arise.

Knowledge of the Resources Available for International Cooperation

Some interviewees mentioned that it is important to know what resources are available for international police and judicial cooperation, in order to execute such a job. As an example, one Dutch police commander spoke about the importance of understanding what the IRC can do:

If police forces in The Netherlands and the prosecutor’s office would realize that they have the IRC—not having only the name of the IRC, but also doing the whole range of work at the IRC—it could be a big help in cooperation—a bigger help in cooperation than [what] we [have] now at the moment. (Dutch Police Commander, Interviewee 28)
Other interviewees stressed the importance of understanding the services available at EPICC, Europol, and Eurojust. Clearly, knowledge of the available resources can help facilitate international police and judicial cooperation.

**Knowing Each Other**

A number of the interviewees also spoke about the importance of knowing each other, both personally, and in terms of professional aptitude, to help facilitate the process of cooperation. One German prosecutor stated:

Regular meetings of the people involved, not only on the strategic level, but on every possible level, meaning also regular meetings for cultural exchange. For me, the absolute best position is that everybody knows everybody, not only as “Mr. X,” but to a certain degree, the people involved in the same system become friends. And, I always found out, for the more than 20 years that I’ve been in the business of mutual legal assistance, the more you know people, the easier it is to exchange information, and sometimes, even without the special knowledge, even with problems in the systems, you still have the chance to know each other so well that you can overcome gaps in legislation, misunderstandings, and opinions. And, yeah... I found, to give an example... I found friends for life. And it must not [necessarily] be “for life,” and it must not [necessarily] be [required] that you be friends, but, people knowing each other is the first giant step—not [just] a good step but a giant step—to[ward] the better exchange of information. (German Prosecutor, Interviewee 38)

The importance of knowing each other personally and professionally was stressed by the interviewees across the countries, and across the professions.

**8.1.2.2.2. Lack of Knowledge Regarding the Possibilities for International Cooperation**

In further support of the finding that knowledge/expertise within the context of international police and judicial cooperation is facilitative, the interviewees also provided evidence as to the converse. Specifically, a number of the interviewees spoke in negative terms to explain that a lack of knowledge in certain areas actually impedes international police and judicial cooperation. One Belgian examining magistrate candidly painted the “big picture” in this regard:

Only some police officers are educated in international cooperation. So, many police officers do not think about international cooperation because they do not know how they can do it, and who they can contact, because they have no information—no education about it. In Belgium,
[in this one city], there are only a small number of police officers involved in [international] investigating and cooperation. We do not have many files that involve cooperation... But, in the past year, [some senior police officers] in [this city] have been giving information about international cooperation to other police officers. It’s new. (Belgian Examining Magistrate, Interviewee 16)

These facts were corroborated in a separate interview with two Belgian police commanders, who provided a poignant example to illustrate the lack of knowledge among some of the frontline police officers involved in international cooperation. These Belgian police commanders explained:

**Interviewee 36:** And, then, the judicial limits—that’s what we try to [overcome/navigate around] with [the] Vademecum... it is to explain to the police officers the limits of the possibilities—how far can they go when they are in the other country.

**Interviewee 35:** ...Now, with this Vademecum, it gives answers to these questions.

**Interviewee 36:** For example, we had a big control on the trafficking of stolen cars, and we had a great control, two weeks ago, on the border with Germany. And, we made it really on the border—on the highway—but that is the border-point. And we worked there together with [the] Germans. But, the place where we controlled was in Germany—one metre in Germany. One of the Belgian police [officers] said... “I cannot do anything there, because [the suspects/targets] are in Germany.” And [he was informed], “No, that is not so. It is the border-point, and for border-points, there is a special law that says you can—as a police [officer]—work on the border-point. There is no problem with nationality, but it’s only on this point. You can’t go [into the other country] for 500 metres.” So, you see, that’s [judicial limits]; the police [officer] is not sure that he can act there, and that he won’t have problems if he does.

A lack of knowledge among frontline police officers in terms of international police and judicial cooperation possibilities was confirmed by other Belgian police commanders who provided examples relating to Joint Investigation Teams and information sharing. Consider the following interview transcript excerpts gleaned from separate interviews:

One problem is that our investigators don’t know what the possibilities are in terms of cooperation. For example, the Joint Investigation Team possibility in Europe is one thing that is not so much known by the investigators. Out of all the possibilities in the treaties, most of the investigators don’t use it because they don’t know it... (Belgian Police Commander, Interviewee 22)

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We noticed that sometimes the available information was not available for everybody, or was not shared. Since 2001, it seems that it’s going to be better. It’s not perfect yet, because we noticed that some useful information is sometimes lost, or is not shared. Why? Because the people with the information sometimes do not know the way to share it. So that is a problem maybe for the school for police officers. That could be improved. That is the first thing. [Emphasis added] (Belgian Police Commander, Interviewee 21)

Clearly, not knowing what is possible can impede international police and judicial cooperation.

8.1.2.3. Experience

Another important facilitative variable in international police and judicial cooperation is experience. This variable can be viewed in two ways. First, experience helps to make certain actions easier and faster the next time it is done (i.e., “practice makes perfect”). To this end, one German prosecutor stated:

So, they need somebody who has experience in mutual legal assistance—in combating organized crime. (German Prosecutor, Interviewee 38)

This fact was echoed in separate interviews, with some of the interviewees highlighting that good experiences are actually tied to the variable of knowing each other. In one interview, a Dutch police commander stated the following:

To make [international cooperation] easy is the closeness of the countries in the Meuse–Rhine Euregion. We know each other. We have worked on earlier investigations with each other. So, when somebody in Aachen starts an investigation, he knows already who he has to call. He doesn’t have to do any homework [to find out] who in Holland, or South Limburg, is responsible for an investigation for border crime. (Dutch Police Commander, Interviewee 28)

Clearly, the variable of experience helps to facilitate the process of international police and judicial cooperation.

The other way in which the variable of experience can be viewed is through the lens of positive reinforcement (i.e., “success builds on success”). Again, building on the idea that the variable of experience is tied to the variable of knowing each other, one Belgian prosecutor explained:
Interviewee 12: To know someone in person makes it easier to say the second time that, “I had a good experience with that person, so I will try again.” And then there is also a version that you say that you can recommend somebody that you had a good experience with. They can say, “If you have problems in that case, just call “Mrs. X”....

Interviewer: Yes, this is a common theme, that success in cooperation actually promotes future success.

Interviewee 12: Yes.

Indeed, many of the interviewees across the countries and the professions confirmed that success builds on success in international police and judicial cooperation. This means that success in cooperation functions as positive reinforcement for all the players involved. In other words, police and justice officials who have positive experiences in cooperation retain those memory traces, and those memory traces actually serve to encourage/facilitate cooperation in the future.

8.1.2.4. Speed / Time

The variables of speed/time proved to be two sides of the same coin, and very important in the process of international police and judicial cooperation. Specifically, speed in the execution of every processual step greatly facilitates the process of international police and judicial cooperation. One Dutch prosecutor explained:

For the criminals, it is very easy to steal a car in Holland, commit a crime in Belgium, and park it in Germany. For justice, it is a big problem, because it all has to do with mutual legal assistance, and that costs time, and time is important for solving the criminal facts. And criminals do those practices because they know that it will cost time for justice to solve the problems to solve the crime... (Dutch Prosecutor, Interviewee 29)

A spectrum of data strongly suggest that speed can facilitate cooperation. Indeed, the interviewees spoke both in positive terms (i.e., time can help facilitate the process of cooperation) and negative terms (i.e., slow execution can impede cooperation). The range of data are presented below.

8.1.2.4.1. Quick Execution

Many of the interviewees stated that the speed of information is crucial in the context of international police and judicial cooperation. For example, one Dutch police commander stated:
We are always working on time. It's always quick. When somebody wants a surveillance or a house search, it has to be done immediately...
(Dutch Police Commander, Interviewee 28)

Despite the common-sense appeal of this variable, it appears that international police and judicial cooperation is impeded by slow execution in practice. This is explored below.

8.1.2.4.2. Slow Execution

Some of the interviewees explained that slow speeds in international police and judicial cooperation impede or entirely thwart the enterprise. One Belgian prosecutor stated:

Time is a very big problem. We are always stopped or slowed down. I think the border is a problem for us because we have to stop, but for the criminals, there is no border. They can go through without any controls... (Belgian Prosecutor, Interviewee 6)

Illustrative examples were provided by several interviewees to show that slow execution in international cooperation is very problematic. The following dialog unfolded with one Belgian examining magistrate:

**Interviewer:** Are there factors that make mutual legal assistance easier or harder?

**Interviewee 16:** Usually, it is slow. It takes time. It is important to have a quick answer. Because you are investigating a criminal organization, you must work quickly to investigate. If you have to wait one year, it is not possible...

If it takes too much time, you know, if the international request comes back after one year or more, it is totally useless, because after in the trial, they will say "Well, the investigation was too long, and the file has no more interest." So, they only declare if the man is guilty or not, but they do not give any sentence. That's it.

Upon closer examination, it became apparent that the data collected in this regard largely featured complaints made by the Belgians and Germans toward the Dutch. For example, consider the following statement made by a Belgian police commander:

So, we asked, in a case from last year—we had three names of Dutch criminals who are involved in this [drug] plantation, who went away a few moments before we arrived. So, we have the names, the addresses—we have everything. And, we were asked to take DNA, to do an interview, and to do a house search, [but] only the interview was allowed—three months later. So, no DNA, because it’s not [allowed] in the law, and even no house search, because the time is too
long; we asked for it immediately, but it took three months before this [request was processed] in Holland, and then they say, “Because it was three months ago, so we don’t do a house search anymore. You can only do an interview.” And, when you come there [i.e., go back to the place of the cannabis plantation to interview the person that you are allowed to interview now, which is three months later], and say, “Have you something to do with this plantation?” They say, “No,” and the interview is finished. (Belgian Police Commander, Interviewee 9)

Clearly, speed is an important variable in the process of international police and judicial cooperation, since the collection of evidence and the administration of justice are time-sensitive exercises.

8.1.2.5. Specialists

Another emergent variable was the existence of specialists in international police and judicial cooperation. Despite some controversy on this subject among the police and justice officials in the Meuse–Rhine Euregion, the present dissertation presents overwhelming data in support of the argument that international police and judicial cooperation is definitely a specialist’s job. These data are presented in two parts.

First, in response to Research Question #2, a large amount of data suggesting that international police and judicial cooperation is a specialist’s job was presented in Chapter 7 above with respect to the process of international police and judicial cooperation. Indeed, Chapter 7 revealed that the process of international police and judicial cooperation is very lengthy, and consists of numerous steps, many of which are subject to the influence of various variables that either facilitate or impede cooperation. Chapter 7 also revealed that both “fast tracks” and “slow tracks” exist in the process of international cooperation, with the “fast tracks” remaining available to the “Masters in Cooperation.”

Second, in response to Research Question #3, a broad spectrum of additional data emerged in support of the argument that international police and judicial cooperation is a specialist’s job. The present chapter sets out to support this argument by first showing that multiple variables influence the process of cooperation, and that these variables have values. For example, according to the interview data, the variable of culture has three possible values in the context of international police and judicial cooperation in the Meuse–Rhine Euregion, namely the perceptions of: (1) “all one culture,” (2) “a decreasing culture gap,” or (3) “different cultures.” The identification of these different values allows readers to see how a variable can influence international police and judicial cooperation,
either positively or negatively. The purpose of this exercise is to understand what variables facilitate and/or hinder cooperation, so that police and justice officials can manipulate the variables in such a way so as to encourage success in international cooperation every time the process of cooperation is engaged. The fruit of this exercise is discovering that most of the variables discussed in this chapter are categorized at the individual-level, and that, moreover, these individual-level variables point to the specific attributes/characteristics/skills/knowledge required of police and justice officials for the process of international cooperation to operate smoothly and successfully. Thus, the present chapter is dedicated to elucidating the attributes of the specialists involved in international police and judicial cooperation. This subsection in particular highlights the presence and necessity of specialists in this field, to directly support the argument that international police and judicial cooperation is a specialist’s job.

The interviewees provided many examples to illustrate that international police and judicial cooperation is a specialist function. Many of these facts have already been presented above, such as how positive attitudes, personalities, and perceptions can facilitate international cooperation. Two Belgian police commanders stated:

**Interviewee 19:** In each country, in each police service, there are police [officers] who are principally [tasked] to have contacts between the three countries.

**Interviewer:** It’s their duty to serve as a liaison?

**Interviewee 20:** Yes. It’s a kind of liaison officer, but we don’t call them a “liaison officer.”

**Interviewee 19:** The chief of the police and the BES decide the priorities of the year: drugs, robbery, and prostitution. In each phenomenon, we choose police specialists who are responsible—in charge—of [handling] each problem, and that person can be different for prostitution or for the other crimes. And these [police specialists in charge of the prioritized crime types] meet together [in working groups].

**Interviewee 20:** Specialists from each country on that [given] phenomenon meet together.

**Interviewer:** So how often does that happen?

**Interviewee 20:** The specialist groups meet four to six times a year.

Clearly, the police officials are using the term “specialists” to identify those who are involved in international cooperation.
The existence of specialist groups was also corroborated by two Belgian prosecutors who stated:

**Interviewee 48:** And we also have expertise—a network. In every prosecution service, there is one prosecution officer who is the reference point for international cooperation. We have them for different types of crimes—home burglaries, whatever. We also have one for international cooperation. Every several months, there is, on a higher level, these expert meetings where those magistrates come together, and they can exchange experiences, information, and address problems. And we also have an Intranet, where certain people, who are specialized in international law, post questions and answers to questions on how we can address certain problems. But for us, we self-educate. We find solutions.

**Interviewee 25:** Our office is too small to specialize too much. We are [only a certain number of] people, and we have to do everything.

**Interviewer:** Oh, so everybody here works on cases of international cooperation?

**Interviewee 25:** No. At the moment, for the last [several] years, [my colleague and I] have been working on cases of international cooperation. But now, we have [the Belgian jurist at BES], and he is very specialized, and he always knows the latest laws. He has the contacts, because he is also in the BES, so, we can always ask him for good advice.

**Interviewee 48:** The prosecutor can, in his own case, send a mutual legal request—MLAs—to other countries. It is the specific international big cases that are done by [the two prosecutors who specialize in international cooperation at this organization]. When there are big complex cases, then the two specialist prosecutors do them.

So, while they try not to “specialize too much,” at the end of the day, there are indeed specialists dedicated to handling the cases that require international cooperation.

The specialist nature of the job was also corroborated on the German side. For example, one German police commander stated:

**Interviewee 34:** I don’t know the perfect English word... do you know the word “exotic”?

**Interviewer:** Yes.

**Interviewee 34:** We are exotic police.

**Interviewer:** Can we say “specialists”?

**Interviewee 34:** Yes. Specialists. But most of us are learning by doing, and we are always looking for younger police officers that will take it over.
Interviewer: Do the younger ones think that international law enforcement cooperation is interesting enough, that they would like to do that? Or, do you think that one of the recommendations should also be educating the young police officers?

Interviewee 34: I think they are interested, but, the chance to get on such a team is so small, that they don’t really invest in it. They’re interested, okay, but it is a long way to come there.

Interviewer: And why is the chance to get on such a team so small?

Interviewee 34: We don’t have so [many] functions [available] for international cooperation. In the Dutch Joint Hit Team, there are two German functions, and in the EPICC, there are four German police [officers] here from Aachen. So, totally, we have six people on the Dutch side, from 1200 [German police officers] who are working... So, it’s a very small rate.

The small number of job functions available for international cooperation is also indicative of the specialist nature of the job.

Data in support of the specialist nature of international cooperation work was also found in The Netherlands. Consider the following statement made by a Dutch police commander:

The only bad thing is that you have special functions, but not for a lifetime. So, you have a huge network of contacts in international cooperation, and it could be so, [as was mentioned earlier in the interview], colleagues on the Joint Hit Team have to leave, at this moment, after two years. It is a pity for the police cooperation. I won’t say that working for a lifetime in a specialty job is always good, but when you have such a huge network of international contacts, it is interesting also when you give them another job. [Emphasis added] (Dutch Police Commander, Interviewee 31)

This data establishes that international cooperation is a specialist’s job by merely hinting at the loss experienced when those specialists move on to different positions. In sum, the data presented above represent the dominant view among the interviewees with respect to this variable, namely that international cooperation is a specialist function.

Interestingly, however, an opposing view was advanced by only one interviewee, who argued that international police and judicial cooperation is not a specialist’s job, nor should it be. This Belgian police commander explained:

So, you see, sometimes, when you go to meetings, you will hear that cross-border cooperation is a matter of specialists—only specialists know how you have to do it, and so on. That is not good. We want
every police [officer] in the border region [to] know what is possible, or not, because we have treaties with a lot of possibilities. So, the people who live here have the right to live in security, and have the right to ask that police services use all the possibilities given by the treaties. That is, I think, normal.

So, we made a project [using part of the] budget of the Federal Police in Belgium—a scientific project. It is for scientific research. And, we asked the University of Gent to develop a product that gives a quick and complete answer to the questions that police [officers] can have...

(Belgian Police Commander, Interviewee 36)

This, of course, led to the development of the *Vademecum*, as discussed in Chapter 6 above. Although it is a very noble initiative to attempt to train all police and justice officials in the Euregion with respect to international police and judicial cooperation, the present dissertation offers overwhelming data affirming that international police and judicial cooperation is a specialist’s job. For example, police organizations have established recruitment/hiring criteria because not everyone is suitable to become a police officer, Moreover, police organizations have established promotional criteria because not all police officers are suitable to work in the homicide unit or the emergency response unit of a police organization. People specialize in certain jobs because they have certain skills, aptitudes, and propensities to excel in certain areas.

Among other things, Chapter 6 established that only *certain* police officers work in the area of international police and judicial cooperation. For example, in Belgium, it is mostly the Federal Judicial Police who participate in international police and judicial cooperation. The data also showed that, in any given organization, only a very select few employees possess the attributes to assist with cases of international cooperation. Furthermore, Chapter 7 clearly revealed that there are many opportunities during the process of international cooperation for the process to come to a complete stop, due to the various hindering variables. Since the process of international police and judicial cooperation is so sensitive to hindering variables, some of which are at the individual-level, the police chiefs and chief prosecutors in the Euregion would do well to recognize international police and judicial cooperation as a specialist’s job, and only direct their limited resources toward developing the police and justice officials best-suited to ensuring success in international police and judicial cooperation. The cooperation process is too sensitive, too time-consuming, and too costly to allow the variables to remain uncontrolled.

To improve cooperation, the variables should be controlled. One way to achieve that is to develop the suitable police and justice officials into “Masters in Cooperation.”
8.2. Micro / Interpersonal / Group-level Variables

In comparison to the list of individual-level variables explored above, an even longer list of variables situated at the micro/interpersonal/group-level was identified by the interviewees as influencing the process of international police and judicial cooperation in the Meuse–Rhine Euregion. In support of the organizational behavior literature, all of the deductive interpersonal level variables described in Chapter 4 were confirmed as being operative in the process of international police and judicial cooperation. In addition, a long list of inductive interpersonal level variables was also identified as playing a role in the process of international police and judicial cooperation. These latter variables include: “resources/money/manpower,” “crime-fighting policies/priority setting,” “personal contacts/networks,” and “cooperative games.” This long list of influential interpersonal level variables is examined below.

8.2.1. Deductive Variables

The interviewees confirmed that the following deductive interpersonal level variables influence the process of international police and judicial cooperation in the Meuse–Rhine Euregion, namely: “trust,” “intra-organizational politics,” “leadership,” “management,” “power,” “authority,” “decision-making,” “strategic planning,” “goals,” “groups/teams,” “language,” “communication,” “stress,” “conflict,” and “negotiation/bargaining/compromise.” “Trust” is the first variable examined below.

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108 Readers will recall from Chapter 4 above that the organizational behavior literature does not categorize interpersonal level variables at the meso-level. Indeed, variables in the study of organizational behavior are categorized either at the individual-level or the organizational-level (see Rollinson & Broadfield, 2002:15; see also Thompson, 2003:1, 12). As readers will discover in the final chapters of this dissertation, it is a significant point that the demarcation is binary, and moreover, that most of the influential variables are situated at the micro-level.

109 It should be noted, however, that while the researcher suspects that the variables of “charismatic leadership” and “group decision-making” are operative in the international cooperation context, these variables were not explicitly explored in the present study due to time and resource limitations. The deductive interpersonal level variables of “group decision-making” and “psychological game playing” are addressed in Chapter 9 below.
8.2.1.1. Trust

The data revealed that, of all the variables under study in the present dissertation, the most important/influential variable in the process of international police and judicial cooperation in the Meuse–Rhine Euregion is trust. One Dutch police commander stated:

My experience—from over 30 years—is that trust is the most important thing to cooperate with other persons. (Dutch Police Commander, Interviewee 23)

There was consensus about this variable, across the countries and the professions. Indeed, police work, justice work, and by extension international police and judicial cooperation, are all built on trust. Therefore, this variable was examined closely in the present study. Specifically, data were collected on: how trust is built among cross-border colleagues, the different types of trust, how trust is broken, and how trust can be restored (if possible). To complement this dataset, quantitative data were also gathered to explore the amount of trust that the police and justice officials have in each other (i.e., trust ratings on a Likert scale of “0 to 10”). These interesting findings are presented below.

8.2.1.1.1. How Trust is Built Among Cross-Border Colleagues

The interviewees explained that trust was historically established among the police and justice officials in the Meuse–Rhine Euregion due to “shared problems and sorrows” (i.e., serious transnational organized crime). One Belgian prosecutor stated:

The starting point [was] that we have the same problems and sorrows: thefts in Eupen and Aachen, drugs introduced from The Netherlands to Eupen, and drugs introduced from The Netherlands to Aachen. So, this was the starting point.

Second, there was sympathy on all sides. We had the same ideas and targets for duty [work], but it went to common dinners and personal visits. From the methods of how the requests/files were executed, you could see that the others had priority in helping you, and this of course builds new trust. So, helping each other leads to being obligated to the others. So, it’s taking and giving, and it’s a “win-win” situation. (Belgian Prosecutor, Interviewee 2)

The building and maintenance of trust, however, is a very individual process. As one Dutch prosecutor stated:

How you get/make/gain trust depends a lot on your own personality. (Dutch Prosecutor, Interviewee 8)
In a separate interview, another Dutch police commander provided more information, and described many of the different characteristics that a person should have to be perceived as trustworthy and build trust within the context of international police and judicial cooperation. This Dutch police commander explained:

My experience—from over 30 years—is that trust is the most important thing to cooperate with other persons. And, trust is based on contact over many years with people who are doing the same profession. And, by doing various investigations together, we have a lot of trust among each other. And, when you start new, everyone is sort of anxious/fearful to try out whether the trust can be built up. When there is trust, and trust has been built up, you can do everything that you want. But you have to continue to be honest, and to have understanding for the problems in each country, to have understanding of the laws in each country, and you have to be... when you have a certain aim in an investigation, you have to understand the aim, and also the aim for the other partners in the investigation. So don't be egocentric, but please be careful that you deal with people in a respectful way. You have to gain trust, let me say it like that. It will not come falling from heaven. It would be nice, but it is not so. According to that, I think that it is very important if you can convince your partners that you have a common aim. That is very important...

You can say that we have a common aim, and we say, “When we do this, you do that, and I do this.” And the total of our investigations—that is important—not “your success,” or “my success.” That is the way I work. I can only tell how I work. So, I’ve worked here for many years, and I've worked there for many years... it is the same. You have to be respectful to people, you must do what you say, and if you cannot be trusted, it is “over and out,” and it is very hard. If you want to do something that you didn’t communicate with someone... communication is, of course, important—not only working together with foreign laws but also within your own unit. You have to communicate, and you have to convince people in a certain way, and you let them have respect and hope. Everybody can learn from everybody. You have to look at it with an open mind, and not be so close-minded. (Dutch Police Commander, Interviewee 23)

This interview transcript excerpt not only represents the dominant view among the interviewees, but it also supports and extends the organizational behavior literature. The present study’s findings suggest that, for trust to be built within the context of international police and judicial cooperation, one should first trust others and also be “trustworthy,” which the interviewees explained to mean being honest, open/transparent,
reliable, motivated, respectful, polite, diplomatic, careful, understanding, optimistic, clear in communication, humble, helpful, cooperative, and open-minded.

**Getting to Know One Another**

Getting to know one another surfaced as an important requirement in the trust-building process. This occurs with time through meetings, working on cases together, seminar days, team-building exercises, friendship/informal contacts, and communication.

**Meetings**

Meetings emerged as a key way in which the cross-border colleagues get to know each other, and in turn, build trust in one another. The meetings to which the interviewees referred were the NeBeDeAgPol Working Group meetings, the “Contact Prosecutor” meetings, and the Annual Strategic Conference hosted by the BES. The following dialog ensued with one Belgian prosecutor:

**Interviewer:** How is trust fostered?

**Interviewee 41:** Through meetings... Magistrates get together four times a year, and when time goes by, trust is created between them. The prosecutors get together once a year for the strategic meeting. When all these people from the different institutions meet, they grow confidence and trust in between themselves. Police officers, magistrates and prosecutors all meet.

In a separate interview, another Belgian prosecutor built upon the above by stating:

And, I think that, here in this region, we also have meetings every two months, where all the contact points of our region come together, and we can talk about problems, [and] we can share information about the systems... We have a network that we also try to organize once every two years—a seminar on the topic of international law—so everyone in the region can come together, and they get to meet one another face-to-face, and talk—even after-hours, on cultural things—maybe an hour in a café. When you get to know one another, then if you have a problem, it’s easier to just pick up the phone, and say, “Remember we met one another there? I have a problem. Can you help me?” (Belgian Prosecutor, Interviewee 15)

Indeed, meetings are an important way to facilitate introductions and allow people to get to know each other precisely because it is always the same people who meet. The following exchange took place with one Belgian prosecutor:
Interviewer: And, do you know your colleagues on a personal level? The players in the region... do they go for drinks together?

Interviewee 13: In the beginning, we did. We would meet, and have something to eat afterwards, and after, I don’t know how many years... six or seven years... [we realized that] it was always the same people who meet there—also for Aachen. It was also the same people for The Netherlands. Most participants are the same during all these years, so that also creates an informal sphere. And there were also some study days—seminar days—that are held, so you can also see your colleagues, and with dinner in between, and [have] a drink afterwards. So, you have the formal meetings, and there are also some informal contacts. [Emphasis added]

Clearly, constancy helps facilitate international police and judicial cooperation.

Working on Cases Together

The interviewees reported that trust is also built by working together on cross-border cases. One Dutch prosecutor broadly stated:

Trust can only be built up by planning and working together in the field of investigating and prosecuting cross-border crimes... (Dutch Prosecutor, Interviewee 40)

Other interviewees elaborated upon this statement in separate interviews. For example, two Dutch police commanders reported the following:

Interviewee 33: We work every day together, we do the investigation together, we do the arrest together, so we take the same risk, and of course, it creates a kind of brotherhood. When you take the same risk, we trust each other. The Dutch colleague can save [a foreign colleague’s] life, and [the foreign colleague] can save the life of [his] Dutch colleague, and, of course, it creates a real feeling of trust. We trust each other—I can tell you. Otherwise, if they don’t trust a foreign guy on the team, it will not work...

Interviewee 31: I have much respect for my colleagues. They have interested me in culture, and how some colleagues in a foreign country act. A small example that was given was how the Belgians shake hands every morning. In that way, when you know each other, you can accept them, and how do I say that... [it] is one of the most valuable things. When you know someone in cooperation... I always say, you don’t have to fall in love with someone [laughter], but it has to be a kind of love—to respect, to cooperate... I don’t know how I can express it.

The police in all three countries expressed the same views. Moreover, the prosecutors also felt the same way. For example, one Belgian prosecutor stated:
...working together on cases... It is knowing people, and having daily contacts. Our police work practically daily with them. So, they get to know one another.

But when you go higher up into The Netherlands, you don’t have those contacts, then it’s difficult to get something. (Belgian Prosecutor, Interviewee 15)

Thus, working on cases together greatly facilitates trust-building, which in turn facilitates international police and judicial cooperation.

**Seminar Days**

The interviewees stressed that, in order to build trust, it is also important to get to know one another in terms of the foreign colleague’s judicial system. To this end, the interviewees explained that *seminar days* are held in the Meuse–Rhine Euregion to educate police officers and prosecutors about the possibilities for international police and judicial cooperation. One Belgian police commander explained:

But if you want to be effective in those [three] operational working groups, you need to have support from police schools, because when you organize a control together, your police officers will ask, “Can you tell me what I may do, and what I may not do, on the other side of the border?” If you make common patrols, you will need to explain to the people what they can do and what they cannot do. And you will also need to explain how the operational procedures are in the neighbor country, because a German police [officer] does not react [in the same way] as a Belgian police [officer], in some cases. So, you have to be prepared—if you have a serious case—that you can have a cohesive intervention.

So, we also have a working group with police schools involved, because we need some... I’ll [give you] an example. We organized—and we [are doing] it this year, for the fifth time—a two-day seminar for the people working in the police communication centres. That is where the people call when they have a problem, and they send police patrol services to the place of the problem. We made a seminar for two days. Why? Because those communication centres of the police of the three countries are in contact, and there was a need. They told us they had a need to have contact with the neighbors—to know them, to have information about the treaties and about the possibilities. So, we made two-day seminars, where the people met, they worked in workshops together, and in the evening, they had a more cultural or social event. And the second day, it went on with courses or workshops, or whatever. And we do that every year for one specific [audience]; this was for police [officers] from the communication centres. Next time, maybe it will be for the criminal department—I don’t know, we will see.
So, we chose to organize seminars with two goals. At first, give some content about treaties, common actions, and so on. And, the second goal we have is to bring the people together so they know each other, and so that when they phone, they know who is on the other side, so you can increase the confidence and communication between people. It is very important. (Belgian Police Commander, Interviewee 36)

In a separate interview, a Belgian prosecutor explained that the prosecutors also benefit from “seminar days”:

For instance, getting to know each other. And this time, not on a personal level, but on a law/judicial level—get information on the legal system between The Netherlands and Belgium. [The officials at the BES] had an idea a few years ago... they approved the idea, and since then, every year, there is a seminar between the public prosecutors of Belgium, and the public prosecutors of The Netherlands, on topics of international crime. It is every year, but every two years, there is a basic seminar course, in which [the officials at the BES] explain the basic differences and similarities between our systems. [They] explain how the police work, how judicial cooperation works, and then, on the afternoon of the second day, there is usually some other topic of international law—European Arrest Warrants or MLAs. And, the next year, it’s a more profound seminar. [They] take specific topics, for instance: cross-border observation, cross-border pursuit, confiscation in international cooperation, and stuff like that. That is one of the things, I think I’ve mentioned it before—many times before—knowing one another, and knowing each other’s system, improves cooperation. If you know that you cannot ask this from The Netherlands, there is no point in sending your MLA only to find out that they refuse to execute it. So, that is one. (Belgian Prosecutor, Interviewee 15)

An increased understanding of one’s foreign colleagues and their judicial systems naturally builds trust in international cooperation.

**Teambuilding Exercises**

Another way in which the interviewees reported that trust is built among cross-border colleagues in the Euregion is through **teambuilding exercises**. One Dutch police commander stated the following:

Two times a year, [there is] a day at EPICC where all the members of EPICC are going to do something together—teambuilding. But it is not only those two days. [They] also have things like a “holiday photo game,” where everybody who went on holiday sends in their photos, and very capable judges say who won. It is very nice. And always, everyone who sends in a picture wins, because [they] make it that way. It’s just for fun. These are things you have to do. Or, several times a
year—maybe once a month, or once every two months—[the people at EPICC] have a big breakfast together... It is a kind of teambuilding. The people have to learn to love each other. [There are] eight different police cultures in EPICC, and that is the most difficult process, because they know exactly how to do their work—they are really good people—they know their job—that's not the problem. The problem is to let them work together. (Dutch Police Commander, Interviewee 26)

Other police officials spoke about other teambuilding efforts in the Meuse–Rhine Euregion, such as “sports days” for the police officers.

Interestingly, however, it appears that teambuilding exercises are not arranged for the prosecutors or the examining magistrates. The following dialog ensued with a Belgian prosecutor:

**Interviewee 13:** So, you have the formal meetings, and there are also some informal contacts...

**Interviewer:** And would you say that those are the main tools for teambuilding? Or, are there other activities that happen for teambuilding?

**Interviewee 13:** No, there are no other activities for teambuilding. We don't even have that here in our house [i.e., prosecution service]. It costs money to do that. That is always the problem.

Since the teambuilding exercises have been beneficial for the police officers, similar exercises should be considered for the prosecutors—as a way to help build trust and facilitate international police and judicial cooperation.

**Friendship / Informal Contacts**

A number of the interviewees spoke about the importance of building friendships with their cross-border colleagues, as a way to get to know one another and ultimately build trust. These interviewees explained that, to build friendships, informal/friendly contacts should be made, consisting of emails, telephone calls, and going out for drinks and/or dinners together. In response to being asked, “How do you grow trust here?” one Belgian police commander explained:

...when you have the opportunity to go abroad to meet some colleague, or if some colleague comes to Belgium to meet you—this is someone you don't know yet—you never worked with him—the best way is to go out, have a dinner, drink some beers—it’s really what I think—and have a friendly relationship. And it is so true...
But in one year, you have—I don’t know exactly how many—let’s say, 40 different courses, but on different kinds of topics—not only on investigations, but on contact with informants, and other topics. And, what is very important is that you can develop your relationships, because you meet people from countries that you’re not used to working with, like Finland and Austria. And the fact that we have some beers together is very important, because when you’re back [home], you have someone to call... You can say [to your colleagues at home], “Don’t worry, I know someone in Slovakia. Just let me give them a call for you,” and it works. Last week, I needed information from a colleague in Austria. I said to them, “I’m working on a money-laundering investigation, and I need some information... Can you help me?” So, you can go very quickly on the first steps of your investigation... It’s always easier when you can place a name on a face, and you meet him. [Emphasis added] (Belgian Police Commander, Interviewee 21)

Friendship-building leads to knowledge-based trust and identification-based trust, both of which are discussed further below.

**Communication**

*Communication* also emerged as an important way in which trust can be built. One Belgian prosecutor explained:

I think it’s very important in cross-border cooperation that you try to explain to your counterpart on the other side of the border what you can do, legally, or on an operational basis, or whatever, and what you can’t do. If you can’t do something, then explain why you can’t do it. That is one of the problems that we had in the beginning... when we would send a mutual legal assistance request to another country, and sometimes they didn’t answer us, or they answered us and said, “It’s not possible,” but they didn’t explain why. So that creates problems, because when they send us a mutual legal assistance request, why should we bother if they won’t answer us? And if they don’t explain why they won’t execute something, why should we? So, if you can explain something to the other side of the border—why you are not able to do something—it will create understanding, and you also create trust, because it is not that we don’t want to do it, but it is just because it is legally not possible, or maybe the law says that you need more information, or whatever. (Belgian Prosecutor, Interviewee 15)

Tied to the variable of communication, is of course, the variable of language. One German prosecutor extended the above by briefly stating:

But, it’s helpful to also speak French, and that is one way to grow trust, I think...

But, definitely, speaking and understanding the language of the other partners is, for me, important. (German Prosecutor, Interviewee 5)
Although the variables of language and communication are discussed at length below, it is important to note here that they are tied to the variable of trust when considered in the context of international police and judicial cooperation.

“Give it time”

Above all, some of the interviewees explained that trust-building takes time. Consider the following statements, gleaned from separate interviews with Belgian officials:

It takes time. (Belgian Police Commander, Interviewee 30)

It takes some years before you know each other. (Belgian Police Commander, Interviewee 44)

Magistrates get together four times a year, and when time goes by, trust is created between them. (Belgian Prosecutor, Interviewee 41)

Interestingly, the Dutch and German officials did not make similar statements. One may conclude that the Belgian officials are slower to “warm up” to their foreign colleagues and trust, whereas the Dutch and German officials may be able/willing to form trust with their colleagues more readily. These differences in trust-building may be due to cultural differences.

8.2.1.1.2. The Different Types of Trust

Readers will recall that Chapter 4 above introduced the concepts of “knowledge-based trust,” “identification-based trust,” and “deterrence-based trust.” The literature suggests that these different forms of trust manifest within the context of organizational behavior (Robbins, 2003:146–147). To extend the literature, the present study found evidence in support of the assertion that all three types of trust are operative within the context of international police and judicial cooperation in the Meuse–Rhine Euregion specifically. These data are presented below.

Knowledge-Based Trust

A large amount of data suggests that knowledge-based trust exists among the police and justice officials in the Meuse–Rhine Euregion. Specifically, the interviewees explained that previous successes in international cooperation, personal contacts, and long-standing working relationships among the cross-border colleagues have contributed
to the formation of trust between them, wherein they feel that they know each other well enough to predict the behaviors of their colleagues, and ultimately trust one another.

**Trust from Previous Successes in International Police and Judicial Cooperation**

The data show that past success leads to future success and trust-building in international police and judicial cooperation. One Dutch police commander stated:

> And, trust is based on contact over many years with people who are doing the same profession, and by doing various investigations together, we have a lot of trust among each other...

> Of course, the trust among each other. For me, it’s that one. Respect, trust, open mind, make things common, and when you do some investigations, you start like this: you do some investigations together and you have success, and we have success, and there is again success, and again success. The success factor is very important within the police. We have to make our success in our investigation. I can’t make it to have no success in everything. So, I think that is very important. (Dutch Police Commander, Interviewee 23)

These facts were confirmed by interviewees across the countries and the professions.

**Personal Contacts**

A number of the interviewees explained that they know their personal contacts on the other side of the border so well, that they have come to trust them because they know what to expect from them. One Belgian examining magistrate explained:

> The people you meet is also an important factor. There are people with [whom] you build up some trust, and [whom] you know. If I ask this person or that person something, I can be assured that it will be performed correctly. It is not always guaranteed—who you get on the other end of the line to help out with your request for mutual legal assistance. It can be someone you haven’t met before who doesn’t know you. So, maybe, it would be interesting if you could always work together with the same persons, so at least, you get to know these people, and you learn their strong points and weaker points they have. But, that is not always guaranteed. You pick up the phone, and today, it is this colleague, and tomorrow it is another colleague, so that is sometimes also a problem—a variable that you don’t have under control. (Belgian Examining Magistrate, Interviewee 7)

These ideas were raised in other interviews, in other ways. One Belgian police commander explained:
Let’s say, when I start an investigation here... today I work with some prosecutor, [who] maybe is not used to making contact with her German or Dutch colleague, because she doesn’t know him, or he has changed, or whatever. When you should say, that in the three countries, there is one reference prosecutor—a reference for all the drugs or all the human trafficking problems—and you, as a police officer, you always go to the same reference magistrate, and he or she takes every time—in all files and all investigations—he or she takes one and the same prosecution office in Holland or in Germany, people get used to each other, people get used to the work. (Belgian Police Commander, Interviewee 10)

Personal contacts ultimately emerged as an important facilitative variable in international police and judicial cooperation, partly because of the knowledge-based trust that has been built up between the parties.

**Long-Standing Trust**

To elaborate on the finding discussed immediately above, it appears that frequent collaborative contact between the cross-border colleagues in the Meuse–Rhine Euregion strengthens knowledge-based trust. One Dutch police commander explained:

> It also depends on the frequency of cooperation. We have been working together for years. I trust him without seeing him. I trust him blind. But when I have just known him for two days, I say, “Hmmm... I don’t know if I can trust him. I just have to get to know him.” (Dutch Police Commander, Interviewee 26)

This type of trust was only reported among the senior police commanders across the three countries.

**Identification-Based Trust**

Many of the interviewees, across the countries and the professions, reported the existence of identification-based trust among the cross-border colleagues in the Meuse–Rhine Euregion, to greater or lesser degrees. This form of trust manifests when there is a perception of identification between the colleagues, which either stems from cultural commonalities (*e.g.*, “we are the same people”), or professional commonalities (*e.g.*, “trust is internationally built-in” due to Schengen).
“We are the same people”

One Dutch police commander explained how cultural commonalities and a shared history contribute to identification-based trust:

Well, how we do it is we have to trust. We are all sons of coal miners; we all speak the same language, and we have the same culture. I was a son of a coal miner, and he was the son of a coal miner, so we had the same trust in him [i.e., a German colleague] as my colleagues in Holland. It was never a problem. On a higher level, maybe... you understand? Maybe that the prosecutor in Aachen does not trust the prosecutor in Maastricht...

But the people on the floor—the operational level—we are the same people, only that we had a border between us. But, my father also worked in the mines in Germany, and German people worked in the mines here in Holland. For trust, there is no problem. [Emphasis in original] (Dutch Police Commander, Interviewee 3)

This statement was essentially mirrored by a Belgian police commander:

Also, here in this Euregion, it’s a little bit historic. With The Netherlands, from South Limburg, we speak the same language—the same dialect. When you go further on, in The Netherlands or in Germany, they speak a whole other language. It’s Dutch in Amsterdam, but it’s a different Dutch than [what] we speak. And that is also a question of mentality you have from another country. Even in our own country, it is the same. There are some Euregions that you don’t like to work with the colleagues. (Belgian Police Commander, Interviewee 43)

Thus, points of commonality such as the same language, same dialect, and same mentality, contribute to the perception that they are the same people, which in turn helps build identification-based trust among some of the officials in the Meuse–Rhine Euregion.

“Trust is internationally built-in”

The second way in which the officials in the Meuse–Rhine Euregion identify with one another is through their professions, and the fact that they all work within the Schengen space. As a result, some of the officials reported that “trust does not have to be grown,” since it is already automatically there. One German prosecutor stated:

What I’ve experienced is that trust does not have to be grown. I mean, if a Dutch or Belgian colleague calls me, then he or she doesn’t have to prove something to be trusted by me, for example. But, okay, personal contacts are important...
But, for me, if a legal authority calls, then they have a kind of [indiscernible]… I don’t know how you call it [in English]… but I trust them in the first place, so they don’t have to prove it. That’s what I want to say. (German Prosecutor, Interviewee 5)

This perspective was present in all three countries, and across all three professions. For example, one Dutch examining magistrate explained:

Trust is internationally built-in, because we are all in the same community: the European Union. And, because the treaties and agreements are made between the states, there is trust. That is one of the leading things. But it is an abstract trust, if you understand what I mean… it is an idea that the states can trust each other, and also the people within the states, and the judiciary and so on, can trust each other, because they are one greater community—mainly the European Union. So, the trust in each other’s systems and procedures is a given thing… especially within the countries here in Europe, there is trust. So, that is the only answer I can give to your question...

So, I will say that the trust is given, because of the treaties, because of the systems, but that is an abstract trust. And, the real trust, well, that counts in the contacts with colleagues who are cooperative or not cooperative or less cooperative. (Dutch Examining Magistrate, Interviewee 14)

Thus, the present findings complement and extend the organizational behavior literature, by showing that identification-based trust exists within the context of international police and judicial cooperation, and that it can actually exist to greater or lesser degrees.

Deterrence-Based Trust

The data also revealed the fragile nature of trust within the context of international police and judicial cooperation in the Meuse–Rhine Euregion. Two Belgian police commanders explained the hard reality of law enforcement work:

**Interviewee 43:** And if you are treated badly one time, you don’t ever contact him again. That’s what I do.

To promise something, and not to do it… If it happens once… [don’t let it happen] two or three times...

If you can help a foreign colleague, and next time, you need help, you contact him. So, he wants to help you as well. But if he says, at that moment, “Oh, I can’t do it,” or “I’m sorry,” then, next time, if he calls you...

**Interviewee 44:** You say, “Sorry,” as well, at that moment.

This, of course, was echoed by other interviewees. Recall that one Dutch police commander stated:
...and if you cannot be trusted, it is “over and out,” and it is very hard... 
(Dutch Police Commander, Interviewee 23)

Thus, like a spider web, trust is the core variable upon which all international police and judicial cooperation is built, yet it is also the most fragile variable, since one mistake can destroy trust, and in turn, ruin the possibility of future cooperation.

8.2.1.1.3. How Trust Decreases and/or Gets Broken

The data revealed that there are a number of ways in which trust may be decreased or broken within the context of international police and judicial cooperation in the Meuse–Rhine Euregion. The interviewees reported that this may happen because of: (1) cheating; (2) previous disappointments; (3) stereotyping, generalizations, false perceptions, and/or negative groupthink; (4) not sharing information; and (5) history. Each of these threats to trust are examined below.

Cheating

The main threat to trust, and arguably the most damaging, is cheating. Approaching international cooperation as an inter-dependent partnership such as marriage, the interviewees explained that one should “never cheat.” One Dutch police commander explained:

Don’t cheat on your partners. Never. When you do that once, then you have a big problem, because by the time that they are starting to trust you again, you will probably start your pension [laughter]. Trust can be destroyed very easily. It is very fragile. (Dutch Police Commander, Interviewee 26)

This viewpoint was unanimous among those who reported that cheating can break trust. Thus, great care should be taken to ensure that the right police and justice officials are involved in international police and judicial cooperation, since liars/cheaters can destroy international relations.

Previous Disappointments: Hesitations or Refusals to Cooperate

The interviewees also reported that previous disappointments, such as hesitations or refusals to cooperate, can also decrease or break trust among cross-border colleagues. One Dutch examining magistrate stated:
And, when they refuse or hesitate to cooperate, that does not foster trust, of course. (Dutch Examining Magistrate, Interviewee 14)

This viewpoint was echoed in Belgium and in Germany as well.

**Stereotyping, Generalizations, False Perceptions, and Negative Groupthink**

In one interview, a Belgian prosecutor built upon the findings presented above by explaining that refusals or hesitations to cooperate may actually lead to stereotyping, generalizations, false perceptions, and negative groupthink—all of which may hinder international police and judicial cooperation. This Belgian prosecutor explained:

But if you are talking about the micro-level, international cooperation is always based on people. It is people working with people, and from time to time, you run into someone that you don’t like, that you perhaps can’t work with for whatever reason, and yeah, sometimes that causes a problem. Now, I am speaking in general—not for our Euregion—although it sometimes backfires to our region—that is, international cooperation is always seen as cooperation between countries. For instance, if a district near the Belgian coast has a mutual legal assistance request with Maastricht, and that district doesn’t execute the mutual legal assistance request, Maastricht might be angry, and say, “Cooperation with Belgium doesn’t work,” because if something goes wrong, it is always talks about the country, and not the specific... [case or official]. And that sometimes backfires... we say that, “Cooperation doesn’t work. The Netherlands don’t do this,” or “Germany doesn’t do that.” Well, it’s just one case with one public prosecutor or one district that just gets highlighted, and we say, “Cooperation doesn’t work.” Well, that’s just one case, and then 15 cases go perfect. So, sometimes that puts a strain on cooperation. (Belgian Prosecutor, Interviewee 15)

Indeed, in many cases, the interviewees made a general reference to a country when providing their responses to the interview questions. For example, a large number of the Belgian and German interviewees stated that, “It is difficult to cooperate with The Netherlands.” Interestingly, however, in some cases, the police and justice officials do not make generalizations, but instead remember the specific police and justice officials involved in “cases gone bad.” These officials are able to see that cooperation depends on the people, and not on the countries per se.
BES as the Intervener/Mediator/Problem-Solver

Some of the interviewees reported that when problems arise, they call upon the officials at the BES for intervention, mediation, and problem-solving. One German prosecutor explained:

[The German magistrate at the BES is] a service- or contact-point for the German colleagues. If they have problems with The Netherlands and Belgium, in this region—and the same counts for the Dutch and Belgian colleagues—that they have not only the possibility, but the right to contact [him]. And, at the first glance, it is very informal; it is just [the German magistrate at the BES is] sitting [at the BES], [and they] just give [him] a call or send a mail. And if we have problems, at a later stage, [he] can say, “You need some formalities to be added,” and then we can do that. But the first step should be as informal as possible, and that works. (German Prosecutor, Interviewee 38)

This perspective was also present among some Belgians. Consider the following statement made by a Belgian prosecutor:

Then, I think that [the task of the Belgian jurist at the BES is that he] sometimes intervenes and asks, “Okay, what happened there?” and [he] tries to prevent [problems] for the future... So, I think that is one of [the Belgian jurist’s] main tasks... just facilitating international cooperation. When there are problems, people can contact [him], and [he] will try to get the case going again. (Belgian Prosecutor, Interviewee 15)

These data also confirmed that the officials at the BES facilitate international police and judicial cooperation as originally intended.

Not Sharing Information

The interviewees reported that not sharing information is yet another way in which trust may decrease or get damaged among cross-border colleagues in the Meuse–Rhine Euregion. One Belgian police commander explained:

The (small amount of) lack in trust can be detected [among other things] in not being fully open to the Euregion-partners with (classified) police information (which is, of course, sometimes due to legal aspects)... (Belgian Police Commander, Interviewee 10)

This fact was echoed in separate interviews. Essentially, the withholding of information can pose officer safety issues, the realization of which would naturally cause a decrease
in trust among the police officers who were “left in the dark” toward the officers who withheld the information.

**Baggage from the Past: Distrust among Some Due to History**

Very interestingly, the only people to mention anything about World War II were two German interviewees, as well as one Dutch interviewee. All of these interviewees stated that the wars have naturally made the people in Europe cautious of one another, but these reservations have faded over time. One German prosecutor explained:

There are sometimes still reservations, on all sides of the borders, and, you can’t deny that sometimes it is built on history—on the fact that Germany, 60 or 70 years ago, declared war upon these smaller, neighbor countries. This is still in the heads of some people, although the generation—biologically even—is, at least, not in the functions to do something.

But, it has become... now, I am [many] years in business, and more than 20 years of it in mutual legal assistance. Things have become so much better in that time. It’s incredible. I would never have believed the development. And I can tell you, when I started with mutual legal assistance in the late 80s, and [if] somebody had told me that, “There will be, in 10, 12, or 15 years, a unit like Eurojust, where all the people from all the countries sit together and solve their problems,” I would have said, “Yeah, no, it’s crazy. It might happen in fifty years.” Or, going away from the special[ized] to the general—that there would be a Europe of 27 member states, even with the eastern part, with mostly open borders—I would not have believed it. So, this is indeed—it happens—something in Europe. And also, and in particular, I think in this region, because in this region, [pointing to a map]... the real [national] borders are here between Germany and [The Netherlands and Belgium]. You can see them [on this map]. This is the Euregion. It’s three countries, but they are connected. The three big cities are Aachen, Maastricht, and Liège. You need 15 minutes from there to there [Maastricht to Liège], and from there to there [Maastricht to Aachen]. It’s open borders—of course, open for criminals [too]—but, who would have believed it, 20 years ago? Nobody, I think—not the good willing or the bad willing, really.

(German Prosecutor, Interviewee 38)

Notably, some people still have a lack of trust toward their cross-border colleagues due to the war, which impedes international police and judicial cooperation. For the most part, however, as shown in this dissertation, the “order of the day” in Europe is international cooperation.
The Negative Correlation between Trust and Proximity

The data suggest that trust among the cross-border colleagues in the Meuse–Rhine Euregion decreases as a function of increasing distance/proximity away from the cross-border region. For example, one German prosecutor stated:

Yet the trust, [as] we already discussed, is [very important]. But, I would say that, if I just come back to the trust topic, it is just, the further away you are from the borders, the more problematic it is—at least with The Netherlands. In Belgium, it’s a general problem, and not so much connected with the distance. But, nevertheless, it always comes to the same solution. Compare it with what we had 20 years ago, and you would say, “It is unbelievable. It has become unbelievably better”… (German Prosecutor, Interviewee 38)

In this way, the relationship between the variables of proximity and trust may be viewed as a negative correlation. A large distance between the organizations decreases trust among the colleagues, which in turn hinders international cooperation.

The Negative Correlation between Trust and the Chain of Command

The data also suggest that a negative correlation exists between trust and the chain of command. Specifically, trust decreases as a function of increasing power-distance in terms of the officials’ ranks. In response to being asked to rate the amount of trust each official has in his/her international partners in the Meuse–Rhine Euregion, one German police commander explained the relationship between trust and the chain of command by stating:

It is not easy to answer [this] question in a sentence. I think on the lowest level, the administrator-level, people trust in each other cross-border. I depend [on] my Dutch counterpart. I can talk to them about the background of an investigation and I am sure to get an open and honest answer. So it is a “10.”

But the more I went higher in command structure, and the more official my question is, the less is my belief to the cross-border answer. I believe that police command in The Netherlands frequently follows their own interests, but they don’t admit it. They try to let us [be] in the dark about their real intention (i.e., money from the EU, manpower for their own tasks and so on). So I have to [think] how to ask a question and what question I have to [ask]. My answer is here a “2.” For example, I send an official question via EPICC for the residence of a suspect in The Netherlands. The Dutch side will only answer if this

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111 The full spectrum of responses to this question is provided below, but it is appropriate to provide the data in support of this particular negative correlation here.
suspect himself is enlisted there. I will get no answer if his parents or his wife [are] enlisted [at] this address and he lives there but is not enlisted. They tell us, it’s for [the] reason of data privacy, but this is not the way [the] police works. (German Police Commander, Interviewee 34)

Other interviewees corroborated these findings. For example, police officers across the countries generally explained that they prefer working among their own ranks, and not with those of higher ranks, because when those of higher ranks are involved, the work becomes more bureaucratic and less operational. In this way, the chain of command can impede international police and judicial cooperation by decreasing perceptions of trust.

**The Positive Correlation between Trust and Priorities**

The data also signal that there is a positive correlation between trust and priorities. Specifically, trust decreases as a function of decreasing priorities in international police and judicial cooperation. This fact was elegantly established by a Belgian police commander who stated:

...confidence in our partners is related to the nature of the files which we treat. If they are files which have priority for them, it is excellent; in the contrary case, it is mitigated more... (Belgian Police Commander, Interviewee 20)

Many interviewees expressed this perception in relation to cooperation with the Dutch in particular.

**8.2.1.1.4. How to Try and Repair Trust**

There was consensus among the interviewees who spoke about how trust may be restored, if possible. These interviewees explained that trust can only be restored through communication. For example, recall that one Dutch prosecutor explained:

So, but the case is gone. Okay, let’s say that the chief gets a kind of “bill” [i.e., “pays the price”] for it in his career, but the case gone, and the trust between those two police forces is gone. You need maybe a year or more of talking [to repair it]. (Dutch Prosecutor, Interviewee 39)

Logic dictates that when communication cannot repair trust, or when there is no communication, then the trust is irreparably broken. To re-quote Dutch Police Commander Interviewee 23, it is then “over and out.”
8.2.1.1.5. The Police and Justice Officials’ Trust Levels in Each Other with Respect to International Police and Judicial Cooperation

After describing the influence of trust as a variable in organizational behavior within the context of international police and judicial cooperation in the Meuse–Rhine Euregion, the interviewees were then asked the following question: “On a scale of 0 to 10—with 0 being the lowest, and 10 being the highest—how would you rate the amount of trust you have in your international partners in the Meuse–Rhine Euregion?” Figure 8.1 below presents the responses to this question in the form of a clustered bar chart, and Table 8.1 below presents the concomitant summary statistics.

The average trust rating across the countries was approximately an “8 out of 10,” with the Germans reporting higher levels of trust in their colleagues than the Belgians and the Dutch (see Table 8.1 below).

Interestingly, six Belgian interviewees and one German interviewee explained that the amount of trust they have in their international partners “depends” on various factors. One may wonder how the police and justice officials in the Meuse–Rhine Euregion can work effectively with one another when some

Figure 8.1. Bar Graph Depicting the Police and Justice Officials’ Trust Ratings of their International Partners in the Meuse–Rhine Euregion

<table>
<thead>
<tr>
<th>Trust Ratings</th>
<th>Belgians</th>
<th>Dutch</th>
<th>Germans</th>
</tr>
</thead>
<tbody>
<tr>
<td>“10 out of 10”</td>
<td>10.7</td>
<td>9.1</td>
<td>0</td>
</tr>
<tr>
<td>“9 out of 10”</td>
<td>17.9</td>
<td>18.2</td>
<td>0</td>
</tr>
<tr>
<td>“8 out of 10”</td>
<td>45.4</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>“7 out of 10”</td>
<td>9.1</td>
<td>0</td>
<td>18.2</td>
</tr>
<tr>
<td>“6 out of 10”</td>
<td>7.1</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>“5 out of 10”</td>
<td>3.6</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>“It depends”</td>
<td>0</td>
<td>0</td>
<td>21.4</td>
</tr>
</tbody>
</table>

Source: Qualitative data for the present study.

112 Keep in mind, however, that the sample size of German interviewees was the smallest, and as such, this subgroup has the highest standard deviation score.
Table 8.1. Summary Statistics of the Police and Justice Officials’ Trust Ratings of their International Partners in the Meuse–Rhine Euregion

<table>
<thead>
<tr>
<th>Trust Ratings</th>
<th>Police and Justice Officials of the Meuse–Rhine Euregion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Belgians</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>28</td>
</tr>
<tr>
<td>Sample Size for Summary Statistics</td>
<td>22</td>
</tr>
<tr>
<td>Average</td>
<td>8.1</td>
</tr>
<tr>
<td>Mode</td>
<td>8</td>
</tr>
<tr>
<td>Median</td>
<td>8</td>
</tr>
<tr>
<td>Standard Deviation</td>
<td>1.28</td>
</tr>
</tbody>
</table>

Source: Qualitative data for the present study.

of the key players are reporting different levels of trust in one another—from a perfect “10 out of 10” all the way down to “5 out of 10”, 114 and even the elusive “It depends.” As Figure 8.1 and Table 8.1 above show, some people are very trusting of their cross-border colleagues, whereas others are not. Yet, cooperation starts with trust and depends on trust! Clearly, international police and judicial cooperation in the Meuse–Rhine Euregion is destined to be a challenge in this type of situation—before the process of cooperation even starts. The interviewees’ trust rating rationales are explored below.

“10 out of 10”

A number of the interviewees—across the countries and the professions—reported complete trust in their cross-border colleagues. For example, consider the following interview transcript excerpts:

One hundred percent. (Belgian Examining Magistrate, Interviewee 16)

* * *

A straight “10.” (Dutch Police Commander, Interviewee 26)

* * *

113 The “Sample Sizes for Summary Statistics” in Table 8.1 were determined by subtracting the number of respondents who provided a response of “It depends” from the total number of respondents to this question in general. This was done to separate the numerical values from the nominal values, so as to generate meaningful measures of central tendency.

114 A rating of “5 out of 10” may be thought of as 50/50, or 50%, which is the same as chance, or flipping a coin. This is not good. In fact, it is problematic that such a low level of trust would be reported in relation to cross-border partners involved in international police and judicial cooperation.
“10 out of 10,” because I didn’t have any negative experiences.  
(German Prosecutor, Interviewee 5)

These findings are encouraging and ideal, but of course, they do not offer the complete picture as to what is happening in the Meuse–Rhine Euregion.

“9 out of 10”

A total of five Belgian officials and two Dutch officials reported a trust rating of “9 out of 10” with respect to their cross-border colleagues. One Belgian prosecutor explained:

“Nine out of ten,” because, in my practical experience, I have always found that I can rely on other people to execute things in the way I wished for them to be executed. (Belgian Prosecutor, Interviewee 2)

This was the dominant viewpoint among this subgroup.

“8 out of 10”

The trust rating of “8 out of 10” was the most popular response among the Belgian and Dutch police and justice officials, but they cited this rating for different reasons. On the one hand, some of the officials cited an “8 out of 10” because their working relationships with their cross-border colleagues are good, whereas others reported the same score because their working relationships with their cross-border colleagues are not as good as they could be. Consider the following interview transcripts gleaned in The Netherlands:

Well, I think you have to make a [distinction] between justice and police, or in between those two. In justice, I would give it an eight...

And then if you ask, “How is that?” here in this region, I can say from justice—my colleagues... I think we are very trustful to each other, and there is nothing in between each other anymore. It’s very good. (Dutch Prosecutor, Interviewee 8)

* * *

“Eight out of ten.” It depends. There are some colleagues that I have doubts about. (Dutch Police Commander, Interviewee 3)

It is interesting to observe that different perceptions can stem from the same country. Some officials view the proverbial glass as “half-full,” while others view it as “half-empty.” This may also be due to the different professions’ vantage points.
Along the same line, consider the following interview transcripts gleaned by virtue of separate interviews in Belgium:

It depends on the case, country, and on the person. “Eight or nine out of 10.” It has never happened that we have had a case where we say, “They cheated us.” We have no cases at all like that, but we think always that it might happen [laughter], which is why we are not saying “10 out of 10” [laughter]. (Belgian Prosecutor, Interviewee 25)

* * *

The problem is that we do not receive all the time all the information that we need, and we do not always receive the cooperation that we need... So, an “eight out of 10”—something like that. (Belgian Prosecutor, Interviewee 4)

In this case, these statements were made in the same country, and by the same type of professional (i.e., prosecutor), yet their rationales were different—with one arguing that there has been no harm, and the other arguing that they have been “short-changed.” In sum, many interviewees reported a trust level of “eight out of 10,” but for different reasons.

“7 out of 10”

Only two interviewees reported a trust rating of “seven out of 10”—one Dutch examining magistrate, and one Belgian prosecutor. The Dutch examining magistrate did not provide a rationale beyond the numerical rating, but the Belgian prosecutor did. This Belgian prosecutor explained:

I think trust is good here, but it is often more difficult with Maastricht. I think we have more problems with The Netherlands, because in Belgium, the prosecutors give the priorities, but in The Netherlands, it is the police that give priorities to the kind of criminality that they will target. For us, it is very difficult, because for us, it is very important, whereas for them... It is more difficult with The Netherlands, but we find solutions... “Seven out of 10.” (Belgian Prosecutor, Interviewee 6)

This interview transcript excerpt provides yet another example of how the Belgians complain that it is difficult to cooperate with the Dutch, for various reasons.

“6 out of 10”

A small number of interviewees from across the countries and the professions reported a trust rating of “six out of 10.” The general rationale was provided by a Belgian
police commander. Part of this particular quote was already provided above, but it is worth replicating in whole here. This Belgian police commander explained:

...confidence in our partners is related to the nature of the files which we treat. If they are files which have priority for them, it is excellent; in the contrary case, it is mitigated more... Thus, I would say that I locate this confidence on your scale at 6/10 for both countries. (Belgian Police Commander, Interviewee 20)

The ambivalent nature of trust in the Euregion was corroborated by a German prosecutor who simply stated:

It depends... but make it a "6." (German Prosecutor, Interviewee 11)

Although these particular interview responses were not coded under the “It depends” category (since these responses included numerical ratings), they nevertheless signal that trust in one’s cross-border colleagues can depend upon certain factors, and as a result, this variance can cause lower trust ratings.

“5 out of 10”

Only one interviewee reported a trust rating of “five out of 10.” This Belgian examining magistrate stated:

Based on my experiences in the past, I would say “five or six out of 10,” because I had some serious incidents in the past, for example, the case involving undercover agents, which I mentioned before. This was really a very serious incident.

On the other hand, I have to say I can’t really complain about my colleagues in, for instance, Holland or Germany. When I ask for something, for example, when I need to tap a phone, usually, that is something that gets done correctly quite fast. So, I don’t really have... shall I say... the system normally works, as long as the interest of the case does not get too big. If a case is too big, and involves the interests of other countries, then things start getting difficult. (Belgian Examining Magistrate, Interviewee 7)

Clearly, if there is a breach of trust, it will be very hard, if not impossible, to mend or restore that trust. People do not forget past wrongdoings, especially the Belgians, who cited several case examples of how they have been wronged by the Dutch.
“It depends”

A number of interviewees reported that their level of cross-border trust depends on various factors. For example, one Belgian prosecutor explained:

It depends. First of all, you have to distinguish between the confidence you have in the different institutions in the Meuse–Rhine Euregion. Trust in the Meuse–Rhine institutions is about 7 to 8 out of 10. The trust in the persons in this region is more varied/subjective. For some people it can be 4 to 5 out of 10, but most are 9 out of 10. It depends on the personalities. (Belgian Prosecutor, Interviewee 41)

It was interesting to determine that trust can be a function of whether cooperation is institutionalized or not, with higher trust ratings being given to the institutions dedicated to facilitating cooperation. As was already reported above, one German police commander explained that trust can also be a function of the chain of command, with higher ratings of trust being given to cross-border colleagues who are of equal rank, as opposed to higher rank. This finding was also corroborated by other interviewees.

8.2.1.2. Interorganizational Politics

Readers will recall from Chapter 4 that intraorganizational politics amount to acts of power and control that are carried out by individuals within an organization to protect and promote their own self-interests. The interviewees, however, focused on interorganizational politics (i.e., politics between/among the organizations). The data revealed that interorganizational politics are indeed operative among the police and justice organizations in the Meuse–Rhine Euregion, and that those “small politics” between organizations function to hinder international police and judicial cooperation. The two main themes that emerged from the data in this regard concern: (1) national sovereignty issues, and (2) the chain of command. As will be shown below, some of the police and justice officials in the Meuse–Rhine Euregion attribute problems in international cooperation to these interorganizational political issues.

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115 To be clear, the interviewees were asked to describe whether/how intraorganizational politics influence international police and judicial cooperation in the Meuse–Rhine Euregion. The data analysis, however, revealed the presence/influence of interorganizational politics instead.
8.2.1.2.1. National Sovereignty: Power and Control

A number of the interviewees explained that international police and judicial cooperation is limited by *national sovereignty* in some cases. One Dutch examining magistrate stated:

So, I have to be polite of course, because they are judges in another country, and you must not forget that we are dependent, although there is an obligation to cooperate after a mutual legal assistance request. There is an obligation to cooperate, but we are a guest. When I go to Germany, we are guests there. I cannot press a colleague judge in Germany to not do certain things. We are, as Dutch judges, we are guests there. So, their [German] rules are... sovereign. Their rules are decisive. The rules of Germany—how they want to do it—they are decisive... They decide how I will behave. I cannot say that Dutch law is appropriate to hearings elsewhere... I cannot press a judge in Germany to do the things that I want. So, *I am dependent on their willingness to cooperate or not*, although there is an obligation to obey a mutual legal assistance request. [Emphasis added] (Dutch Examining Magistrate, Interviewee 14)

Further evidence in this regard was provided by one Belgian prosecutor, who stated:

I think, today, I think international cooperation is still... every form of international cooperation is still based on sovereignty. Every country—everyone—wants to have something to say about something, and I think that, dissolving the borders in the European Union... it's been easier for people to travel and go abroad, and that also means that crime follows. I think to actually tackle cross-border crime, we also need to cooperate more. Borders are still a problem, because I think, in my opinion, states/countries still want to have that sovereignty. (Belgian Prosecutor, Interviewee 15)

It was very interesting to discover that some officials who do not wish to participate in international police and judicial cooperation cite national sovereignty as an excuse. As was thoroughly established in Chapter 2 above, however, the overarching legal framework not only regulates but also *obligates* signatory European member states to engage in international police and judicial cooperation upon treaty ratification. Therefore, one may conclude that if certain police and justice officials are citing national sovereignty

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116 This is not a typographical error. This Dutch examining magistrate clearly stated the word "dependent" (not "independent"), and then later used the same word again. Clearly, this Dutch examining magistrate is explaining the dependence that arises in the context of cooperation, not judicial independence.
as an excuse not to cooperate, then such behavior hints at an underlying power struggle between the countries involved. This is explored in greater detail below.

“My” Organization Comes First

A deeper examination into why national sovereignty may be cited as an excuse not to cooperate reveals a possible reason: focus on one’s own cases and organization. One Dutch police commander explained:

But you know, the police chiefs are very... thinking in their own force—let me say it like that—and not thinking with an open mind. [The international partners think], “When we do it good, I don’t care whether my neighbor is not good.” That’s my opinion. (Dutch Police Commander, Interviewee 23)

This was corroborated by the Belgians. One Belgian examining magistrate stated:

People are more interested by their own files, not by the files of their [unknown] colleagues. (Belgian Examining Magistrate, Interviewee 16)

“Small politics” such as these can hinder the process of international police and judicial cooperation.

8.2.1.2.2. The Chain of Command: How the Exclusion of Stakeholders Outside the Meuse–Rhine Euregion Proper Hinders International Cooperation within the Euregion

The interview data revealed that the exclusion of key stakeholders outside of the Meuse–Rhine Euregion proper hinders international police and judicial cooperation within the Meuse–Rhine Euregion.117 As an introduction to this point, consider the following statement made by a Dutch police commander:

Politics—we have to deal with it. For instance, when our Ministry of Internal Affairs says we have to do something a certain way, we can’t ignore it. We have to do it because they are the ones who make laws and treaties. (Dutch Police Commander, Interviewee 31)

The chains of command of the police and justice organizations in the Meuse–Rhine Euregion extend beyond the Meuse–Rhine Euregion to the capital cities of the particular

117 This was a particularly interesting research finding because it became clear to the researcher upon analysis, but it did not seem clear to the interviewees who provided the data.
regions/countries, as the case may be. This situation automatically adds additional stakeholders to the mix, as will be discussed below.

**Belgium**

With respect to Belgium, a total of six non-Euregional organizations surfaced as stakeholders in international police and judicial cooperation in the Meuse–Rhine Euregion, namely: (1) the "Direction Générale Judiciaire" (DGJ); (2) the "Direction de la Coopération Policière International" (CGI); (3) the Federal Prosecutor’s Office; (4) Belgium’s Minister of Justice; (5) BeNeLux; and (6) BeNeLux-Landenoverleg. Each of these entities is discussed below.

**Direction Générale Judiciaire (DGJ)**

One Belgian stakeholder with respect to international police and judicial cooperation in the Meuse–Rhine Euregion that appears to be excluded from Euregional discussions is the “Direction Générale Judiciaire” (DGJ), which is the “General Direction for the Combating of Serious Organized Crime” in the Federal Judicial Police of Belgium. In a follow-up communication with the researcher, one Belgian police commander explained:

> Being the central, general direction for combating serious organized crime in Belgium, this direction within the Federal Juridical Police is, of course, interested in every initiative taken by any Federal Police unit in Belgium, in order to improve partnership, international coordination, JITs... This central direction (DGJ) is simply the next level (for the Dirjud) in the organization of the Federal Juridical Police in Belgium. (Belgian Police Commander, Interviewee 10)

Interestingly, however, this organization was not identified by the interviewees at the time of the in-person interviews as a stakeholder in international police and judicial cooperation in the Meuse–Rhine Euregion.

**Direction de la Coopération Policière International (Brussels, Belgium)**

Another Belgian police commander explained that there is an office based in Brussels called the “Direction de la Coopération Policière International (CGI),” which is supposed to be involved in international cases that require the exchange of police information across borders. This Belgian police commander stated:
**Interviewee 22:** But this is important to know actually... I don’t know if it’s the same in Canada, but, since the last 10 years, we developed this organigram [diagram of the organizational structure] of the Belgian Federal Police, in cooperation with our colleagues in The Netherlands and Germany. But most of the international contacts for the Federal Police of Belgium... we have a specialized... here, you’ll see it on the organigram. Here is the director responsible for the international police cooperation. These are some colleagues that are in Brussels. Normally, all the information that we share with our partners in the other countries... this information must be shared through/via this direction here [i.e., “Direction de la Coopération Policière International”].

**Interviewer:** So, they are based in Brussels. Do they assist with cases of international law enforcement cooperation in the Meuse–Rhine Euregion?

**Interviewee 22:** Most of the cooperation—and this is a problem—most of the cooperation is done bilateral... hmmm... how you say that... the chief of police you find here, and the local chief of police in Liège or Verviers, but the chief of police of this Direction [i.e., “Direction de la Coopération Policière International”] here is not represented in this structure [i.e., NeBeDeAgPol]. Do you know what I mean?

So, there is a tension, because the colleagues in Brussels say to us, “Okay, you have to share information through us.” They say, from Brussels, “When you... have some need to share information with Aachen, you have to give this information to Brussels, and we will do some cooperation with Aachen.”

But, they brought some cooperation which is very close here in the border area...

**Interviewer:** So, you cooperate more directly here without the help of these people, correct?

**Interviewee 22:** Yes.

**Interviewer:** Most of the time?

**Interviewee 22:** Yes.

Clearly, it appears that the Direction de la Coopération Policière International is a stakeholder in international police and judicial cooperation that occurs in the Meuse–Rhine Euregion, because involvement in international cases represents a part of this organization’s mandate. Another Belgian police commander confirmed this by stating:

Yes, of course, the Direction de la Coopération Policière International (CGI) has an interest and attends several meetings in the Meuse–Rhine Euregion. For instance, they attend the annual general meeting of the NeBeDeAgPol, and we provide them with information of all our activities. The directorate helps us also to get European funding for some of our activities. (Belgian Police Commander, Interviewee 36)
Interestingly, however, only two interviewees mentioned the *Direction de la Coopération Policière International* as being a stakeholder in international police and judicial cooperation that occurs in the Meuse–Rhine Euregion. In a follow-up communication, one Belgian police commander provided more information by stating:

This general direction of the federal police [i.e., the CGI] takes control [of] any international cooperation, whether it is a bilateral, trilateral, European or even a worldwide cooperation or communication. For that reason, the CGI keeps themselves aware of all initiatives in this context. [emphasis added] (Belgian Police Commander, Interviewee 10)

When asked why more interviewees did not mention the *Direction de la Coopération Policière International* as a stakeholder in the international police and judicial cooperation that occurs in the Meuse–Rhine Euregion, the same Belgian police commander quoted above explained:

The *Direction de la Coopération Policière Internationale* is dealing with strategic matters, and not pure operational matters. This direction is responsible [for] prepar[ing] international [treaties] or agreements for police cooperation, they represent the Belgian Police on EU level, they manage the Liaison Officers in foreign countries, etcetera... and they also manage EU funding in the field of Police Cooperation.

So, in the Euregio, we work very transparently with this directorate, who gives us support. We address them, for instance [with respect to] judicial issues, we run together some cross border projects, etcetera.

The more operational matters like information exchange are using the normal national operational channels of cooperation. In the Euregio, one of these channels is the well-known EPICC Centre in Heerlen. (Belgian Police Commander, Interviewee 36)

Unfortunately, it is beyond the scope of this study to enter into a deeper examination as to why the *Direction de la Coopération Policière International* is not playing a larger role in cooperation, so as to have caused more interviewees to mention this organization.

*Federal Prosecutor (Brussels, Belgium)*

The Federal Prosecutor’s Office of Belgium is another stakeholder with respect to international police and judicial cooperation in the Meuse–Rhine Euregion that is located outside of the Euregion proper. To this end, one Belgian prosecutor stated:

[The Federal Prosecutor’s Office of Belgium] went to the Euregio as a “dog”—just to watch—as an observer. [They] didn’t want to interfere, because [they] don’t have the time, because [they] have a lot of other
business. So, [they] just go, not as a visitor, but as an observer. But, then [they] observed, for several years, and [they] said, “Yes, we have to improve some things.” [They] wanted to help [the police and justice officials in the Meuse–Rhine Euregion] to stop talking and to work more operationally—to look for files, to work on files, and so on. But at that moment, [they became] a bit something like... [they] are not only an observer... at that moment, [they] are more than an observer—[they] are interfering—[they] are becoming involved and engaged. At that point, it’s difficult, because [the officials in the Meuse–Rhine Euregion] say, “But we have our autonomy.” It’s very difficult. They say, “[The Federal Prosecutor’s Office of Belgium is] coming from Brussels to tell us what we have to do.” So... it’s a kind of small.... politics.... Oh... it’s very important—to have success or not... the small politics are very important. You can’t imagine. (Belgian Prosecutor, Interviewee 4)

It is a shame that interorganizational politics such as these stifle progress in international cooperation, particularly when all the organizations share the same goals/mandates. The police and justice officials in the Meuse–Rhine Euregion should welcome all stakeholders, including representatives from Belgium’s Federal Prosecutor’s Office.

**Belgium’s Minister of Justice**

As indicated in the process of cooperation, Belgium’s Minister of Justice is part of the chain of command to be engaged when establishing a JIT (see Chapter 7 above, Figure 7.35), yet only one interviewee stated this fact. In a follow-up communication, one Belgian police commander provided more information:

The Minister of Justice is highly interested in the new working methods, improvements, [and] proposals done by the Euregion partners. That’s because this Euregion... is... seen as an experiment for... European police cooperation... the three Ministers of Justice (of Belgium, Germany, and The Netherlands) gather on a regular basis, in order to have a close look [of] how this Euregion works (or encounters problems)... (Belgian Police Commander, Interviewee 10)

Considering that Belgium’s Ministry of Justice is part of the chain of command with respect to international police and judicial cooperation in the Meuse–Rhine Euregion, it is interesting that more interviewees did not mention this organization during the interviews.
Benelux and Benelux-Landenoverleg

The other organizations in Belgium that are located outside of the Meuse–Rhine Euregion, but nevertheless still naturally have an interest/stake/mandate/“right to know”/”right to be involved” in what is happening if the case concerns serious transnational organized crime were identified as: (1) Benelux, and (2) Benelux-Landenoverleg. One Belgian police commander explained:

Other organizations outside the Meuse–Rhine Region that have an interest... I think it would be interesting to mention the “BeNeLux.” They attend the annual meeting of the NeBeDeAgPol too and give us support for the organization of it. We also participate in the network “BeNeLux-Landenoverleg.” This is a network of police structures such as NeBeDeAgPol along the borders of The Netherlands and Luxemburg. The purpose is to exchange good practices. (Belgian Police Commander, Interviewee 36)

In another follow-up communication, another Belgian police commander explained:

...this BeNeLux-organization (who is taking care of the BeNeLux treatment) is also involved [in] the priority of a joint “crime fighting.” For example, the BeNeLux has [its] very own workgroup on the phenomenon of human trafficking, drugs... within the three countries (Belgium, The Netherlands, Luxemburg), but also expanded to Germany and other European countries. The Ministers of the BeNeLux countries (and some other joint countries) often gather, in order to discuss... themes like these. As... part of the BeNeLux, the Euregion[al]-experience is very worthwhile for them. (Belgian Police Commander, Interviewee 10)

This information, however, was only uncovered after very direct questioning. The key point this data makes is that the interviewees are not mentioning certain organizations outside of the Euregion as stakeholders, even though they are stakeholders and should be involved in international cooperation in the Meuse–Rhine Euregion. This lack of mention by the interviewees suggests that these stakeholders may not be playing as large of a role in international cooperation in the Euregion as they should be playing.

The Netherlands

With respect to Dutch organizations that are located outside of the Meuse–Rhine Euregion that nevertheless have an interest/stake/mandate/“right to know”/”right to be involved” in cases concerning serious transnational organized crime in the Meuse–Rhine Euregion, the only non-Euregional organization that was mentioned during the interviews
was The Hague. In follow-up communications, two more non-Euregional organizations were identified, namely: (1) the *Koninklijke Maréchaussée* (KMar), which is the Dutch Royal Police with military status that is tasked with cross-border operations such as illegal immigration and human smuggling; and (2) the new Dutch national police unit based in the province of “Limburg,” which was established in 2013. Minimal information was provided with respect to the involvement of the latter two organizations in international police and judicial cooperation in the Meuse–Rhine Euregion, so the focus below will be limited to The Hague.

**The Hague**

The chain of command in The Netherlands extends upward to The Hague (for example, see Chapter 7 above, Figure 7.39). As one Dutch police commander stated:

> We are responsible to The Hague. (Dutch Police Commander, Interviewee 23)

Recall also that, in Chapter 6 above, one German police commander provided an example to illustrate how the distance between Maastricht and The Hague, and the resulting lack of involvement of officials from The Hague, work together to hinder international police and judicial cooperation in the Meuse–Rhine Euregion. Specifically, the officials in The Hague\(^ {118}\) set “Target Agreements” for the officials in the Meuse–Rhine Euregion, yet the officials based outside of the Euregion appear to lack awareness of the special cross-border policing demands in the Euregion. Consequently, the efforts of the Dutch police in the Euregion toward international police and judicial cooperation (*i.e.*, helping to execute MLA requests) do not count toward the “Target Agreements” (*i.e.*, arrest quotas), and the Dutch police are experiencing budget-cuts as a result. Thus, the exclusion of the officials from The Hague in Euregional affairs is impeding international police and judicial cooperation in the Meuse–Rhine Euregion.

**Germany**

The chain of command in Germany also complicates international police and judicial cooperation in the Meuse–Rhine Euregion, since there are German stakeholder organizations located outside of the Meuse–Rhine Euregion proper that have an interest

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\(^{118}\) The "Target Agreement" for South Limburg is drafted in Zoetermeer, and then formalized in The Hague.
in what is happening in the Meuse–Rhine Euregion. One Dutch police commander broadly introduced the problem by stating:

Germany is a very big country—over 50 times the size of Holland. They have a central government in Berlin far away, and they have other states, like in the United States of America. They have so many states that have their own government and own responsibilities. For instance, the region of Aachen is [actually] in the [larger] region of North Rhine–Westphalia. They have their own government, and also their own rules... but when they have to be together, the head government in Berlin also has to find out something about it, and I think they also have to say something about it. So, there is also a political barrier that you have. (Dutch Police Commander, Interviewee 23)

The data revealed that the organizations based outside of the Meuse–Rhine Euregion that nevertheless retain a stakeholder interest in international cooperation in the Euregion include: the Minister of Justice in Berlin, the General Federal Prosecutor in Karlsruhe, the BKA in Weisbaden, and the LKA.

**The Minister of Justice (Berlin, Germany)**

As was discussed in Chapter 7 above, in the event that police and justice officials from Aachen wish to establish a JIT, they contact senior justice officials in Düsseldorf and Berlin to request permission. Therefore, the chain of command can hinder international police and judicial cooperation, precisely due to its hierarchical/bureaucratic nature, which takes time to navigate.

**General Federal Prosecutor (Karlsruhe, Germany)**

One German prosecutor stated that, in some cases, the General Federal Prosecutor in Karlsruhe, Germany will have an interest in the international cooperation occurring in the Meuse–Rhine Euregion. Specifically, this organization should theoretically become involved in cases that concern terrorism. No representatives from this organization, however, attend BES meetings.

**BKA (Weisbaden, Germany)**

Two German interviewees (one prosecutor, and one police commander) stated in separate interviews that the BKA based in Weisbaden, Germany also becomes involved in international cooperation in the Meuse–Rhine Euregion in cases that involve organized
crime. Yet, not many interviewees cited this organization as a stakeholder, which perhaps suggests that it is not as involved as it should be in the Meuse–Rhine Euregion.

**LKA (16 State Police Offices throughout Germany)**

The LKA—especially the one based in North Rhine–Westphalia—is another stakeholder in Euregional cooperation. One German prosecutor stated:

Direct and steady contacts exist between [the] Landeskriminalamt Nordrhein-Westfalen (LKA NRW) and [the] BES, [since] the LKA NRW is the institution sending German policemen to EPICC and had... a lot of cases with us there. The other German LKA [state police offices] are also involved in the work, but not as often as LKA NRW (which counts the same for the other German prosecution offices outside Nordrhein-Westfalen). (German Prosecutor, Interviewee 38)

Indeed, it was reported that sometimes representatives from the BKA and LKA attend Euregional meetings for special cases (i.e., their involvement in such cases is mandatory), strategic meetings, and conferences (by invitation).

**Europol and Eurojust**

In a follow-up communication, it was confirmed that both Europol and Eurojust are also stakeholders in the international police and judicial cooperation work that occurs in the Meuse–Rhine Euregion. One Belgian police commander explained:

Once we speak about cooperation within ongoing investigations in the [Meuse–Rhine] Euregion area, Europol and Eurojust [become] highly interested ([e.g.,] operational meetings, JIT[s], legal assistance...). Europol, as... the “bigger European brother” of... EPICC (with their European liaison officer’s desk), they watch over the shoulder [as] to how things are being done in Heerlen (EPICC). Of course, there’s a legal check-up too (to avoid duplication, and to [facilitate the work of both organizations] within the legal framework). (Belgian Police Commander, Interviewee 10)

As stated in Chapter 6 above, Europol and Eurojust can also become involved when the cases concern multiple countries.
8.2.1.2.3. “No, we don’t have many issues like that”

Only a couple of interviewees argued that *intra*organizational politics are minimal in the context of international police and judicial cooperation in the Meuse–Rhine Euregion. In separate interviews, these officials stated:

No, we don’t have many issues like that. (Dutch Prosecutor, Interviewee 39)

* * *

I don’t think that for the judicial officials [*i.e.*, prosecutors and examining magistrates] it is such a problem. (Belgian Prosecutor, Interviewee 13)

Although some organizations in the Meuse–Rhine Euregion appear to function without *intra*organizational politics, considering the foregoing discussion, there is evidence from all three countries and professions indicating that *inter*organizational politics generally do pose problems in the context of international police and judicial cooperation in the Meuse–Rhine Euregion.

8.2.1.3. Leadership

The police and prosecutors in the Meuse–Rhine Euregion agreed that *leadership* can affect international police and judicial cooperation. One German prosecutor eloquently explained that leadership in international cooperation can be found at two different levels, namely: (1) the ministerial level, and (2) the practitioner level. Moreover, each leadership level has a different approach to advancing international cooperation. This German prosecutor stated:

What I say—although some people in the Ministry would now say, “No! Why does he say that?”—I would say that there are two levels of leadership. You have the people who have the “say” in the end—the Ministries. You depend on them. The Ministries of Justice and of the Interior of Home Affairs. They are dominating the whole process. But, there is also leadership on the practitioner level. And, it sometimes differs.

It was very interesting to see it last week in the talks between NeBeDeAgPol and BES—that you have the second level of leadership. They are the chief prosecutors, and the regional chiefs of police... And they have a different approach. They think—and I agree with them—that you have to have more input from the practitioner side, and that you have sometimes... when building your own network—and, that’s what they do here—you have to set facts, so that in the end, the change—getting you under the thumb from the Ministries—is not
[as] much as it would be if you, in [the] first line, [directly] address the Ministry.

I will give you an example. Last week, we were talking about if we make some proposals [regarding] how to do things in the region, and already have a plan worked out. The chances are bigger to be successful with our own plans, than to say [to the Ministers], “Now, we have a basic idea, we give it to the Ministries, and then wait for their decision [regarding] how we should implement and execute it.” Do you understand the difference? It’s better to have [our proposal] worked out and give it up to them for a final decision, than to have a low [rough sketch of] some basic ideas, give it to the Ministries, and they will, in detail, tell you how to do it. This is what we agreed upon last week— that this would lead us to better results. I think this has to do with leadership, as I would call it, on the second level—the practitioners’ level. Not leadership at the Ministry level, but leadership at the practitioners’ level. (German Prosecutor, Interviewee 38)

The level of leadership of most interest in the present dissertation, and which also received the most attention by the interviewees, concerns the practitioner level.

Interestingly, some of the interviewees immediately identified NeBeDeAgPol and the BES as providing leadership with respect to international police and judicial cooperation in the Meuse–Rhine Euregion. The typical response was captured by a German police commander. The interview dialog proceeded as follows:

**Interviewer:** From what I understand, there are two entities that provide leadership for international law enforcement cooperation in this Euregion: NeBeDeAgPol and BES. Would you agree?

**Interviewee 34:** Yes. One is for the prosecutors, and one is for the police leaders.

**Interviewer:** And, would you say that the leadership provided by these two bodies is good? Does it help facilitate cooperation?

**Interviewee 34:** I think so, yes. In practice, the leaders from the detective branch come together, I think, three times a year. And one time a year, the prosecutors are also there at those committees. So, they talk to each other, they discuss the problems, and so we get answers to the problems.

Other interviewees confirmed that NeBeDeAgPol and the BES provide leadership with respect to international police and judicial cooperation in the Meuse–Rhine Euregion.

To illustrate the parallel between the present research findings and the organizational behavior literature, recall that in Chapter 4 above, Bennis’ typology to distinguish between leaders and managers was presented (see Chapter 4, Table 4.4). This typology revealed that leaders ask questions beginning with the words “what” and
“why,” whereas managers ask questions beginning with the words “how” and “when” (Bennis, 1989:7). To this end, one Belgian police commander explained:

NeBeDeAgPol is like a “think tank”; they think what we can we achieve, what timeline, and what is the cost. Do we have at this time, in one or all the countries, the right political government? Are they interested in what is going on? (Belgian Police Commander, Interviewee 30)

Many of the questions asked by the members of NeBeDeAgPol begin with the word “what,” which signals that they perform a leadership role in the Euregion. Interestingly, NeBeDeAgPol and the BES were also referred to as the entities that hold power and authority, respectively, in the Euregion. This will be discussed more below.

The interviewees also explained that leadership in international cooperation not only stems from NeBeDeAgPol and the BES, but also from individual police and justice officials. One Dutch police commander stated:

Like everywhere there are good and less good people. Leadership is here the keyword. Fortunately we don’t have big problems and it works. We think that is because the people who work here all have a background as [a] police officer and/or detective, so they know what is going on—on the streets. (Dutch Police Commander, Interviewee 26)

The perception that the individual police and justice officials demonstrate leadership was echoed by other interviewees. For example, recall that one Belgian prosecutor stated:

The point of vision was very important in starting the whole project. I think the vision was most strong by the people of Maastricht, because they came with the idea, and also their higher level, I would say—you have the prosecutors at the basic level, and then you have a higher level—and they all have a vision that: “We need to do something in the Euregion.”

There were already some studies from [Prof. Dr.] Cyrille Fijnaut... studies that said there was a kind of problem there, and so, I think that the vision was in The Netherlands, and they started the whole project. They had the idea, and then they came to [Belgium], and they came to talk to the leading officer here, and he was very much charmed by the idea, and he said “Yes, we need to go for that.” I think it was very important—the vision to do something—I think it was very creative. We need to have someone to work for the Euregion, so that resulted in the contract that the Belgian Jurist at the BES has. So, it’s important to succeed—there was a kind of vision. It was our Dutch colleagues who started the whole project. And even now, the Dutch are facilitating it because we meet in Maastricht, they have a meeting room, there are translators... But it is thanks to their prosecutor, and also the higher
level, who believed in the idea, and believed that... something [should be] done.

Now, I don’t know, because it’s not so that the Euregion is the most unsafe area—that is not the case. But I think it’s very specific for The Netherlands because Maastricht is almost fully surrounded by foreign countries. So, when something happens, the criminals are directly in Belgium or in Germany. So, I think that they needed to ask for much legal assistance, but also, Belgium and Germany, they ask for very much legal assistance from Maastricht, and I think it is there that the vision has become that, “We need some structural cooperation,” because when you see it on a map, geographically, it is almost totally surrounded by Belgium and Germany... (Belgian Prosecutor, Interviewee 13)

Thus, certain individuals who possess strong leadership qualities, charisma, and vision can influence police and justice officials to attain strategic goals in the realm of international police and judicial cooperation.

8.2.1.4. Management

Naturally, management can also influence international police and judicial cooperation. Two Dutch prosecutors explained:

**Interviewee 40:** It depends on the manager that we have at this moment. That is the reality... I think that a certain manager can make it difficult for us to broaden our point of view/perspective.

**Interviewee 39:** We need management with the vision, and with [open-mindedness for] international law enforcement cooperation, of course.

**Interviewer:** And, do you feel that you have that right now?

**Interviewees 39 & 40:** Yes.

To reiterate, the variables of management and leadership are similar, but they are not exactly the same. Nevertheless, both influence international police and judicial cooperation, with the process proceeding more smoothly when the right people are involved.

8.2.1.5. Power

Many of the interviewees confirmed that the variable of power also plays a role in influencing international police and judicial cooperation in the Meuse–Rhine Euregion. One Dutch police commander stated in broad terms:
I think they [i.e., the variables of power, authority, management, and supervision] are very important, because without management cooperation, I think it’s unthinkable, I think. (Dutch Police Commander, Interviewee 31)

In a separate interview, another Dutch police commander built on the above by distinguishing between the two groups that hold power in the Euregion:

There is a clear border between the power of the police and the public prosecution. For the police, the leadership for transborder work is under the power of the NeBeDeAgPol... For the part of the public prosecution, it is in the power of BES... (Dutch Police Commander, Interviewee 26)

The general consensus among the interviewees was that the BES, and especially NeBeDeAgPol, hold the power in the Meuse–Rhine Euregion with respect to international police and judicial cooperation. The organizational behavior literature would refer to this power as “legitimate power,” since it is gained by virtue of the high ranks of the police and justice officials involved, and compliance is viewed as mandatory (see Chapter 4 above). Indeed, as was explained in Chapter 6 above, the executive members of NeBeDeAgPol are the three police chiefs in the Meuse–Rhine Euregion, and as such, they are in a position to make joint decisions as they relate to international police and judicial cooperation in the Euregion, and their subordinates should comply.

8.2.1.6. Authority

The exploration of the variable of authority proved to be more nuanced. Recall that, according to the organizational behavior literature, authority relates to collective goals/group consensus, whereas power relates to individual goals/group compliance (Grimes, 1978:726 as cited in Luthans, 2011:314). In the present study, two Belgian police commanders (Interviewees 19 and 20) reasoned that NeBeDeAgPol has the power, and the BES has the authority, because the BES can suggest and choose ideas about what is needed on the basis of group consensus, but NeBeDeAgPol is in the position to make the final decision and transform the ideas into results (see Chapter 6 above, subheading 6.4.3.3.1). While none of the other interviewees were able to articulate this nuanced difference between the two groups, this typology is in consonance with the organizational behavior literature, and moreover, is consistent with the rest of the data concerning NeBeDeAgPol and the BES, as presented in Chapter 6 above. Therefore, in the case of international police and judicial cooperation in the Meuse–Rhine Euregion,
the variables of power and authority are symbiotic, and definitely play a role in influencing the enterprise.

8.2.1.7. Decision-Making

Regretfully, due to the lack of interview time, the variable of decision-making was not fully explored. As a result, only very surface-level data were gathered in this regard. For example, in response to being asked whether decision-making plays a role in international police and judicial cooperation, one Dutch police commander stated:

Decision-making: on [the] strategic level, [is done by] NeBeDeAgPol... [In contrast, on the] tactical and operational [levels, decision-making is done] by [the police] chiefs [of] EPICC. (Dutch Police Commander, Interviewee 26)

This was the typical type of response gleaned from the interviewees with respect to the variable of decision-making. In general, the interviewees did not go into detail to explain how decision-making influences (facilitates/hinders) international police and judicial cooperation. Considering the totality of the data collected and presented thus far, however, one may safely assume that decision-making plays a critical role in international police and judicial cooperation, since as was clearly shown in Chapter 7 above, there are multiple steps in the process of cooperation, each requiring that a decision/action be made in order to proceed to the next step. These decisions require abstract and critical thinking (i.e., to apply and work within the legal framework), as well as the execution of concrete actions (e.g., ensuring that a mutual legal assistance request is translated into the appropriate target language in a timely manner). Decision-making occurs at the frontline by the police and justice officials directly involved in the process of international police and judicial cooperation, and decision-making also occurs at the middle-management and upper management levels. Thus, while the interviewees did not identify decision-making as a critical variable in describing the process of international police and judicial cooperation, the totality of the evidence presented thus far suggests that it is a key variable, since international cooperation depends upon many decisions, including the decision to cooperate.
8.2.1.7.1. Creativity

A number of the interviewees explained that creativity (i.e., “thinking outside the box”) is an important facilitative variable in the process of cooperation. One Belgian prosecutor stated:

I must say that, I think that even nine years ago, no one would have believed that it was possible—what is happening now. To be honest, I was also very skeptical. I thought, “No, we have our treaties, and we have to work with this, and it won’t be possible.” But, when we have some persons who take the initiative and they say, “We have to be creative. We have the treaties. Come and sit down together for these things,” I think that there are lots of things that are possible. And, also there is a kind of drive, certainly on the police level, and also thanks to BES. I must say that you don’t always need much; you don’t have to change the law or the treaties. But if you are a bit creative about the tools that exist, you can accomplish something, and I think that is what we show with BES. (Belgian Prosecutor, Interviewee 13)

The importance of creativity in decision-making was echoed in all three countries by all three professions. Essentially, the interviewees reported that creativity is necessary when applying the law to specific international cooperation situations. For example, two Belgian police commanders explained:

Interviewee 10: One of the main problems that occurred is that, of course, just like [my colleague] is saying, the police are willing—that is no problem. And, most of the time, prosecutors are willing too. But, procedures have to be followed. And there just has to be one person, or one level, who does not agree with your proposal, or whatever, or there must be just one little phrase written in the law—that [makes] you have to wait, or look for other opportunities. But, I’m convinced, the willingness is there.

Interviewee 9: But on the other side, it gives you the opportunity to be creative in looking for solutions.

Interviewer: That is such a good way to look at it.

Interviewee 9: Yes. We are used to it. We have to look for solutions, be very creative, and say, “Oh, there is a possibility to do it that way? Okay, we do it that way.” But that’s police work... We are used to working with new ideas.

Indeed, many interviewees stressed the importance of creativity in the search for international cooperation solutions. One German police commander provided a very specific example to illustrate how creativity in decision-making can help facilitate international police cooperation at the ground level:
In the Joint Hit Team, we have connections [to each other] via ear radio. So, if you want to stop a car and arrest the people inside, but they run away, then you have to part from [your colleagues] to follow the suspect. And, in the law—in the contract—there is an article [that states that] the foreign police officer is allowed to arrest, or to take part in what is allowed for a police officer in this country, but he can only use [that power] under the leadership of a territorial police officer and when the territorial police officer is [present]. But what does it mean? So, in practice, we discussed it with Dutch prosecutors and Dutch police officers. So, we said, “Okay, when I run after a suspect, and I get him alone, I [as a foreign police officer] have a connection [to the police officer who is the territorial leader] via my ear radio, and I can say, “Hey, I have him,” and that is enough [to satisfy the legal requirement that a territorial police officer be present when I arrest a suspect on foreign land]. There are practical arrangements for how it can work, or how it must work. The Dutch colleague isn’t at my side, but he hears me. And this is one of the most interesting things: police officers in Germany, in The Netherlands, in Belgium, they are different, but the cooperation happens because officers are... they think the same way. We have a problem, so we search for an answer, and we find an answer. (German Police Commander, Interviewee 34)

The variable of creativity is related to the variable of perception, since creativity in decision-making depends on one’s ability to perceive/interpret treaties in a positive/facilitative manner (i.e., viewing the proverbial glass as “half-full”), so as to allow for the application of creative practical solutions. In sum, police and justice officials who are able to think creatively and approach problems with optimism and positive perceptions can greatly facilitate international police and judicial cooperation.

8.2.1.8. Strategic Planning

As mentioned in Chapter 6 above, the BES hosts an Annual Strategic Conference each November/December for the police and justice officials involved in international police and judicial cooperation in the Meuse–Rhine Euregion. Among other things, the strategic crime-fighting priorities are discussed and agreed upon at this conference. When asked whether strategic planning influences the process of international cooperation, and in what ways, the interviewees generally stated that there are strategic plans, and that the strategic plans help the police and justice officials attain their goals in international cooperation, simply by helping to identify common goals. For example, one Dutch police commander stated:

There is a constant dialog between the parties. Strategy is “flowed easy,” so that they all have the same strategy. The process of cooperation is in no danger [i.e., the process of cooperation is not
harmed/hindered by strategic planning]. (Dutch Police Commander, Interviewee 26)

These facts were elaborated upon in a separate interview by a German prosecutor, who stated:

You can have the common strategies—how to tackle things—and that’s what we have, of course. And, you can have strategies on certain fields of criminality. [Since] I said so much negative about the Dutch, I must make some compliments to the Dutch side. For years, they’ve had the system, every year, to start a new field of criminality. Last year, it was the cannabis plants. They said, “Now, we tackle [cannabis plantations].” And, the year before, they said, “Now, we tackle trafficking in human beings. We put the stress on it, we emphasize it, we put all our efforts into it,” and so it is [reflected] with the strategies. We have common strategies, and we have strategies on certain fields, and both are, I think, ideas to work with. (German Prosecutor, Interviewee 38)

Obviously, strategic planning helps facilitate international police and judicial cooperation, since it identifies the common goals. Notably, however, the interviewees attested that no evaluations are conducted to measure progress in relation to the strategic plans.

8.2.1.9. Goals

Interestingly, some of the interviewees reported that despite the Annual Strategic Conference for international police and judicial cooperation, the individual organizations in the Meuse–Rhine Euregion have different goals and priorities. One Belgian prosecutor stated:

The goals and the priorities are different in the three countries, I think. That also has an impact. (Belgian Prosecutor, Interviewee 6)

This prosecutor was, of course, referring to the different national policies/approaches of the three different countries (most notably, the lax approach to soft drugs in The Netherlands). Yet, in a separate interview, another Belgian prosecutor from a different district in Belgium stated:

The main goal is to get severe criminals behind bars as quickly as possible—it doesn’t matter where in the three countries. In the end, it’s not important who prosecutes it, as long as somebody does. (Belgian Prosecutor, Interviewee 12)

This was confirmed by a Dutch police commander who stated:
Goals/targets are the same. We “just” have to deal with different systems/legislation. (Dutch Police Commander, Interviewee 26)

Indeed, most of the interviewees confirmed that the main goals are to decrease serious transnational organized crime and improve international police and judicial cooperation. The other goals cited concerned the goals of the European Union, namely those of freedom, security, and justice. Clearly, these common goals help facilitate international police and judicial cooperation.

8.2.1.10. Teams

The literature states that there are differences between groups and teams, and that groups and teams can also affect organizational behavior. Recall that the literature defines a group as a congregation of people who come together with one leader. In contrast, a team is a type of group; the members come together because they want to come together, everyone is a leader, everyone has responsibility, and everyone is accountable for their own work (see Chapter 4, Table 4.6 above; Katzenbach & Smith, 1993:113; Robbins, 2003:101–102). When the researcher asked whether the police and justice officials involved in international cooperation in the Meuse–Rhine Euregion are more like a group or a team, the consensus among the interviewees—across the three countries and the professions—was that they are a team. Indeed, the data revealed that every structure designed to facilitate international police and judicial cooperation in the Meuse–Rhine Euregion (e.g., NeBeDeAgPol, BES) functions as a team. The evidence for this is provided below.

8.2.1.10.1. NeBeDeAgPol

A number of the interviewees cited NeBeDeAgPol to illustrate the team-based functioning among the police officials in the Meuse–Rhine Euregion in the context of international cooperation. The following dialog ensued with two Belgian police chiefs:

**Interviewee 20:** In each team, there is somebody who must report the results of the team to NeBeDeAgPol, or to the BES. But, this leader [of each team] changes each year. Each year, it is someone from another country. So, it is more a team than a group with one leader.

**Interviewee 19:** The leader changes each year to explain what the team has to do. He’s got no real authority over the members on the team. He represents the team. It is not the same...

NeBeDeAgPol is also a team. The president of NeBeDeAgPol [changes and rotates] between the three countries.
Thus, every aspect of NeBeDeAgPol—from the executive committee all the way to the individual working groups—is designed to function as a team.

**8.2.1.10.2. Joint Hit Team**

The police officials, in particular, also cited the Joint Hit Team as an example of an interdependent multilateral team in the Euregion. One Dutch police officer explained:

> We act like a team. Of course we need leadership, because you have to have some aim and know what to do, but we are clever enough to talk together and find the target that we want to work on. So, we organize the task together, and there is no problem. Again, it’s a question of trust. It’s very efficient in the team, because as you said, we work daily together, so we share our experience, our background. We are different, of course, by our own experience, in our own country, but, that’s the reason why the Joint Hit Team is very efficient, because we are different, and we can share our experiences in our own countries or in the region, and make it very efficient. (Dutch Police Officer, Interviewee 33)

These facts were echoed by a German police commander, who stated:

> I think more a team. When we are working on the street with a Joint Hit Team, we have Dutch colleagues and German colleagues. We have action with another Joint Hit Team, with French and Belgian officers. And when we stay on the Dutch side, the Dutch colleagues are the leaders. When we go cross-border, [a team member from that country takes] over and it doesn’t matter. So, each one does what he can give to the group—to the team—and so we work together. (German Police Commander, Interviewee 34)

In sum, the Joint Hit Team functions as a true team, which facilitates international cooperation.

**8.2.1.10.3. BES**

Generally, the interviewees pointed to the BES to illustrate the team-based functioning among justice officials in the Meuse–Rhine Euregion with respect to international cooperation. One German prosecutor stated:

> From the very beginning, there is no “chief”... at [the] BES. [They] are all on the same level, so [they] are a team... I like that very much... (German Prosecutor, Interviewee 38)

The implication of these findings is that the police and justice officials who are involved in international cooperation should be team players.
8.2.1.11. Language

There was consensus among the interviewees that language is a “very important” influential variable with respect to international police and judicial cooperation in the Meuse–Rhine Euregion. The interviewees explained that different languages make communication in the Euregion difficult, which thereby hinders international cooperation, whereas common languages or multilingualism work to ease communication and cooperation. As an introduction to the variable of language, consider the following sampler of brief remarks from the police and justice officials across the three countries:

...positively as well as negatively: language, or the lack of language. (German Prosecutor, Interviewee 38)

* * *

Language is so important. Everybody thinks that language is not an issue, but it is the first issue. It is the first. (Belgian Prosecutor, Interviewee 4)

* * *

And, of course, there is another problem: the three languages. (Dutch Prosecutor, Interviewee 8)

Accordingly, the data for this variable were organized into two main themes: (1) different languages impede communication, and (2) common languages facilitate communication. The subsections below offer a close examination of this variable within the context of international police and judicial cooperation in the Meuse–Rhine Euregion.

8.2.1.11.1. Different Languages Impede Communication

Obviously, communication will be difficult if the participants do not speak/understand the language(s) spoken. This was stressed by many of the interviewees. For example, one Dutch prosecutor simply stated:

If you have a cross-border investigation team, and the people in it cannot speak the language of their colleagues, [then] that is very inconvenient. (Dutch Prosecutor, Interviewee 39)

Other interviewees provided more information to explain that fluency in multiple languages is preferred and almost necessary among those who participate in international police and judicial cooperation in the Meuse–Rhine Euregion. One Belgian prosecutor explained:
We have three different languages: Dutch, French, and German. It is not only understanding or speaking the language, but it is specific. It is legal terms, and that is not “everyday English” or “everyday French,” or “everyday Dutch.” You’re not going to the grocery store and ordering some apples. You need to have a discussion. You need to explain the difference between some legal terms or some legal problems that you have, and that is not easy. (Belgian Prosecutor, Interviewee 15)

Indeed, this observation was made in all three countries, and by all three professions. For example, one Dutch examining magistrate stated:

There are difficulties in communication that I’ve experienced, for example, with the German language. When you have e-mail contact with foreign colleagues, it is, in a way, difficult to communicate in another language, because we are not interpreters or translators. We are judges. So, sometimes, it is difficult to express the words that you want to use. Several things are difficult to write down, because you are not too acquainted with the foreign language, so that makes it difficult sometimes. (Dutch Examining Magistrate, Interviewee 14)

Since multilingualism is preferred in the context of international police and judicial cooperation, some of the interviewees explained that they try to find employees within their organizations who speak the other languages. To this end, one Belgian police commander stated:

Different languages, for instance. That is the most biggest challenge. We must find, in our personnel, guys who speak [the other languages]. It is not evident. (Belgian Police Commander, Interviewee 20)

Other interviewees explained that using interpreters/translator is one way to circumvent the language problem. One Belgian prosecutor stated:

When we come together, there are always Dutch, French, and German translators, because the Germans don’t understand French, [and] the French don’t understand German... (Belgian Prosecutor, Interviewee 25)
Indeed, this was the typical response among the interviewees. Language barriers in the Euregion pose major issues in cooperation.\footnote{This point was confirmed by the researcher’s own experience in conducting the interviews for this study. There were times when some officials misunderstood the researcher’s interview questions, due to the language barrier, which became evident by some of their responses. To address this issue, the researcher would restate the question using different words. Other times, the interviewees appeared to be disagreeing with the researcher. Upon close consideration of what was being said, however, the researcher pointed out to the interviewees that the interviewees were actually agreeing with the researcher and not disagreeing! This was a very interesting phenomenon, because perceptions of disagreement due to language barriers create tension that may unwittingly hinder cooperation.}

**Every National Speaks His/Her Own Language**

Many of the interviewees explained that the root of the problem with respect to different languages in the Euregion is that most people simply speak the official language of his/her country alone. For example, one Belgian examining magistrate explained:

...in Europe, you have every country speaking its own language. In France, people speak French. In Spain, people speak Spanish. In Italy, people speak Italian. (Belgian Examining Magistrate, Interviewee 7)

Naturally, this type of an arrangement poses problems in the European Union, where there are now multiple official languages. Yet, most Francophones only speak French, and most Germanophones only speak German. The Dutch, however, are usually multilingual, and can speak Dutch, German, English, and in some cases, at least some French. The subsections below examine these issues more closely.

**Most French Speakers Only Speak French**

Many of the interviewees reported that most French speakers only speak French. To put the extent of the problem into context, one Belgian police commander explained:

Most of the investigators in Liège speak only French... For instance, to give you an idea, out of the 280 investigators in Liège, [there are] only five people who speak German. So, it is really a problem. (Belgian Police Commander, Interviewee 22)
As stated above, the need for interpreters and translators is significant when the police and justice officials speak only one language. For example, one Belgian prosecutor stated:

Another problem is the differences between the languages. French... [they] always need translators. [The French-speaking Belgian police and justice officials] try and speak the other languages, but it is not very easy. (Belgian Prosecutor, Interviewee 6)

Interestingly, however, it appears that interpreters and translators facilitate communication only to an extent in the context of international police and judicial cooperation. Interpreters and translators cost money and take time. Moreover, sometimes, the statements are not translated word for word, with the interpreter opting to present the general gist of the statement, as opposed to translating a statement verbatim. In other cases, the interpreter may not translate everything that is said because some of the comments are inappropriate and/or insulting. Therefore, both the presence and absence of an interpreter can hinder international cooperation. One Belgian prosecutor candidly explained:

But in Verviers and Liège, there you have an effect that, sometimes, I see in our meetings: problems with German, problems with Dutch...

The French-speaking Belgians—acting and reacting—have language problems. They have problems with the others, and others have problems with them. (Belgian Prosecutor, Interviewee 12)

The researcher observed that these facts sometimes hold true even with the aid of an interpreter. Clearly, the inability of some of the French-speaking officials to speak in Dutch and/or German impedes the process of international police and judicial cooperation in the Meuse–Rhine Euregion. One Belgian police commander stated:

...in Liège, they speak French. So, cooperation between The Netherlands—Maastricht—and Liège is a problem. (Belgian Police Commander, Interviewee 43)

Naturally, cooperation between Liège and any non-French-speaking district/country will be a problem due to the language barrier. This was confirmed by several of the interviewees. Mono-lingualism may not only hinder cross-border communication for obvious reasons, but it also has the capacity to create a situation in which perceptions of

120 The researcher witnessed this style of interpreting in some of the interviews.
the international partners may become negatively distorted due to cultural differences, which further impedes international cooperation.

**Most Dutch and German People Do Not Speak French**

The interviewees reported that, generally speaking, the Dutch and Germans are also limited in their language abilities. Specifically, most Dutch and German officials do not speak French. One Belgian prosecutor stated:

And on the other hand, most of the people on the Dutch and German sides do not speak French, so then, this is really a language problem. (Belgian Prosecutor, Interviewee 12)

These facts were corroborated in other interviews. For example, in a separate interview, one Belgian police commander provided additional information:

Most of the meetings are in Dutch or in German—never in French. It’s difficult to find, sometimes, police [officers] in Liège or Verviers who can speak and understand the other language... Language is a very important variable. In Germany, we have no one who speaks French or Dutch. Dutch people speak Dutch or German, but not French [and the Germans speak German]. And [French-speaking Belgians] must do [their] best to understand everybody. (Belgian Police Commander, Interviewee 20)

Clearly, in a situation like this, and depending on who is involved, there can sometimes be language barriers on all sides, and this can impede international police and judicial cooperation.

**Most Germans Only Speak German**

The interview data revealed that the German police and justice officials appear to be the most limited by the language barrier problem, since they generally only speak their native language: German. One Belgian police commander stated:

And most of the German investigators speak only German, so it is really a problem. (Belgian Police Commander, Interviewee 22)

This was the typical observation offered by many of the Belgian police and justice officials. Interestingly, however, the researcher interviewed German police and justice officials who spoke fluent English, and some of those officials did not even have an accent. Moreover,
the researcher discovered that at least two of the German officials who participated in this study speak not only two, but four languages: German, Dutch, French, and English. Yet, due to “historical reasons,” German has been the primary language spoken at meetings for international police and judicial cooperation in the Euregion, because indeed, most Germanophones only speak German. These facts were confirmed by other police and justice officials, from all three countries.

**Different Dialects of Dutch: Dutch versus Flemish**

To complicate matters, the interviewees reported that there are different dialects of Dutch.121 Recall that the Dutch dialect/language called “Flemish” is spoken by the Belgians who reside in the Province of Limburg in Belgium. One Belgian police commander explained:

In the North, we speak Dutch. It’s the same language [as what is spoken in The Netherlands], but the words do not always have the same connotation. It is part of the difference in culture. When you’re saying a word in Dutch in Holland, it might mean something else. For instance, the word [indiscernible] means “nice” in Holland, but in Belgium, it means “something peculiar.” (Belgian Police Commander, Interviewee 30)

Therefore, even the same general language can cause communication problems if different dialects are spoken.

**8.2.11.2. The Problems Created By Using Each Language**

Interestingly, the data revealed that every language in the Meuse–Rhine Euregion has the potential to pose problems in communication within the context of international police and judicial cooperation, with some languages causing more problems than others. The following discussion examines the problems created by using the French, German,
and English\textsuperscript{122} languages in the Euregion in the context of international police and judicial cooperation.

\textbf{The Problems Created By Using the French Language}

The main problem created by using the French language is that the Dutch and German officials generally do not understand or speak French. Consequently, a communication breakdown occurs if there are no interpreters or translators, and then international cooperation is thwarted. One German prosecutor stated:

In this region, you have... common languages, but sometimes, if you are on the Belgian side, they are speaking French, and you are still finished on the Dutch and on the German side of the borders, because French is not so much spoken in those two countries. (German Prosecutor, Interviewee 38)

These facts were echoed by the other police and justice officials across the three countries. In a separate interview, one Belgian prosecutor added that:

...language, which is the problem in the French-speaking regions of Belgium. They have problems with the German- and Dutch-speaking officials, and they have problems with the French-speaking officials. They have some reservations; if you can’t use the right words, it is sometimes hard to understand the other. (Belgian Prosecutor, Interviewee 2)

Other interviewees added that it is “expensive to translate” (e.g., Belgian Prosecutor, Interviewee 12). For these reasons, the French language is avoided in international meetings.

\textbf{The Problems Created By Using the German Language}

German is the language of choice in meetings for international police and judicial cooperation in the Meuse–Rhine Euregion, due to historical reasons. Specifically, when NeBeDeAgPol formed in 1969, German was chosen as the primary language to be spoken at those meetings, since the German police chief from Aachen did not speak any

\textsuperscript{122} The Dutch language is missing from this list because, as mentioned above, the Belgian and Dutch officials who speak Dutch or Flemish usually always speak another language in addition to Dutch or Flemish. As a result, the Dutch/Flemish speaking officials are quite flexible in the Euregion, second only to the officials from Eupen, who are the most flexible since they speak all of the languages fluently (German, French, Dutch, and usually English). A special subsection below discusses the benefits of multilingualism in the context of international cooperation, such as what is present among the police and justice officials in Eupen.
other languages. As a result, the other countries had to accommodate the German speaker. This historical tradition has carried on to the present day, in part because it is the perception among many of the Belgian and Dutch officials that most of the German officials do not speak languages other than German. In one interview, two Belgian police commanders explained the situation:

**Interviewee 10:** Most of [the Flemish-speaking Belgians] can speak [German], but to write in German, or to read in German, it is not always very easy.

**Interviewer:** And, English is not an option?

**Interviewee 10:** No, not for the Germans.

**Interviewer:** So, the Germans only speak German?

**Interviewee 10:** Yes. They only speak German. When you have a meeting or something, they only speak German. When you propose to do it in English, they always refuse it.

In Europe, you have two countries [that] only want to speak their own language, and that is: Germany and France. Don’t ask a Frenchman to speak English, because he says, “Oh, no.” They don’t want to. We call it “chauvinistic.”

So, for example, when we are sitting in this working group, we are with almost 20 people, and there are four or five Germans [out of 20 people], and all the rest [are] Dutch-speaking, and some French-speaking [people]. What is the language that has been chosen? It’s German. It’s always in German.

**Interviewer:** That’s not fair.

**Interviewee 10:** It’s historical.

**Interviewee 9:** We are used to it [laughter].

**Interviewee 10:** In our school, in Belgium, we learn three or four languages. So, it is Dutch, German, French, and English. So, it’s no problem at all, for most of us. But, in Germany, they only learn their German, and maybe a little bit nowadays of English. They don’t learn any Dutch or any French. Why should they?

These facts and perceptions were echoed in a separate interview with a Dutch prosecutor, who explained:

**Interviewee 8:** And, now we decided, because we did a sort of check about what languages we speak... and then the problem is mainly on the German side, because they don’t speak Dutch, and they don’t speak French. So, we speak German now in these board meetings, and I’m not very good at German, but I do my best. The Belgian colleague speaks German and Dutch, so when it gets difficult, and I start talking Dutch suddenly, he translates into German if I forget to speak in German. I want it to be natural. I realize it will take years, but as long
as we keep working [i.e., focusing] on differences, we won’t get along. So, maybe we’ll make a new language in the Euregion in the end. Not me because I’m too old for that. But maybe, after many years, they will speak the same language.

**Interviewer:** Are you speaking English in the meetings?

**Interviewee 8:** I suggested that we speak English but then the German colleague said that English is too difficult.

**Interviewer:** So the Germans are not learning another language?

**Interviewee 8:** No, not easily.

**Interviewer:** So, the Germans just want to communicate in German?

**Interviewee 8:** No, that’s not the point. We were just looking all of us, together, “Which is the language that suits most of us the best?” So, that was German, because the Germans did not learn French [or] Dutch. But, it’s funny, I like these things—to do it differently—because, the interpreters cost a lot of money, and it’s very tiring. So, I think it’s better that we learn to speak each other’s languages fluently... I learned German in my school, so I’m used to speaking German. And when we go to Germany, we speak German. But, the German coming to Holland does not speak Dutch; they speak German. So, that is why the Dutch adapt easily. And [someone] suggested, “Shall we speak English?” but that is nobody’s [first] language, so we decided not to speak English.

As aforementioned, it is a *perception* among the Dutch and Belgian police and justice officials that most German officials do not speak any language other than German. Incidentally, the researcher interviewed a number of German officials who speak *perfect* English.

Unfortunately, speaking the German language at Euregional meetings causes two major problems in the context of international police and judicial cooperation in the Meuse–Rhine Euregion. The first problem requires some background information. As will be fully explained in Chapter 9 below, the eagerness of the Dutch in promoting and expanding international cooperation has overwhelmed the Belgians and the Germans. It appears that one way in which the Germans in particular have been trying to regain/maintain their sense of sovereignty/power/control in this tripartite power-imbalance situation is by continuing to speak German at the international cooperation meetings, even though German is not widely spoken by meeting attendees. Although it may not be intended, the use of the German language at international cooperation meetings precludes the involvement of certain police and justice officials, and moreover, gives the Germans the advantage and therefore the power/control over the meetings. Evidence for this was
provided by several of the interviewees. The most notable statement illustrating this phenomenon was provided by a Belgian prosecutor, who candidly explained:

I just tell you, perhaps, one story. I needed one or two years to convince [my boss] of the importance of the Euregion. Then, he was convinced one year ago. He was... It is really a fight to convince [people], because there are... all kinds of problems...

Then, last week, we went to a meeting of the steering committee for the “Euregio Crime” project. It was directed by [a Dutch prosecutor], and [the Dutch prosecutor] invited police services, only speaking German. So, the meeting was presided by [the Dutch prosecutor], [who] said at the meeting, “We have to speak German today, because the Germans only speak German.” So, since we do not speak German... we had a problem.

And I only want to inform that [we] went away after two hours—[we were] there for two hours—and we were blocked because of the language. [We] could speak [our language], but... it is a kind of culture... [we] didn't want to speak [our language] either, because [we] wanted to play [our] role, but [we were] not very pleased with the choice of language: German. There were no interpreters. So... maybe, because of that stupid meeting, maybe since then, my chief is not really interested 100% in the Euregion, because of this stupid meeting. So, just because of the problem of language. And, [the Dutch prosecutor who chaired the meeting] said, “Well, you can speak your own language,” but this is not the same. Then, [the Dutch prosecutor] has to translate it... for the Germans. So, just because of the choice of the language, I risk to lose a lot of time to convince—again—my chief prosecutor here, to go on with this and to follow what happens in the Euregion. This is reality. This is the daily-basis work. That is really international cooperation...

So now, because of that meeting, we came back to [Belgium], and [my chief] said to me, “Oh, the Euregion... oh, oh, oh... not me... send someone else... not me...”

So, I got an uppercut, and I have to work, perhaps, for months and months... [i.e., to repair the damage that set them back]. I am sure that they do not want to hear about the Euregion anymore—for a few months at least....

This is reality...

Yes, we were progressing, but it was slow. It is not that fast. But, it took a lot of time to convince [my chief] to go to Maastricht, to get a bit more interested, to invest time, and now [Interviewee 4 makes a sound as though a bomb exploded]... just because of the meeting [sigh].

Language is so important. Everybody thinks that language is not an issue, but it is the first issue. It is the first. And personalities are the

123 The latter chapters of this dissertation will fully explain the power imbalance between the officials from the three countries, along with the ways in which the officials have been trying to regain their power and control over the situation.
second one. Then, comes the culture—the cultural differences between law enforcement agencies and police services. So, these are the first items to tackle, before you start thinking about other things [laughter]. (Belgian Prosecutor, Interviewee 4)

A strong trend in the data was the perception of “uppercuts” by the Dutch toward the Belgians.\textsuperscript{124} The interview transcript excerpt cited immediately above presents a very interesting case example of a perceived uppercut by the Dutch toward the Belgians, because it concerns the German language. These perceived uppercuts—even through the seemingly innocuous choice of language—have been a source of frustration on the Belgian side and can damage relations among cross-border colleagues, thereby hindering international police and judicial cooperation. The German police and justice officials did not provide as many case examples, and described their laments toward the Dutch using far fewer words, but nonetheless agreed that they are also unimpressed with the behavior of some of the Dutch officials within the context of international police and judicial cooperation in the Meuse–Rhine Euregion. These perceived uppercuts by the Dutch toward the Belgians and the Germans hinder international cooperation, because they leave the cross-border colleagues with a perception that the Dutch do not view them as their equals. The Dutch are clearly in a difficult situation trying to balance the different needs of their international partners/colleagues.

The second problem that the German language creates in the context of international police and judicial cooperation in the Meuse–Rhine Euregion is again simply related to the obvious issue of incomprehension. One Belgian police commander explained what happens at the front-line level when the German language is spoken in the context of international police cooperation:

With Germany, you have the language problem, because in [one investigation] department [with the Belgian Federal police], there are only two colleagues who can speak German. So, when you have to cooperate with the Germans, it is only those two police officers who can work together. So, when you get a phone call, yeah, that’s a problem for most of them... [i.e., the non-German speaking colleagues wonder]... “What are they talking about? How is it going?” (Belgian Police Commander, Interviewee 10)

\textsuperscript{124} Several examples were provided in this regard, and some of them have already been cited above.
Interestingly, the German language presents the same barrier in the field when interviewing suspects, witnesses, victims, and offenders. The Belgian police commander cited above went on to state:

But sometimes, we say, “Oh, how do we deal with this situation?” [For example, when] the woman is not telling the German colleague that she is a victim of human trafficking.

Last time we had it, it was a Nigerian girl. We did [a raid] in a club... and none of the Nigerian girls had a passport. [So, we say], “Okay, that’s strange. Why don’t you have a passport?” And, one of the girls starts crying, and she wants to take her clothes in a room, or whatever. And, because of the language problem—because the German colleagues who are organizing the control did not speak English—I began to speak English with these Nigerian girls, let’s say, a victim of prostitution.

And she said, “I want to go and take my clothes in a room. Come along with me, I have to tell you something.” [And, she is speaking to me] in English. So, the German colleagues [don’t know what is happening]. So, [I said to the German colleagues], “Give me ten minutes. She wants to speak with me about something.”

And, she goes along with me to her room, where her personal stuff is lying [around] and she [keeps] her luggage, and in between, she’s crying, [and she says to me], “I am a victim of human smuggling. I have a pimp—a man who takes my money and my passport. I have to gain 30,000 Euros in order to get my trip from Nigeria to Germany paid back,” [and so on], and [I said to myself], “Oh, this is interesting.”

So, I [say to her], “I will go and discuss it with my German colleague, who is in charge, and then he is going to take you to his police station, so that you can give this declaration,” because it’s very interesting, in order to see her as a victim, [that] she’s a victim of human smuggling.

So, I go and talk to my German colleague, [and he says], “Okay, no problem. When she tells me this very interesting story, I’ll take her with me.” That same night, a lot of other activities are going on, and the German colleagues come and tell me, “Okay, I have made an appointment with this Nigerian girl for an interrogation tomorrow.”

So, the day after, I called him back, and he [told] me, “She didn’t say anything anymore.” [I said], “How come? She was a victim, she was crying, she was telling about her pimp, and almost giving us identification.” “No,” [my German colleague] said, “she didn’t want to tell us something anymore, maybe because I don’t speak English very well. So, we got a translator, and [the translator asked], ‘What’s the problem?’ [and she didn’t speak]. Maybe, she didn’t trust me, or whatever, so we just send her back to Nigeria.”

So, that’s a missed chance. When we cooperate, and... the girl is telling me something, which she doesn’t tell in an official interview to the official German colleagues, what should we do with [that information]? And at that moment, you see, that’s cooperating—working together. Let’s say, that is “higher level” [cooperation], because when we were
not there at that moment, that Nigerian girl [wouldn’t] have told anything. It’s not because of me; it’s because she almost felt somebody is talking English. From the very beginning, I told her, “I’m here as a spectator. I come from Belgium. I come to look if there is information toward Belgium. So, I’m not really a police officer.” That’s what I told her. So, she took trust in me. She said okay, “I’m talking to you because you’re not officially here. You’re in Aachen from Belgium, so come and I will tell you my story.” But, as this always goes in matters of human trafficking and so on, [neither] the victim nor the suspect is telling the truth. So, she didn’t want to tell anything anymore the day after. (Belgian Police Commander, Interviewee 10)

Generally speaking, only 2% of the world population speaks German, and another 2% of the world population speaks French (Encyclopedia Britannica, 2013). Therefore, choosing the German language in the context of international police and judicial cooperation projects in the Meuse–Rhine Euregion may not be the best choice.

The English Language

The English language is arguably the most widely spoken language in the world, tied with the Mandarin language, with 16% of the world population speaking each language, respectively (Encyclopedia Britannica, 2013). Most every interviewee interviewed for the purpose of the present study spoke English during the interviews. Interestingly, however, a very small number of interviewees declined to speak English during the interviews, reportedly because they were too shy and did not want to “make mistakes.” Yet, when they did speak English for brief periods during the interviews, the researcher concluded that everyone’s English was in the range of “acceptable/understandable” all the way to “perfect.” Therefore, the data gleaned for the present study, as well as observations made by the researcher in the field, revealed that although many of the police and justice officials in the Meuse–Rhine Euregion can speak English, some of them choose not to speak English. The next question becomes “Why?”

There are several reasons why the police and justice officials choose not to speak English with each other. First, two of the Belgian justice officials explained that the English language does not offer a proper translation of certain legal terms that they wish to use in conversations concerning international cooperation. One Belgian prosecutor explained:

English might be a good common denominator, but then you still have the problem that English doesn’t cover... maybe it covers all the different words that we have, but not with the same definitions. The Belgian system is based on what we call the *Napoleonic Code*. Our system is
based on that Code from 1800-something, while English was always based on common law. So, that is the difference.

I once had to write a questionnaire for one European organization, and they also had discussions/questions in English, and we had the opportunity/possibility to answer them in English or in French. I started to write it in English, only to conclude that I can’t write it in English. If I use “public prosecutor,” okay that’s fine, but how will I translate “a judge that will have to consent to a wiretap”? It is not a judge; it has a specific term, and in French it exists—it is a “juge d’instruction.” And, they have it as well in Germany—it is “untersuchungsrichter.” But, there is no translation for that. You could translate it to “investigating judge”...

So, that is why language will always be a problem. You can express yourself in English, but for certain terms, you just have to speak that language. So, that will always be a problem...

For instance, for the European Arrest Warrant, we accept European Arrest Warrants in Dutch, French, and German, but not in English. Almost every other country in the world accepts English, but not here, due to a political decision in Brussels. It was the French-speaking part of Belgium that doesn’t want that. (Belgian Prosecutor, Interviewee 15)

It is interesting that such a small problem as the direct translation of specific legal terms could stop the police and justice officials in the Meuse–Rhine Euregion from speaking English, which is notably, the most widely spoken and understood language, and is also the neutral language in the Euregion, since it is not an official language of any of the countries under study. Specific legal terms can always be stated in the appropriate language as necessary, and the odds are that everyone in the Euregion will understand.125

It also appears that the English language may be avoided in the Meuse–Rhine Euregion so as to preserve the respective cultures, which emerged as a sensitive issue. Consider the following dialog that ensued with one German prosecutor:

Interviewee 38: A common language we will not have, so...

Interviewer: Why?

Interviewee 38: Yeah, what should be the common language? Nearly everybody now is talking [English]. The younger generation, everybody is talking English. So, we should have a common language, but nevertheless, I think you... yeah, you... [then] let the different languages and cultures disappear. I would not prefer to have a common language, but that everybody understands a common language, and

125 The interviews were conducted in English, and at times, many of the interviewees used specific legal terms in their own language for which there are no accurate translations. The researcher quickly learned the meaning of these terms and was able to understand without a problem.
speaks [a common language] for the emergency situations, but not in general.

It would, of course, be ideal to preserve the unique cultures around the world. When it comes to international police and judicial cooperation aimed at combating serious transnational organized crime, however, a common, widely spoken, neutral language, such as English, is necessary to better facilitate cooperation and increase speed, considering the problems that the officials have been experiencing.

The final reason why English appears to be avoided in the Meuse–Rhine Euregion is because the police and justice officials are simply shy to speak the language. The following dialog unfolded with two Belgian prosecutors:

**Interviewer:** So, if you could choose a language for the region, what would it be?

**Interviewee 25:** Dutch [laughter].

**Interviewee 24:** It would be English, because English is international. I think English would be the best.

**Interviewer:** [Looking at Interviewee 25]: But your understanding about what I’m saying is excellent.

**Interviewee 25:** We understand, but we can’t speak [English]. We never have the opportunity to speak it.

**Interviewee 24:** If we have the opportunity to speak English for two or three days, it will get better.

Ironically, many officials apologized for their English during the interviews, yet their English was perfect.

Some of the police and justice officials stated that it would be best to speak one common language in the context of international police and judicial cooperation. As can be seen in the interview transcripts provided immediately above, however, whenever confronted with such an idea, the interviewees were generally not eager about the idea, but ultimately deduced through logical reasoning that English would be the best choice. Consider the following exchange that ensued with two Belgian police commanders:

**Interviewer:** If you could choose one language, what would it be?

**Interviewee 43:** That is not the solution.

**Interviewee 44:** A police language? That you can speak all over the world? What is that? Is it English, French, Spanish? I don’t know.
Yeah, that is a problem. What [percentage of the total population do] the Dutch represent, all over the world? Two percent? One percent? Twenty million people speak Dutch around the world, so you cannot go far with [the Dutch language]. French is something more, and [even] better [is] English.

**Interviewer:** So, a common language in this region would be very helpful.

**Interviewee 44:** Yes.

This type of logical reasoning was also found in Germany. One German prosecutor acknowledged a core issue by stating:

**Interviewee 5:** That we have one common language... the first question [would be]: “Which language?” I would say English would be the easiest one, but the problem is, English is not the native language for neither of the countries in this region, but [if we used English] no country would feel inferior.

**Interviewer:** That way everyone would be equal.

**Interviewee 5:** Yes.

This interview transcript excerpt provides further evidence for the tripartite power-imbalance described in the subsection immediately above (*i.e.*, “The Problems Created By Using the German Language”). Measures should be taken to rectify the power imbalances between the three countries in fair ways, and these will be discussed in the latter chapters of this dissertation. The obvious answer concerning language is that the neutral language of English should be spoken at the meetings.\(^\text{126}\)

**8.2.1.11.3. The Necessity for Official Translations**

Considering the language barriers present in the Meuse–Rhine Euregion, official translations are necessary in the process of international police and judicial cooperation, especially with respect to the process of mutual legal assistance. Naturally, the official translations cost money and take time. These facts were already discussed above in Chapter 7 in relation to Step 4(4)(1)(b).

\(^\text{126}\) Notwithstanding the above, recall that in the case of letters rogatory, Article 5(3) of the “Convention on Mutual Assistance in Criminal Matters of 2000” directs that mutual legal assistance requests shall be translated into one of the official languages of the country for which they are destined.
8.2.11.4. The Necessity for Interpreters

The police and justice officials in the Meuse–Rhine Euregion also make use of interpreters to facilitate international police and judicial cooperation meetings. Sometimes, the interpreters are “unofficial.” For example, recall that one Dutch prosecutor stated:

The Belgian colleague speaks German and Dutch, so when it gets difficult, and I start talking Dutch suddenly, he translates into German if I forget to speak in German. (Dutch Prosecutor, Interviewee 8)

Some of the officials confirmed that either they, or their colleagues, serve as unofficial interpreters during international cooperation meetings. Moreover, many of the officials attested that they are multilingual, and can switch between the languages during meetings with their international colleagues.

Official interpreters are hired to facilitate the Annual Strategic Conference hosted by the BES. Two Belgian police commanders explained:

**Interviewee 19:** And for the annual meeting of NeBeDeAgPol and BES, we have ear-phone translations. We have very good translations.

**Interviewee 20:** In the yearly meeting of BES, we have [professional] translators from the European Community who come to do that. The translations are in real-time [in ear-pieces], but, that is too expensive to do that for each team.

There are other drawbacks to having interpreters present at a meeting. Recall that one Dutch prosecutor stated:

There are also interpreters, and that is noisy and tiring... (Dutch Prosecutor, Interviewee 8)

In addition, if the interpreter is not very good, the interpretation will not be very good, which will impede communication and inadvertently hinder international cooperation. The researcher experienced this firsthand in one of the interviews. Consider the following dialog, which ensued between the researcher and two Belgian prosecutors with the complete aid of an official court interpreter, before the researcher determined that it was
absolutely necessary to interview a representative from the Federal Prosecutor’s Office in Belgium for the purpose of this study:\textsuperscript{127}:

\textbf{Interviewee 41:} Also, if they know that the case will be complicated, like it’s a very big complicated case, the Federal Prosecutor of Belgium will get involved. It is him who will decide.

Are you going to meet somebody from the Federal Prosecution Service in Brussels?

\textbf{Interviewer:} No.

\textbf{Interviewee 41:} [The members of the Federal Prosecution Service of Belgium] work on a bigger scale there—more so than the Meuse–Rhine Euregion. They work internationally also.

\textbf{Interviewer:} So, I should be speaking with the Federal Prosecutor in Brussels about cooperation in the Meuse–Rhine Euregion, because they have the ability to make a decision about it?

\textbf{Interviewee 41:} No, they don’t take any decisions like this. If for example, a crime is committed in one of the regions in the Meuse–Rhine Euregion, then the Federal Prosecutor will be in charge of the case.

This interview transcript excerpt illustrates the language barrier that can remain even despite the assistance of an official court interpreter! Specifically, the interpreter translating for Belgian Prosecutor Interviewee 41 stated in the first paragraph above that, “It is him who will decide.” Yet, when the researcher repeated this information back to them, they stated, “No, they don’t take any decisions like this.” Well, as was explained at length in the foregoing chapters, the Federal Prosecutor of Belgium does indeed play a role in international police and judicial cooperation in the Meuse–Rhine Euregion,

\textsuperscript{127} In conducting the interviews, the researcher had the benefit of assistance from three interpreters and found that there are definite differences in the ability of people to serve as interpreters. Three of the interpreters were “unofficial” (i.e., from the tight-knit group of colleagues in international cooperation) and one was “official” (i.e., a professional court interpreter). Most of the time, everything was fine, but in this case, it seemed that the professional court interpreter did not always translate everything that was being said, which left the researcher with the impression that some information was lost in translation, and also that some information was not meant for the researcher to hear. Since the process of cooperation is so dependent on trust and positive perceptions of one another, it is important to communicate using the same language, so that no one feels left out, and so that nothing is “lost in translation.” Surprisingly, in every interview in which the researcher used an interpreter, it appeared that the interviewees could almost always understand everything that was being said without the interpreter’s help. Generally, the interviewees only had to ask the interpreter for clarification on rare occasions, and could probably answer in English, but chose to answer in their language of choice. The best interviews were the ones wherein the interviewees answered the questions in English, even if their English was not perfect. The absence of an interpreter encouraged the interviewees and the researcher to cooperate positively, with even more genuine curiosity and respect for one another than usual.
since it is part of their mandate to handle cases of serious transnational organized crime. Despite the tautologies and contradictions latent within the statements provided by this particular interpreter, the following statement was made by the interpreter to the researcher at the end of this particular interview in Belgium:

I will give you some advice. Maybe, to understand more, it is already very difficult, with our judicial system here, because Belgium is divided into three parts, with lots of districts, as we said. Maybe you should read a little bit about the history and the judicial system here, because it’s quite different, which is why maybe it was hard for us to explain it to you, because for us it is normal, whereas for you, you don’t know what it is. (Official Court Interpreter for Belgian Prosecutors, Interviewees 41 and 42).

This statement captures the essence of this particular interview. If this type of approach is actually taken during the process of international police and judicial cooperation with the key officials, then cooperation in this Euregion may be more difficult than necessary.

8.2.1.11.5. The Idea of Language Training

Considering the obvious advantages of multilingualism in the context of international police and judicial cooperation, the idea of language training was raised during some of the interviews as a solution to enhancing international communications in the Meuse–Rhine Euregion. For example, one Belgian prosecutor stated:

Maybe [we] should look into possibilities of language schooling, but that is also expensive. (Belgian Prosecutor, Interviewee 15)

Yet, all of the “Masters in Cooperation” were multilingual, speaking at least three or four languages (i.e., English, French, Dutch, and/or German). Indeed, one of the Belgian police officials reported that he speaks seven languages fluently. The question then becomes, “How do these specialists acquire their formidable language skills?” To this end, the following dialog occurred between the researcher and one Dutch police commander:

Interviewee 31: We are a small country [i.e., The Netherlands], but we speak mostly four languages.

Interviewer: It’s amazing. How does that work? Is it on a volunteer basis? Do people have to learn languages on their own time?

Interviewee 31: We learn mostly in school. We also learn from our colleagues.
And, we also have language training in our force, based on the work you are doing. So, we have a French course at this moment. I don’t know if we have at this moment a German course, but French I know for sure.

Many of the interviewees corroborated these facts, explaining that they learned multiple languages in childhood, either at home or in school. The following exchange ensued in one interview with a German prosecutor:

**Interviewer:** So, that means that you speak four languages? German, English, Dutch, and French?

**Interviewee 5:** Yes, but, I have to admit that I grew up in this border region. So, as kids or teenagers, we listened a lot to the Dutch radio station because they had better music, for example [laughter]. So, the dialects, especially with Dutch and German here on the border, they get very close. It is like there are certain regional dialects from where I come from... [where] I grew up... the Dutch border was just one or two kilometres away. So, the people there had a special dialect. So, you can tell if it’s a certain German dialect, or if it is already the Dutch side of the border that speaks this dialect. So, it is like it melted together. So, it makes it very easy to understand and also to speak Dutch.

Other interviewees confirmed that language courses are also offered within some of the law enforcement organizations. For example, one Dutch police commander stated:

But, speaking the same language... a lot of German colleagues, especially in Aachen, also have a course in Dutch. Every week, on Wednesday morning I think it is, they have a Dutch [language] course, so they have to learn Dutch. So, when you call Aachen, you may have the chance that someone will speak Dutch to you. (Dutch Police Commander, Interviewee 28)

In sum, it appears that language training courses are offered through Dutch and German law enforcement organizations. This was not the case in Belgium. The following dialog took place between the researcher and one Belgian police commander:

**Interviewer:** What about language training? Is language training available, let’s say, to your employees?

**Interviewee 43:** Only on their own time. They can learn languages as much as they want. But during the job, no. There is collaboration, sometimes, for the costs you have to pay [for a language course]. You have to take it privately. And then, the organization will pay a part of the cost. That is sometimes possible. But the biggest problem is, do [they] want to speak another language, or not?

Many of the Belgian officials are multilingual. For example, the following exchange occurred in one interview with a Belgian examining magistrate:
Interviewee 7: This is good practice for my English.

Interviewer: You are doing really well. Your English is excellent. How long have you been speaking English?

Interviewee 7: We are a small country, so in Belgium, I believe that when you are in junior college—12 or 13 years—you already get different languages: Dutch, French, English, German. So, we have to be multilingual, because we are so small.

Thus, while language training would be ideal to help hone the skills of aspiring specialists in the field of international police and judicial cooperation, if the official does not enter the job with these skills already, then language training generally only remains accessible to those who have the money, time, and will to pursue such studies on their own accord.

8.2.1.11.6. Common Languages Facilitate Communication

Naturally, common languages facilitate communication, and in turn, facilitate international police and judicial cooperation. For example, one German prosecutor succinctly stated:

It helps if you speak the language. For example... if you know how to speak Dutch or French... they are also more helpful, especially in The Netherlands, because they don’t expect it [i.e., for foreigners to speak Dutch]. So, if you speak Dutch, they really appreciate it, and it makes the atmosphere really good, and it certainly helps to grow trust. (German Prosecutor, Interviewee 5)

In a separate interview, another German prosecutor stated:

There is no language problem. I speak Dutch fluently. So, I have always found... some colleagues on the other side of the border [to potentially collaborate with]. (German Prosecutor, Interviewee 11)

This interview transcript excerpt illustrates how perceptions regarding the effect of the language variable on international cooperation can differ based on one’s own language abilities. Many of the interviewees across the three countries and the professions stressed that a common language or multilingualism eases communication and cooperation, and with a common language or multilingualism “there is no problem.” Although the benefits of multilingualism may appear to be obvious and common sense, some of the officials involved in international police and judicial cooperation in the Meuse–Rhine Euregion are not multilingual. Therefore, language is one of the variables that makes the study of international cooperation in this Euregion so interesting. Despite the clear problems posed by the different languages, and the clear solutions (i.e., multilingualism during the process
of cooperation, and speaking the neutral/widely understood English language during the meetings), unfortunately, no real steps are being taken in the Euregion to solve the language problems in international cooperation.

**Eupen, Belgium**

Multilingualism is especially strong in the city of Eupen in Belgium. Indeed, most of the people who live in Eupen speak French, German, Dutch, and English. A number of the police and justice officials explained that the officials who come from this city in Belgium are especially prominent, due to their language skills. For example, two Belgian police commanders stated:

**Interviewee 19:** The most important personalities of NeBeDeAgPol [and] of EPICC come from the area of Eupen in Belgium, because they speak German, French, and Dutch fluently.

**Interviewee 20:** And, they have a history/[background] of contact with The Netherlands and Germany.

Recall that in Chapter 6 above, data were presented to show that the police and justice officials in Eupen also serve as unofficial interpreters/translation in cases of international police and judicial cooperation in the Meuse–Rhine Euregion. Thus, language skills are especially helpful in international police and judicial cooperation in the Meuse–Rhine Euregion, and can propel police and justice officials into key facilitative roles.

**EPICC and the BES**

EPICC and the BES are two structures for cooperation in the Meuse–Rhine Euregion where multilingual officials can be found. By design, some of the “Masters in Cooperation” work at these organizations. One Dutch prosecutor spoke of the benefits of EPICC and the BES, thanks to the multilingual officials employed there:

And, if there are difficulties, we can always go to the EPICC guys, to ask a German police [officer] or a Belgian police [officer] to help us by doing things in foreign countries. We can ask them to call for us, to explain what we want, etcetera, and they know the ways they have to go...

And we also have, for instance, [the German prosecutor at BES]. He is a German prosecutor. If we have an MLA for Germany, and we want to handle it quickly, or to explain things, we can use him, and he will call his colleague there [in Germany] to make it quicker. (Dutch Prosecutor, Interviewee 29)
Indeed, the data revealed that one of the ways the officials overcome language barriers is by establishing personal contacts with foreign colleagues who speak the languages that they do not speak. To this end, one Dutch examining magistrate stated:

I do not think it would help if there were language courses to train employees. It would help, but it would take so much time... a personal contact would be easier. Speaking... is, in general, well, for me at least, and maybe for others, speaking a foreign language is easier than writing. So, it could be resolved by personal contacts, on the phone, or in person. (Dutch Examining Magistrate, Interviewee 14)

Recall that one of the core reasons behind the establishment of both EPICC and the BES is to make available specialists in international cooperation who are multilingual, highly-experienced, trustworthy, easy to contact, and well-connected in the police and justice networks, so as to facilitate international police and judicial cooperation.

8.2.1.12. Communication

As explained in Chapter 4 above, language is only one aspect of communication. Once the problems associated with different languages have been overcome, other communication barriers and potential problems should also be overcome to ensure international cooperation proceeds in a productive manner. For example, problems associated with verbal and/or nonverbal communications (e.g., inaccurate translations), information sharing (or the lack thereof), and distorted/negative perceptions can impede understanding within the context of international police and judicial cooperation. Some of these issues were explored in the present study, and the most dominant themes that emerged in this regard are explored below.

8.2.1.12.1. Constant Dialog

The interviewees reported that one of the ways in which they try to prevent problems in communication is to consistently keep up the dialog between the concerned parties. Recall that one of the Dutch police commanders stated:

There is a constant dialog between the parties. (Dutch Police Commander, Interviewee 26)

The constant dialog also helps ensure clarity. Another Dutch police commander stated:
And regarding the Meuse–Rhine Euregion, we are so close to each other, that it’s so easy to call each other and to point out some difficulties and to make some requests, or to force an answer... when it takes too long when someone is waiting for an answer. It’s easier for us to do a quick call to a prosecutor in Aachen or Liège. It’s so easy. (Dutch Police Commander, Interviewee 28)

Indeed, other interviewees explained that the constant dialog helps to establish closeness among the officials, which in turn builds trust, and ultimately enhances both efficiency and effectiveness in the process of international police and judicial cooperation.

8.2.1.12.2. Information Sharing

As was exposited in detail in Chapter 7 above, the whole process of international police and judicial cooperation is about sharing information/evidence across borders. One Dutch police commander explained:

The better the information, the more chance of success. Information is the blood of an investigation. Without information, you can’t do anything...

The quality and speed of information are crucial. (Dutch Police Commander, Interviewee 26)

In the case of international police and judicial cooperation, the quality and speed of information that makes its way across the border depends on the variables of decision-making and communication. These facts were corroborated in other interviews. For example, one Dutch police commander stated:

For the investigation team in Holland, it is bad—not so good—because they can get the information, but there is always a delay. First, the German colleagues have to write it down, [then] they have to inform the Dutch colleagues. So, there is a time delay in gathering the information. Of course, when we [i.e., the Dutch] could tap a wire, we could use the information immediately. (Dutch Police Commander, Interviewee 28)

Indeed, the numerous opportunities for delays in international cooperation were identified and discussed in Chapter 7 above. Moreover, recall that in Chapter 7 above, one Belgian prosecutor (Interviewee 13) reckoned that more information exchange could probably take place (see Chapter 7, Subsection 7.6.3.4). This was corroborated in separate interviews. For example, two Belgian police commanders explained that in The Netherlands, only the leader of the Dutch investigation team will be aware of intelligence, whereas the
members of the Dutch investigation team will not have access to that intelligence. To quote:

**Interviewee 9:** There is still a problem, because the team leader [in The Netherlands] gets all the information—the entire information. But the rest of [the] team members do not get all the information.

**Interviewer:** And this is for a JIT?

**Interviewee 9:** For a JIT, for everything.

**Interviewee 10:** That’s the way it works in Holland.

So, the team leader gets all the information—the intelligence and the hard information—everything. But the team members don’t get the intelligence because they want to protect the informants, or they want to protect some information, and they think, “Why should a member—who is doing a telephone tapping or house search or whatever—why should he know everything about [the case]?”…

**Interviewee 9:** That’s their way of working.

**Interviewee 10:** It may be good, [or] it may not be so good. I don’t know. It is [just] another approach—another view.

**Interviewee 9:** So here [in Belgium], all the members of the group or team know everything—even the intelligence, and the hard information. They know everything, and they discuss what can be used in the open file, and what we have as “background information,” and what we—at one moment—can use. But, that’s not the system in Holland. So the intelligence is totally [off limits to team members in Holland]…

And sometimes, also when we are sitting together [Belgian and Dutch police], you see [that] here [in Belgium], every one of the group knows, and then, when you make contact with a Dutch colleague who knows only a part of the investigation, yeah, and our Belgian colleague phones his Dutch colleague and says, “So, and so, and so,” and [the Dutch colleague says], “Oh, I don’t know.” So, we know, let us say, “Everything,” and they only have a part [of all the information on a case]. And that is… but [the Dutch] have a totally different system of intelligence, and intelligence working, than even Belgium. Now, they are trying to build the same system in Belgium—like they have in Holland. So, two divided police sections: the intelligence part, and the investigation part.

Information sharing across borders will be difficult if that information is not already shared within the country of origin. Moreover, a lack of intelligence sharing may pose officer safety issues.

**8.2.1.12.3. Information Management**

A final point that emerged from the data with respect to information sharing concerned information management. Specifically, the exchange of information across
borders should be done in compliance with the legal framework that regulates international police and judicial cooperation. One Dutch police commander explained:

And in EPICC, you have to manage the information in a good way, because there are treaties, of course, but [there is] also different national legislation. For example, in The Netherlands, we have a law that says you can use police information to handle permissions for opening a café or something [i.e., the BIBOB]. In Germany, that is not allowed. So, when there is a German who wants to open a café or something, or a hotel in The Netherlands, the Dutch people who work with permission for this ask EPICC, “Can you give me information on this German?” And, [the police officials at EPICC] say, “Yes, we can, but I won't, because it's not allowed, because German law says that you can't use police information for this purpose.” So, [they] have to explain that. We have to manage not just the treaties, but also the differences between national legislation. That’s why a centre like EPICC is very, very important to tell the colleagues on the street why not, or why yes. A centre like EPICC knows these things, so [they] really help the colleagues, in an operational way, in their work. Just tell the truth to the colleagues. [If they ask] ”Can you?” [then say] ”Yes” or ”It's not allowed because…” Explain it to them. (Dutch Police Commander, Interviewee 26)

Clearly, proper information management and clear communication is necessary to help facilitate international police and judicial cooperation.

8.2.1.12.4. Police Radios

The other issue that emerged with respect to the variable of communication concerned the police radios of the Belgian, Dutch, and German police forces in the Euregion. Specifically, the different systems preclude the capacity for the radios to “roam.” One Belgian police commander explained:

We have also other very technical problems—radio communication. In the three countries, we have a digital radio communication network based on European standards. But, these communication networks don’t allow us to have roaming. So, if we have our radio, and if we are in The Netherlands, or in Germany, we can’t speak to the Dutch or German colleagues with our Belgian system. We don’t have this roaming possibility because we have a tetra standard based Nokia system, and the other one has a tetra-based Motorola system, and the third has, I don’t know... So, those manufacturers have to develop some software to make this roaming possible, but it costs a lot, and they won’t do this for only two or three countries. So, we try now, on the European level, to make it possible. But, in the meantime, we try to find a solution for the time [being]. Maybe someday we’ll have the possibility to roam. Now, we have another solution—a tactical solution that I cannot explain, but that gives us the possibility to speak to our German and Dutch
colleagues, as long as we have our national network. So, the national network doesn’t stop at the border. You can go 10 kilometers in Germany or so, and, [within] those 10 kilometers, you will have the possibility to roam, but not [further]. So, that’s an issue for us. When we organize common actions, we have to exchange data, material, and so on. You see, that’s also an issue when we have common actions on the frontline. (Belgian Police Commander, Interviewee 36)

In a separate interview, a German police commander confirmed that the different police radio systems have hindered police communications in joint operations on the front-line. This German police commander explained:

The difficulty is in The Netherlands—they have a new digital radio system. They have worked with it for five years now.

In Germany, we have mostly an old analog system.

Aachen has a digital system, but we are the only district in Germany at this moment that has this digital system... Aachen was the test district for this digital radio system, but it’s very expensive, so they are still waiting to buy it. Here, for Aachen, it cost 13 million Euros when it started up in 2001. And, when you buy it for the whole North Rhine-Westphalia, the cost is very high. So, they are moving slowly with it. So, we have different radio systems...

So, [the] radio system in Aachen is comparable to the Dutch system, but you must have the idea that radios work like computers. If you want to work in a network, the central unit has to accept the other radios on the German or the Dutch side, and then, for that reason, we need a contract to use it on a special line, to connect the systems with each other. Via the technology, it is possible between Aachen and the rest of The Netherlands, but not between other departments in North Rhine-Westphalia, until they get the digital radio. (German Police Commander, Interviewee 34)

As was stated in the interview transcript quoted immediately above, however, the police officials have found ways to overcome the problems posed by the different radio systems, so as to facilitate front-line communication and international cooperation in the Meuse–Rhine Euregion.

8.2.1.13. Stress

Due to time and resource limitations, the variable of stress was not fully explored in the present study. Nevertheless, this variable was explored in a number of the interviews conducted for this study, so as to gain an understanding of this variable’s general influence on the process of international police and judicial cooperation. The general response gleaned from the interviewees was that stress is present in
international police and judicial cooperation, yet the variable of motivation appears to mitigate any negative effects of stress. The following discussion that ensued with three Dutch police officers exemplifies the typical response gleaned in response to this variable:

**Interviewer:** Does stress affect cooperation? Is there a lot of burnout among the people who are involved in international cooperation?

**Interviewee 33:** I don’t think so, because all the people on that team are motivated. It’s never been an issue to get there. It is always, as you said, some colleagues are waiting to come here, so you can be sure that when they come here, they will not burnout. Most of them are very happy to be there. It is a team with only people who volunteered.

**Interviewee 31:** They are volunteers, but when you are not a volunteer on this team, you could get stressed.

**Interviewee 32:** It is a stressful job, you know. They are working at night and on weekends—a lot of hours. And they also have families... There are times that we are working until three o’clock in the morning, and at eight o’clock, we are back on duty. It is a very busy job. It is a choice to work.

In sum, when suitable people are involved in international police judicial cooperation (i.e., officials who possess the necessary knowledge, skills, motivation), the variable of stress will probably not hinder the process of cooperation to the extent that it would if unsuitable officials were involved in the enterprise.

**8.2.1.14. Conflict**

Language, communication, and culture have been the main variables around which some minor conflicts have erupted among some of the police and justice officials in the Meuse–Rhine Euregion during the process of international police and judicial cooperation. Specifically, language barriers and cultural differences have posed problems at the interpersonal level, as detailed above. For the most part, however, conflict was not reported as a common occurrence among the police and justice officials in the Meuse–Rhine Euregion, probably because they have so much experience working together. Yet, as will be revealed in Chapter 9 below, power struggles between the three countries in relation to the advancement of international police and judicial cooperation have led to psychological game playing, which has in turn created an insidious form of conflict at the interorganizational level. The result has been deadlock in the advancement of international police and cooperation in the Meuse–Rhine Euregion, as will be shown in Chapter 9 below.
8.2.1.15. Negotiation, Bargaining, and Compromise

When problems arise in the process of cooperation (e.g., an official discovers that a request for mutual legal assistance has not been answered in due time), it appears that instead of allowing conflict to erupt, the police and/or justice officials generally follow-up with a telephone call to their cross-border colleague(s) seeking collaboration in problem-solving. Recall that one Belgian prosecutor stated:

...the prosecutor has to take some initiatives from time to time. If you take the phone and ask your colleague, and make it a little bit faster, it can help. (Belgian Prosecutor, Interviewee 13)

The other option in such a scenario is to take no action (i.e., avoidance). Recall that one Belgian examining magistrate explained:

For one file regarding stolen vehicles, a German never answered my legal request. It just happened once, but it was important because some person was arrested, and it was urgent, and they never gave us an answer. I don’t know why. It was two years ago. So, I closed the file without an answer. It makes me feel bad. (Belgian Examining Magistrate, Interviewee 18)

This option appears to be the less common of the two possibilities, but may occur because of language barriers and/or the lack of personal contacts.

In other scenarios, the process of positional bargaining is engaged to achieve compromise, in light of the limited police and justice resources available. One Dutch examining magistrate explained:

We resolve the conflict by not being too strict in dealing with other persons’ wishes. So, not putting your own wishes and ideas in the first place, but rather dealing with the interests of the other first. It is always “give and take,” isn’t it? (Dutch Examining Magistrate, Interviewee 14)

The willingness to “let the other side win” in order to achieve compromise was mentioned by other interviewees. In a separate interview, however, one German police commander explained the matter of compromise differently, by stating:

[Sigh]... it’s very hard to translate... [Interviewee 34 then drew the following Venn diagram, presented in Figure 8.2 below]...
Figure 8.2. Finding the Middle-Ground for Compromise in International Police Cooperation, as Reported by Interviewee 34

If these are the possibilities of the Dutch police, and these are the possibilities of the German police, you only can work together where they overlap. And if you realize that, you always find a compromise. (German Police Commander, Interviewee 34)

Indeed, compromise was a common theme in the data with respect to conflict resolution in the Meuse–Rhine Euregion.

Some of the interviewees confirmed that international police and judicial cooperation resembles marriage in many respects due to the trust, relationship building, communication, commitment, and compromise necessary in such endeavours. For example, recall that one Dutch police commander explained:

**Interviewee 31:** I have much respect for my colleagues. They have interested me in culture, and how some colleagues in a foreign country act. A small example that was given was how the Belgians shake hands every morning. In that way, when you know each other, you can accept them, and how do I say that... [it] is one of the most valuable things. When you know someone in cooperation... I always say, you don’t have to fall in love with someone [laughter], but it has to be a kind of love—to respect, to cooperate... I don’t know how I can express it.

**Interviewer:** This is what has occurred to me too, in all my reading. It is almost like, the partners in cooperation—it is almost like marriage.

**Interviewee 31:** Yes.

**Interviewer:** Because it’s about trust, getting to know each other, working closer together, and it’s about compromise.

**Interviewee 31:** Yes. That’s what I think, because it’s often compromise. Yeah, that’s right.
Interviewer: And it’s for life.

Interviewee 31: Yes.

These ideas were echoed by other officials. Consider the dialog that ensued in one interview with one German police commander and one Dutch police commander, respectively:

Interviewee 26: But sometimes, when I have to win more, he has to give in. And other times, when he has to win more, I have to give in. So, it’s giving and taking—like marriage.

Interviewer: That’s what I was thinking. It is very much like marriage. This is about trust, getting to know each other, commitment...

Interviewee 26: Yes. You have to trust, and be trusted. We’ve been “married” for 30 years [laughter].

You need a good basis—a good blueprint—but, very importantly, there has to be a good chemistry between the partners. Chemicals react. If you have H₂ and you have O separated, it’s nothing, but together, it is water that we can drink. That’s what we mean. It is a good synergy.

And you have to do something to get a good chemistry. You have to maintain the relationship by communicating, openly and fairly. You have to be honest. When he does something that I don’t like, or the other way around, we tell each other, but never shout. Never be mean. Always stay polite and friendly, but also to keep good manners. When I call him names, he says, “Oooh [cringing as though he was in pain], I don’t like that.” And then he stops [i.e., the international partner “shuts down” and becomes hesitant to participate in cooperation, due to fear}. Well, of course! I would do that too. So, you have to communicate openly and fairly, but in a nice way.

In sum, when asked how the police and justice officials avoid conflict and find agreement in the Meuse–Rhine Euregion, one Belgian prosecutor stated:

We do it by discussion. I think that’s the best way. Also, when we have a case that has problems, we organize a meeting with the police and prosecutors of the cases in the different countries, and we try to find a solution. Generally, we find it. (Belgian Prosecutor, Interviewee 6)

These facts were corroborated by many of the other interviewees.

Interestingly, the data revealed that both low-risk and high-risk negotiation techniques are used among the police and justice officials in the Meuse–Rhine Euregion. Most of the officials use low-risk negotiation techniques, opting for peace and diplomacy. A small number of the officials, however, use high-risk techniques with their international colleagues during negotiations. For example, one German prosecutor explained:
My colleague... You will surely say after [meeting him], "A charming guy," but... in Maastricht, they [squirm a little with fear]... he is pouring salt into the wounds. He can be difficult...

We have, every six weeks, a meeting [at the BES for] the so-called "Contact Prosecutors." This is the level below the chiefs. The Contact Prosecutors are dealing with MLA and organized crime in the Euregion...

And then, sometimes he says, "Well, I have a case here. To my Dutch colleagues, this is impossible! I could hit you in your legs! This is the way it should [be]." Now, we hear a little bit about diplomacy. He suddenly turns over and gets angry, and [one Dutch colleague]—he’s the only one—he says, "He is right! He has the right [to say that]! If I look at that paper and see how idiotically it has been done, he has the right not to say, 'Let’s do it in a polite way: yes, it was very nicely done, but...’ But, he has to say, ‘This is shit!’ This is [his] opinion.”

[And], I was surprised, because... there was the Dutch side who said, "Yeah," not so aggressively. There was [the one colleague], and [one person] was playing the mediator. And now, [a Dutch colleague] says, “If he’s right, he’s right”...

But in the region, if you ask somebody from the Belgian side or from the Dutch side, they would [pull back as if they are in pain]. You get that feeling that, yeah, he can hit you. But how did we come to this? Oh, [we were talking about] personalities. He is a personality too. He can be a very nice man, he is a very experienced one, but he can be aggressive, and he can even offend people. But, I have learned... of course, in a role like this, you learn to get back to [diplomacy]. But, if you talk about personalities, it means, therefore... it has to do with trust. With people you trust, you [don’t have to say], "It was very nice, but..." [rather], you can say, “It was perfectly idiotic! It was shit!” You can’t say that to everybody. To people who trust you, you can do it. [Emphases in original] (German Prosecutor, Interviewee 45)

Although high-risk negotiation techniques such as anger eruptions to shock others may be unnecessary in international police and judicial cooperation, such passionate personalities certainly keep meetings lively, and also underscore the high levels of trust present among the officials. Since international cooperation is a relatively fragile endeavour, however, peaceful and diplomatic negotiations may likely instill greater trust among the colleagues and thereby further facilitate the enterprise.

### 8.2.2. Inductive Variables

A number of inductive variables emerged from the data as also influencing the process of international police and judicial cooperation. These variables include:
personal contacts/networks and cooperative games. Each of these variables is examined below.

8.2.2.1. Personal Contacts / Networks

Virtually every interviewee emphasized the importance of personal contacts/networks in international police and judicial cooperation in the Meuse–Rhine Euregion. Consider the following sampler of responses, which are representative of this dataset. All of these data excerpts use the words “very important” to describe the influence of personal contacts on international cooperation:

I think it’s very important to have contacts, to be able to cooperate with persons and with organizations. (Dutch Examining Magistrate, Interviewee 14)

* * *

The contact you have with your colleagues, as a police officer, is very important in our job. I say always, it’s not what you know, but who you know. (Belgian Police Commander, Interviewee 44)

* * *

I think the first, and the most important reason, is the personal contact [with] the colleagues on the other side of the border line. I worked there for [a few years], and I think I have very good contact. Today, I have friends in the Dutch police. And the personal contact is very, very important. It is the most important reason [why cooperation is successful]. (German Police Commander, Interviewee 34)

A wide network of personal contacts in the different countries greatly facilitates international police and judicial cooperation because the police and justice officials know who they can call for certain questions, and to help the process of cooperation unfold smoothly and quickly, as was established in Chapters 6 and 7 above. Notably, the variable of trust is tied to this variable. Naturally, the police and justice officials wish to work with colleagues whom they trust.

8.2.2.1.1. Contacting Highly “Connected” Police and Justice Officials

The data revealed that knowing highly “connected” police and justice officials helps expand one’s personal network, and helps facilitate international police and judicial cooperation. One Belgian police commander explained:

Thanks to [my Dutch colleague, who is a Dutch police commander], I know a lot of other people who can help us. That is the same. If he has a problem in Belgium, he contacts me, and we do our best to
help. But, if that contact was not there, there [would be] a lot of things that are not done, neither in Belgium nor in The Netherlands. So, that’s the trust that you must have in each other. It takes some years before you know each other, and then, if he tells me “You can do that,” I believe him, and afterwards, we do the paperwork. In some other areas [of the Euregion and beyond], it is “First paperwork, and then we will act,” and then, you know, sometimes, you are too late to do something. (Belgian Police Commander, Interviewee 44)

The importance of highly connected contact persons is reflected in the composition of the staff who work at the key facilitative cross-border organizations in the Meuse–Rhine Euregion. Specifically, the police and justice officials who work at EPICC and the BES, respectively, are highly connected (i.e., they have very large networks of contacts), and this helps facilitate international cooperation. Indeed, many of the interviewees spoke about how they take advantage of the highly connected officials who work at EPICC and the BES. For example, one Belgian police commander stated the following with respect to the BES:

The BES [makes] contact [between international colleagues] when there is a problem because they know each other. (Belgian Police Commander, Interviewee 9)

These were the typical types of statements proffered by the interviewees with respect to the highly connected staff at EPICC and the BES.

8.2.2.1.2. Network Building

The interviewees also spoke about the importance of building their own networks to help facilitate international police and judicial cooperation. The data revealed that this is primarily done in group settings, such as through the NeBeDeAgPol Working Groups or the “Contact Prosecutors” meetings. Recall from Chapter 7 above that one Belgian prosecutor explained:

…every three or four months, we have a meeting between all the prosecutors of the countries and we discuss the different problems. It is always the same people [who] meet. So, it is easier to contact these people because we know each other. (Belgian Prosecutor, Interviewee 6)

Network building is also achieved by working different jobs, and in different cities. One Belgian police commander explained:
Networking is a very good thing...

We are lucky here... because we have a German-speaking colleague, who was working in Eupen before. So, I was talking to you about networking. He has so many—lots—of contacts in Germany, because it’s easier—they share the same language, and so on. So, it is very important in our every day job. You don’t have a day here without an international contact. And, for the others too. (Belgian Police Commander, Interviewee 21)

Thus, network building by those officials who are involved in cross-border work can help facilitate international police and judicial cooperation. As well, those with large networks can help to play an important facilitative role in international cooperation.

8.2.2.1.3. The Lack of Personal Contacts

The importance of personal contacts and networks in international cooperation was underscored by the data suggesting that the absence of personal contacts hinders international cooperation. One German police commander explained:

Interviewee 34: Yes, that’s a problem. You have many personal contacts—people on both sides of the police work. But, when they change their offices—when they change their projects—they have other things to work on. One of my Dutch colleagues was team leader of the Joint Hit Team, and today, he is responsible for financial crime. Another one was responsible for local crimes, for local investigation teams. He now works for the [homicide investigation] department. So, when they change [jobs], you don’t have these contacts anymore.

Interviewer: Then what happens? You have to make new contacts, and the process starts from the beginning?

Interviewee 34: Yes.

It may be positive. If I have a question for financial research, I can call my old mate, but it can also be negative. When I have a special question, and he has changed... I have to get a new contact.

The process of rapport- and trust-building should then start from the beginning.

The other scenario is just lacking personal contacts entirely. Recall from Chapter 7 above that one Belgian police commander stated that if an official does not have a contact on the other side of the border, then a request for mutual legal assistance may become like a “bottle in the ocean” (see Chapter 7 above, subsection 7.4.2.3).
8.2.2.2. Cooperative Games

Somewhat related to the deductive variables of “negotiation, bargaining, and compromise” is the inductive variable of “cooperative games” in international police and judicial cooperation. The emergence of this variable was very surprising and interesting. Specifically, the interviewees revealed that they play a number of cooperative games with their cross-border colleagues during the process of international police and judicial cooperation. These cooperative games include: “Tit for Tat,” the “Golden Rule,” the “Game of Give and Take,” and finally, what essentially amounted to the calculated game of chess. Each of these cooperative games is discussed below.

8.2.2.2.1. “Tit for Tat”

It was surprising to discover that some of the police and justice officials in the Meuse–Rhine Euregion play the game of “Tit for Tat” with one another during the process of international police and judicial cooperation. The officials did not identify their actions as a game, nor did they describe their behavior as “Tit for Tat.” Essentially, the officials simply described what they do, and the researcher identified the relevant behaviors as amounting to this type of cooperative game. The following interview dialog with one Dutch prosecutor demonstrates how such data came to light:

Interviewee 29: I do for you something, then you have to do something...
It is like normal life, and like [my colleague] already said, the way you handle, I suppose, other persons will do the same. Do you know what I mean?
Interviewer: Tit for tat?
Interviewee 29: Yes.

Sometimes, the game is played for positive reasons, and with positive effects. Other times, the game is played for vindictive reasons, and with negative effects. Each of these two versions of “Tit for Tat” is described below.

“Tit for Tat”—Positive

Naturally, the positive version of “Tit for Tat” facilitates international cooperation. For example, if one official provides mutual legal assistance to another official, then that helpful gesture will be returned in kind. One Belgian prosecutor explained:
For instance, I had a case with [a German colleague] a few months ago, where I really needed some help in Germany, and, by really urgent, I meant the next day. I pick up the phone, and I say to [my German colleague], “I need this and this.” [My German colleague] picked up the phone and he found someone who was on holiday, but he was still willing to make sure that his police did what I asked the next day.

So, I think that is cross-border cooperation. You are actually... forging trust. I talked to [my German colleague], and I said, “Thank you, and thank your colleague in Germany, and if you ever need something, contact me, because I needed something and he helped me, even when he was on holiday. So, if he needs something back—even if I’m on holiday—I will try and help them. (Belgian Prosecutor, Interviewee 15)

A number of interviewees provided several examples to show how the positive game of “Tit for Tat” operates in international police and judicial cooperation. With this game, success builds on success, which helps facilitate international police and judicial cooperation.

“Tit for Tat”—Negative

Some of the officials reported as a matter-of-fact that sometimes, if an official performs a task incorrectly, or too slowly, or does not want to offer assistance, then such a mistake will be repaid with similar behavior. One Dutch police commander explained:

That also means that if he asks me for something, I have to do the same job, because when I say, “I have no time for you this morning,” then he will say to me next time that “I have no time”... So, it is mutual... It used to not be so, but it is human [nature]. So, when you’re nice to me, I’m nice to you. (Dutch Police Commander, Interviewee 28)

These facts were echoed on the Belgian side. Recall that earlier in this chapter, in relation to the discussion about deterrence-based trust, two Belgian police commanders explained:

**Interviewee 43:** And if you are treated badly one time, you don’t ever contact him again. That’s what I do.

To promise something, and not to do it... If it happens once... [don’t let it happen] two or three times...

If you can help a foreign colleague, and next time, you need help, you contact him. So, he wants to help you as well. But if he says, at that moment, “Oh, I can’t do it,” or “I’m sorry,” then, next time, if he calls you...

**Interviewee 44:** You say, “Sorry,” as well, at that moment.
The game of “Tit for Tat” played for vindictive reasons and with negative consequences may pose serious problems for the fragile enterprise of international police and judicial cooperation, and bring international cooperation to a halt. Such games may also damage international relations. On the bright side, this game underscores the necessity of helpful personalities in international cooperation. Again, these data may be cited as further evidence that international police and judicial cooperation is a specialist’s job, suitable only for those officials who possess certain attributes and who know how to manipulate the influential variables so as to ensure success in cases of international cooperation.

“Tit for Tat” Does Not Always Happen

The data also revealed that not all of the police and justice officials involved in international cooperation in the Meuse–Rhine Euregion play the game of “Tit for Tat.” One interview transcript excerpt from a Belgian examining magistrate has been presented in Chapters 6, 7, and 8 above, to illustrate different points, and is presented again here alongside additional data because it illustrates this point very well. Consider the following dialog that ensued between the researcher and two Belgian examining magistrates in one interview:

**Interviewer:** Have you had a bad experience with a German or Dutch prosecutor?

**Interviewee 18:** For one file regarding stolen vehicles, a German never answered my legal request. It just happened once. But it was important because some person was arrested, and it was urgent, and they never gave us an answer. I don’t know why. It was two years ago. So, I closed the file without an answer. It makes me feel bad.

**Interviewer:** And if that person would ask you now to cooperate, would you cooperate with them?

**Interviewee 18:** Yeah, sure. I would still cooperate, because if not, things won’t improve and move forward. It is no use to block things. It is not useful.

**Interviewer:** Yes, it is almost as though if you have had success in the past with cooperation, it’ll keep making cooperation better.

**Interviewee 17:** Yes. If another prosecutor or judge asks me something, I will do it, even if he didn’t answer my request before. It is not important to me.

This cooperative attitude was found in Germany as well. Consider the following statement made by a German police commander, which was presented in abbreviated form in Chapter 6 above, but is reproduced in whole here:
In The Netherlands, he is allowed to work on it—there is no “must.” The Dutch police are organized by projects. So, there are commissions composed of prosecutors and police officers that make decisions about what projects are done, and what are not done. So, they realize that, “We only have this number of agents, so we can only do three different projects. Numbers 1, 2, and 3 are worked out, and 4 and on cannot be done at this moment.

It is also that, [if] there are letters rogatory from Germany, and the commission says, “Okay, it’s a nice file, but we don’t have the manpower to do it, so it has to wait.”

So, we have to realize that this is the way that the Dutch police work goes on. We cannot go to the Dutch side with [expectations about] the way that we work. We have to accept the Dutch way of working. (German Police Commander, Interviewee 34)

So, despite difficult circumstances that could easily instigate a negative “Tit for Tat” cycle within some officials, other officials simply accept the situation without malice, and look for ways around the blockages, in order to keep international police and judicial cooperation moving forward. This leads to the next cooperative game that emerged in the data, namely the “Golden Rule.”

8.2.2.2.2. The “Golden Rule”: Always Treat Others the Way You Want to be Treated

Interestingly, there was a cross-section of interviewees who explained that when interacting with their cross-border colleagues in international police and judicial cooperation, they try to exercise the “Golden Rule,” which is treating others the way that they wish to be treated. One Belgian police commander explained:

**Interviewee 44:** For me, the question I always [pose to myself] when I have a question from another person, is: “If I ask [for] something from another person, how would I like to be treated by him?”

**Interviewer:** You try to treat people the way you want to be treated?

**Interviewee 44:** Yes.

The literature suggests that the strategy of the “Golden Rule” (i.e., being “nice and forgiving”) is more beneficial in the long-term than the using strategy of “Tit for Tat” (Kramer, Wei, & Bendor, 2001:197). As was shown in Chapter 7 above, the international cooperation process is influenced by numerous negative variables, and laden with many opportunities for the process to come to a halt. Since so much is at stake in international police and judicial cooperation, the police and justice officials in the Meuse–Rhine Euregion would do well to consistently abide by the “Golden Rule,” so as to help prevent
the onset of a negative “Tit for Tat” cycle, and thereby help to facilitate international police and judicial cooperation.

8.2.2.2.3. The Game of “Give and Take”

The game of “Give and Take” is much like the general game of “Tit for Tat,” except without the possibility of a negative consequence. Thus, it is comparable to the game of “Tit for Tat” with positive effects. One Belgian police commander described the game of “Give and Take” in the context of international police and judicial cooperation:

And I mentioned some problems we have because the young police officers who go to police school... for me, there is a lack in the police schools about international cooperation. You have to explain to these people why it’s so important. Not only to say, “You have to share the information.” No. Explain to them that it’s important to share. Why? Because it is a game of give and take. It is always the same. If you help someone once or twice—it doesn’t matter, in any way—the day you will need him, he will give you an answer too because it’s a game of give and take, and that is the way things must go... (Belgian Police Commander, Interviewee 21)

This approach was echoed on the Dutch side. One Dutch prosecutor stated:

When we ask for something, it’s important that we do the agreements that we have taken with the foreign country, and that we do it in a short time. And if we want to do something for the foreign country, we can say, “We did this for you. Now, can you do this for us?” So, there is cooperation on both sides. (Dutch Prosecutor, Interviewee 29)

The principle of mutual legal assistance is rooted in the cooperative game of “Give and Take.” Specifically, the principle of mutual legal assistance directs that when a request for mutual legal assistance is made, the addressee should comply, because there is an expectation/obligation on the part of the person initiating the request that they will “return the favor” to the addressee one day in the future, hence the term “mutual.” Clearly, the game of “Give and Take” is what the entire process of international police and judicial cooperation is based upon. Therefore, the cooperative game of “Give and Take” may be viewed as being facilitative in international police and judicial cooperation.

8.2.2.2.4. The Game of Chess: Thinking Through the Implications of International Cooperation Actions Many Steps in Advance

The last cooperative game that emerged from the data essentially amounted to the game of chess. The interviewees explained that the process of international police and
judicial cooperation is complex, and consists of many steps, which requires one to think in terms of the steps, and the possible outcomes/ramifications of each step/decision in the process. One Dutch police commander provided a detailed example to illustrate how officials involved in international cooperation should think in advance before taking any action. This Dutch police commander explained:

**Interviewee 28:** You must have experience with the Dutch law, German law, and Belgian law, because when they give the name of a person to a German prosecutor, and there is information that he committed a drug offence, then I have to be aware that this name is going to be [put] in a German file, and then the German prosecutor is forced to do an investigation on this person.

So, now at the moment, there was an attack on a person in regards to a drug offence. He was stabbed with a knife, and was very badly injured. Probably the suspects in this case are two German people. We want to do an investigation in Holland, but when we send an MLA [request] to a German [prosecutor] to wiretap those two guys [who] are living in Germany, the Germans said, “Okay, probably they committed drug offences also in Germany. We will start our own investigation, and we will not do a wiretap [according] to Dutch law. So, we will start our own investigation in Germany. You can use the information gathered from the [German] wiretaps in your Dutch investigation.” But what we wanted was a wiretap in Holland for those two German members...

**Interviewer:** And is that good or bad?

**Interviewee 28:** For the investigation team in Holland, it is bad—not so good—because they can get the information, but there is always a delay. First, the German colleagues have to write it down, they have to inform the Dutch colleagues, so there is a time delay in gathering the information. Of course, when we could tap a wire, we could use the information immediately.

But, you have to be aware, when you do an MLA, for instance, with Germany.

Belgian law is different. They say, “Okay, wire.”

So, in making an MLA, you have to be aware that the effect could be different from what you want in the beginning.

Thinking through the process of international police and judicial cooperation many steps in advance—like a chess game—helps officials make the best decisions possible so as to facilitate the process.
8.3. Organizational-level Variables

The interviewees confirmed that the organizational-level variables listed in the organizational behavior literature also influence the process of international police and judicial cooperation in the Meuse–Rhine Euregion. The variables of organizational structure and organizational culture are discussed in the present chapter, whereas the remaining organizational-level variables of organizational change and organizational resistance to change are discussed in Chapter 9 below, since that chapter addresses the research question of how international cooperation may be improved. As well, numerous inductive variables emerged as also influencing the process of international police and judicial cooperation. These variables include: money/manpower, policies/priorities, proximity, criminal justice system differences, different national laws, the legal framework, and accountability/control. Each of these variables is discussed below.

8.3.1. Deductive Variables

8.3.1.1. Organizational Structure

Most of the interviewees confirmed that the variable of organizational structure influences the process of international police and judicial cooperation. Interestingly, however, there were some differences of opinion among the interviewees, depending on their respective professions. Specifically, the police officers and prosecutors across the countries generally all agreed that the different organizational structures in the region function to complicate international cooperation. As an introduction to this variable, consider the following interview transcript excerpts:

Yes [i.e., organizational structure does affect cooperation]. We have three kinds of hierarchies: police, [prosecutor]/judicial, and political hierarchies. (Belgian Police Commander, Interviewee 19)

* * *

[Organizational structure] affects cooperation strongly, more in a bad way than in a good way. (Belgian Police Commander, Interviewee 10)

* * *

In the laws, for example, yeah it is difficult to explain... Imagine that there is a drug dealer coming from Liège in Belgium, coming to buy drugs in The Netherlands. He is being followed by the Dutch police. Suddenly, he goes to Belgium, which is only a few hundred meters away. Then the Belgian police catches this dealer, takes him to a police office, and starts interrogating him. Then the police ask, “Where did you buy
the drugs?” And he says “In Maastricht.” Normally, the police should take this dealer, when it is in your own city, and they drive along the road... but, the Belgian police cannot just take the dealer to Maastricht and ask him to point out the house where he bought the drugs. So, the Dutch police has to be involved in that process, and that is very complicated. So, it is small things, from the distant scene, they are small things, but in reality, it is very complicated to get the case closed in this perspective. So, there are differences in how the organizations are arranged, how the responsibilities, what they can and can’t do, what is allowed according to law according to their job—organizational policies. [Emphasis added] (Dutch Prosecutor, Interviewee 8)

In contrast, the examining magistrates across the countries reported that organizational structure does not influence international police and judicial cooperation. Contemplate the following interview dialog that unfolded with one Dutch examining magistrate:

**Interviewer:** Does the variable of “organizational structure” affect international cooperation?

**Interviewee 14:** I think not really—not necessarily, no.

Clearly, the vantage points of the interviewees serve to shape their perceptions of the problem. The following subsections examine the influence of police structures, prosecutorial structures, and judicial structures on international police and judicial cooperation.

### 8.3.1.1. Police Organizational Structures

There was a unanimous perception among the interviewees that the different organizational structures in policing have a negative/complicating influence on international police and judicial cooperation. By way of some background, recall that Chapter 6 above established some of the basic differences between the police organizational structures in Belgium, The Netherlands, and Germany. To this end, one Belgian police commander stated:

**Interviewee 22:** The police organizations are very different in the three countries...

**Interviewer:** Do you think that this affects cooperation?

**Interviewee 22:** Yes, of course. The fact that the structures are very different for the three kinds of countries, for the police... Actually, it is perhaps difficult to find your own alter ego/equivalent in the other country.
The following discussion delves deeper into the examination of the variable of “police organizational structure” by country.

**Belgian Police Structure: “Complicated”**

The German and Dutch interviewees agreed that the Belgian police organizational structure is very complicated. One German prosecutor discussed how the complexity of the Belgian police structure impedes international police and judicial cooperation:

**Interviewee 38:** Talking [about] the Belgian side, you can’t really estimate how the working together in the Belgian system is in the police. There are so many police forces working [in Belgium], that you don’t know what is the serpent and what is the man.

**Interviewer:** It’s not coordinated?

**Interviewee 38:** No. Sometimes, you have the feeling that they are working against each other. The Belgian police say it themselves—you have to ask them. As an outsider, I would not stress it so much, but that’s my perception. That’s the problem that I have with Belgium. You call the police station, and you get a different answer from the next police [officer you speak with]...

And, we found that problem also with the [Belgian] prosecution office. There are some things that are not really convenient.

[This problem of getting a different answer from each person you speak with] is more [on] the police [side], but I also recognized it on the side of the prosecution office. I have a certain case in mind, where I said, “It’s incredible that they can’t do that.”

Surprisingly, however, there were different views among the Dutch police with respect to the Belgian police organizational structure. One Dutch police commander stated:

And the Belgian police have had—three, four, or five years ago—three kinds of police, and that is also one [problematic factor]. And because it is now one [police force], it became better to work with the Belgian police, because three or four years ago, Belgium had three kinds of police forces. (Dutch Police Commander, Interviewee 3)

In a separate interview, another Dutch police commander provided yet a different view, complete with more detail:

[Belgium] is a politically sensitive country... The police in Belgium say that, “We have only one police,” and that one police is federal police, local police, and judicial police...

The local police is a kind of community police. But, in Eupen, you have a federal police and a local police together, [but] not in one building...
They say, “We have one uniform,” which is not true, because the federal police uniform has orange stripes, and the local police have blue stripes. But don’t tell them that these stripes are orange, because that reminds them of the Dutch, because the Dutch national color is orange, so you have to say “Yellow.” But it is orange—you will see...

I think that the people from Belgium are very nice, but the [police] structure is [problematic]. But, the Belgian police are very highly trained/schooled, so they know what they’re doing—absolutely. (Dutch Police Commander, Interviewee 26)

In sum, the multi-level nature of the Belgian police structure appears to contribute to a perceived and/or real lack of coordination in the Belgian police, which complicates international cooperation.

Dutch Police Structure: “The Dutch police work by project”

One aspect of organizational structure is hierarchy (i.e., span of control). In speaking about hierarchies, one Dutch police commander stated:

I don’t think that it affects it, because the police in Germany have a very hierarchical organization, and we have a more flat organizational structure [in The Netherlands]. So, I don’t think that influences how we work together. (Dutch Police Commander, Interviewee 3)

Yet, as established in Chapter 4 above, there is more to organizational structure than hierarchy. According to Table 4.7 above (see Chapter 4), organizational structure also encompasses the element of departmentalization. The data suggest that the approach to departmentalization is the most problematic difference between the countries in terms of the variable of “police organizational structure.” Specifically, the Dutch police work by project, whereas the Belgian and German police work by specialty. To illustrate, when a crime requires a police investigation team, the Dutch will assign the case to whichever police team is available. The Belgians and Germans, on the other hand, will assign the case to their relevant specialized police investigation unit (e.g., homicide unit, financial crime unit). One Belgian prosecutor introduced the problem:

For us, I think the biggest problem is the difference of systems, and the difference not only on the law level, but also in the way that the police structures are structured in The Netherlands...

In The Netherlands, we also always have to find a police team that wants to investigate the criminal organization with us, because they work in teams in The Netherlands. And I think that, especially when we’re talking about investigating on both sides of the border, that’s the biggest
problem that we have: finding a team on the other side of the border that wants to cooperate with us. And in The Netherlands, you have to start a whole procedure to get that underway. That is not how it is in Belgium. It’s easier [in Belgium]. (Belgian Prosecutor, Interviewee 15)

In a separate interview, a German police commander provided more detail:

You have to understand which way the investigation works on the other side. There are very, very great differences.

Here in Germany, we have to investigate. If a police officer gets information about a crime, he has to work on it. It is his duty.

In The Netherlands, he is allowed to work on it; there is no “must.” The Dutch police are organized by projects. So, there are commissions [composed of] prosecutors and police officers that [make] decisions about what projects are done, and what are not done. So, they realize [that] “We only have this number of agents, so we can only do three different projects. Numbers 1, 2, and 3 are worked out, and 4 and on cannot be done at this moment...

The German police—the Aachen police—is organized in special branches of departments. We have a department for burglars, we have a department for car theft... The Dutch don’t do this organization; they only have projects. So, they start a project today, [and they say], “We work for six months on car thefts, on this organization, on this gang.” And after they stop, no one is responsible for this investigation. It’s worked out and stopped. This is a [different] organization [approach] than [what] we know.

Here, you can go to Aachen, and you can ask for a file from five years ago. If it’s car theft, you will always find it in the department for car theft [investigations]. But in The Netherlands, it doesn’t work that way. They have only projects...

In the beginning, when I started... I believed the police in The Netherlands and the police in Germany is nearly the same, and it works the same way. But, over the years, you see that, “No, it is different.” There are small differences, but together, there are great differences. But when you know the ways, and you know the people, you get the chance to investigate together. (German Police Commander, Interviewee 34)

The differences in organizational structure have other implications. For example, the Belgian and German approach (i.e., by specialty) means that the same police officers are working in specialty areas (i.e., if it is a homicide case, then the homicide investigators will be called). The Dutch approach (i.e., by project) means that different police officers will be called to investigate, depending on whoever is available. As established above, working with the same people helps to forge trust. Therefore, the organizational structure of the Dutch police complicates international police and judicial cooperation, because it differs from the police organizational structures found in Belgium and Germany.
German Police Structure: “Centralized”

The distinguishing features of the German police organizational structure concern the elements of “span of control” and centralization. Commenting on the different “spans of control,” one Dutch police commander stated:

The German police have a real different structure than we have... the police in Germany have a very hierarchical organization. (Dutch Police Commander, Interviewee 3)

A German police commander discussed the issues in greater depth:

Interviewee 34: The Dutch police [are] led by three different influences. In the way of public order/public safety, the local mayor does the policy—the politics—for the police. In the way of drug combating, it is the prosecutor, or the prosecutor’s office. And, there is only one chief officer of the regional police authority. He is sent by the Ministry. He does the management for the police authority in The Netherlands. So, they have three different chiefs [guiding the Dutch police].

In Germany, we have only one [leader of the police]. We have the Police President. He is a [politician], and he sent from the Ministry. He is chief of the district. It is different.

In The Netherlands, the district chief can work following his own ideas, but he is controlled via the "Target Agreement." Every year, they do "Target Agreements" with the Ministry—how many arrests, how many house searches, how many investigations. And when they get the numbers, they get for the following year the same money and the same manpower. If they do not reach those numbers, they get a decrease in budget. So, in this way, the Dutch police is organized, and they get their direction.

In Germany, you get orders from the Ministry, to the Police President, to the officer [i.e., it follows the chain of command downward].

So, we [i.e., the Dutch and Germans] have different organizations, and we have different leadership on both sides.

Interviewer: And that can complicate matters.

Interviewee 34: Yes...

We have two different forms of organizations. The police in The Netherlands are organized by regions—by the local police authorities. They have very strong chief officers. They are only controlled by the "Target Agreements." In Germany, in North Rhine-Westphalia, we are organized from the top to the bottom, and what the Minister wants is done in the districts. So, we have two different organizations. In Germany, there is a very central organization, and in The Netherlands, it is very decentralized. (German Police Commander, Interviewee 34)
In sum, the police organizational structures in the different countries generally complicate the process of international police and judicial cooperation, because among other things, the decision-making structures and departments are different.

8.3.1.1.2. The Structure of Prosecutorial/Judicial Services

There were mixed reviews among the prosecutors with respect to whether the organizational structures of prosecutorial services influence international police and judicial cooperation. For example, one Belgian prosecutor responded by stating:

There is no effect. We can make our own decisions. We are independent in our structure; there is nobody who asks, or gives us directives. Having a federal prosecution service is useful when we go abroad. So, in countries that we do not have a current relationship with, the federal prosecution service has these contacts. So, if you want to have something done in Spain, or Romania, we can ask them to intervene. But, for our region, I don’t think it has any effect. We can contact our counterparts in other countries directly without authorization. We can always ask them for help, or how they see things, but they can make their own decisions. (Belgian Prosecutor, Interviewee 15)

Yet, in a separate interview, another Belgian prosecutor explained:

Because here in Belgium, we have to respect hierarchy, and I think that the hierarchy has an impact. We can’t just do what we want; we have rules to respect. (Belgian Prosecutor, Interviewee 6)

Indeed, as was established in Chapter 6 above, the organizational structures for prosecutorial services in Belgium, The Netherlands, and Germany are all hierarchical (Parmentier et al., 2000:155; Tak, 2005b; Van Daele, 2005:56). Furthermore, as was established in Chapter 7 above, the chain of command is followed in each of these countries in order to establish a JIT. So, the hierarchical nature of the prosecutorial services, while relatively “flat” as compared to police organizational structures, nevertheless presents a complicating influence on international cooperation, since the chain of command generally extends upward into the political realm, with opportunities for the process of international cooperation to stop with each step up the chain of command.

The examining magistrates reported that the variable of “organizational structure” does not influence international cooperation. In the words of one Belgian examining magistrate:
In my job, there is no hierarchy. In fact, I don’t have a boss above me. I don’t have to report to somebody else. So, that is the luxury that I have. That is a constitutional guarantee in Belgium; a judge is independent and he cannot be forced to do one thing or another. But, this does not count for the public prosecutor’s office. There is a hierarchy, there is a Minister of Justice who can give orders, and things like that. But, on the other hand, on the Dutch side or on the German side, I guess there is a hierarchy. I guess this is more or less the same. The difference between the public prosecutor and the judge. (Belgian Examining Magistrate, Interviewee 7)

This is yet another example of how one’s role/profession in the criminal justice system can influence one’s perceptions. In sum, judicial organizations pose less problems to the enterprise of international cooperation, as compared to the prosecutorial structures, and especially the police structures.

8.3.1.1.3. Organizational Designs

Recall that police and justice organizations are traditionally bureaucratic (see Chapter 4 above). To extend this literature, the present data indicate that the primary organizational design of structures/networks involved in international police and judicial cooperation is multinational. To begin, the interviewees explained that organizational structure is “very important” in international police and judicial cooperation. The following statement made by a Dutch police commander represents the dominant view in this regard:

Organizational structure is very important. I already told you about the [NeBeDeAgPol] steering group, and the working groups below it. So, I think that when we do not have structure in cooperation, cooperation won’t work. (Dutch Police Commander, Interviewee 31)

The interviewees went on to cite the numerous examples of multinational structures and networks established in the Meuse–Rhine Euregion for international police and judicial cooperation (e.g., NeBeDeAgPol, EPICC) to argue that these dedicated structures greatly facilitate international police and judicial cooperation. For example, many of the interviewees cited NeBeDeAgPol. The dominant view about this entity was presented by two Belgian police commanders:

**Interviewee 36:** But, if the police or justice [officials] want to cooperate, and if you want to make sure that cooperation will not depend on the goodwill of some persons, you have to create a structure for it. Don’t work only ad hoc on cases that happen, but if you have a forum, where you can come with your problems, where you can have
discussions, where you can meet people and talk with them and see if you can find some solutions together, it will be better. So, create a structure. Even if persons change, if you have a structure, with a good base... we have a structure for police cooperation here that has existed since 1969. So, it’s 40 years of collaboration.

**Interviewer:** NeBeDeAgPol?

**Interviewee 36:** Yes...

So, this structure, even if the Chief of Police in Maastricht [changes]... it is now two years ago that he started in Maastricht?

**Interviewee 35:** No, one and a half years?

**Interviewee 36:** But, when he came, he knew there is a structure, and he collaborates, and he understands why this structure is useful in this region. You have to have something permanent if you want to make it possible to cooperate, and not letting it depend on the goodwill of some people...

**Interviewee 35:** Also, the structure is important, because there are many roll-overs by the police chiefs. In The Netherlands, they are frequent. So, if there is a structure, the new police chiefs are obligated to work in it. It is not a personal relationship; it is a structure. So, we created here the NeBeDeAgPol...

**Interviewee 36:** So, we can say also that we have a structure, but the work within this structure is very easy; it’s not bureaucratic. The working groups decide on the actions they will implement, and the investigations also. They do not have to ask the [NeBeDeAgPol] Direction Committee, “Do we have the permission to do it?” In the beginning of the year, they present their priorities, and then they act within their priorities, without having to ask permission, and so on. So, I think that is also an important thing... if you create a structure, make the structure non-bureaucratic and flexible.

In sum, a great deal of praise was offered by the interviewees for the multinational structures/networks established in the Meuse–Rhine Euregion (i.e., EPICC, the Joint Hit Team, BES, and NeBeDeAgPol), because these structures greatly facilitate international police and judicial cooperation by offering dedicated resources/expertise.

### 8.3.1.2. Organizational Culture

In the case of international police and judicial cooperation in the Meuse–Rhine Euregion, the variable of organizational culture actually consists of national culture, regional culture, and professional culture. It is the combination of these three different types of cultures that defines any organizational culture in the Meuse–Rhine Euregion.
Interestingly, there was a division in the data regarding the influence of “organizational culture” on international police and judicial cooperation in the Meuse–Rhine Euregion. On the one hand, many of the interviewees focused on the differences between the various organizational cultures in the Euregion, and explained that the differences complicate international police and judicial cooperation. The differences in organizational culture seemed to revolve around behaviors (e.g., the Dutch love for talking vs. the Belgian love for working), norms (e.g., formality vs. informality), and philosophies (e.g., the principle of legality vs. the principle of opportunity). On the other hand, there were a number of interviewees who explained that there is no difference in culture, and that there are no problems in this regard. The following subsection begins by describing some of the different organizational cultures present across the three countries. Then, data are presented to examine organizational culture clashes. Finally, the contradictory data purporting “no cultural differences” and “no problems” in the Meuse–Rhine Euregion are presented.

8.3.1.2.1. Belgian Organizational Cultures: Complicated, Formal, and Results-Oriented

Generally speaking, the data suggest that the various organizational cultures in Belgium are complicated, formal, and results-oriented. To illustrate the complexity of Belgian police organizational cultures, consider the following statement made by two Belgian police commanders:

**Interviewee 10:** Here, [at the Federal Police in Belgium], it is a meltdown of two cultures: the judicial police and... the gendarmerie. So, we are mixed up.

**Interviewee 9:** They put us together in 2001. They made a national/federal police. They made a reorganization of the police in Belgium on two levels: the local and the federal. Before [the police reorganization in Belgium in 2001], we had the local police, the gendarmerie, the judicial police, the railway police, the sea and channel police, and water police. Oh yes, there were many types of police, and from 2001, we had a very big reorganization of the police landscape here in Belgium, so they just made only two levels: (1) local, and mostly, they are working in one, two, or a maximum of three cities, and, they just work in their area—no more than that—they do not cross the border of their [local] area; and then (2) the federal police is working cross-border or whatever—national/international—[since] 2001. So, our service [contains a mix] of all kinds of police forces [from] before.
Police culture is a distinct culture all its own. Belgian police culture is particularly complicated and multi-dimensional, due to the reorganization that occurred in 2001.

The organizational cultures also vary by district in Belgium, which adds to the complexity. In a separate interview, another two Belgian police commanders explained:

Interviewee 44: There is a difference in organizational culture in each country, between Tongeren and Hasselt [for example]... [the two cities are not far from each other], but there is a difference.

[The police from Tongeren and Hasselt] are neighbors, but speak a different language in the police world. What I mean by that [is] [the police officers in Hasselt] have other contacts with Dutch colleagues on the other side of the border. [The police officers from Hasselt have contacts] in the north [Netherlands], [and the police officers from Tongeren] have [contacts] in the south [Netherlands]. You see?

Interviewer: So that means different dialects?

Interviewee 44: Yes, but also different police services/cultures. [The police officers from Tongeren are] dealing with the south [Netherlands], and [the police officers from Hasselt are] are dealing with a part of The Netherlands that has nothing to do with the Euregion.

Interviewee 43: In the north [Netherlands], it is Eindhoven, Venlo...

The different organizational cultures can impede international police and judicial cooperation when certain organizational cultures do not have the same experience, history, or network in international cooperation as other organizational cultures.

There was also consensus among the interviewees that Belgian organizational culture is formal, especially with respect to the prosecutorial organizations. For example, one German prosecutor stated:

It is not that formal [here in Germany] like in Belgium—especially Belgium—I would say. So, it makes it a bit more difficult to discuss things together as one body sometimes. (German Prosecutor, Interviewee 5)

In a separate interview, one Belgian police commander confirmed this German perception, and provided more detail:

You know, in Holland, [the police] can knock on the door, and walk to the prosecutor. In Belgium, [the police] cannot do this. [They would] be thrown out. [The Belgian prosecutors] are on another level [than the police]. The younger [Belgian prosecutors and jurists] are more easy to work with, but the older ones are very theatrical—you have to knock on the door, and wait until they say ["come in"]). There’s a difference
between the police and prosecutors [in Belgium]. [The Belgian
prosecutors] live in an “ivory tower,” not so big like it used to be,
but there is still a little bit of distance between the police and prosecutors
in Belgium. (Belgian Police Commander, Interviewee 30)

The high degree of formality is another characteristic of organizational culture in Belgium
that may strain international relations in the context of international police and judicial
cooperation.

The data also revealed that Belgian organizational culture is particularly
results-oriented. To this end, one Dutch prosecutor stated:

**Interviewee 29:** I am fascinated by the Belgian style. I think they are
the best. That is my personal opinion.

**Interviewer:** What do you mean, exactly? The culture?

**Interviewee 29:** They have very good systems. When you ask them
[for] one item, you get ten other items about the person automatically.
And, they always want to do things for you.

With the Germans... it will sometimes... be a problem. They don’t want
to... do things... like the Belgians will.

There was much praise offered by the Dutch and the Germans in response to the
results-oriented Belgian organizational culture.

### 8.3.1.2.2. Dutch Organizational Cultures: Informal and Strategic

As compared to the Belgian and German organizational cultures, the Dutch
organizational cultures emerged as being relatively informal and strategic. For example,
to illustrate the point of informality, recall that a Belgian police commander stated:

You know, in Holland, [the police] can knock on the door, and walk to
the prosecutor... (Belgian Police Commander, Interviewee 30)

Some of the Belgian interviewees reported that the Dutch informality sometimes facilitates
international police and judicial cooperation. Specifically, one Belgian police commander
stated:

Sometimes, it occurs that okay, due to some procedures, in Holland,
for instance, it goes a lot quicker, than... here in Belgium. It is,
sometimes, the opposite. Sometimes, it’s positive. Like, as we say,
when we call the Dutch prosecutor to get, let’s say, an authorization to
have an observation, and he says on the telephone, “Okay, no problem.
Go. Just take your car and run. I’ll write it down, type it, and it is no
problem for me at all. Come. Cross the border”… (Belgian Police
Commander, Interviewee 10)

A different perspective, however, was reported by some of the German interviewees with respect to Dutch organizational culture. One German prosecutor explained:

But sometimes I was given the answer that the Dutch police cannot go to the public prosecutor and discuss certain measures. Often, they told me, “No, it’s not that easy.” So, we have to do it in a very formal way, for example. So, we have different organizational cultures. (German Prosecutor, Interviewee 5)

Perhaps the apparent contradictions can be reconciled by a German police commander, who stated:

I think there are no great differences. On the first view, in The Netherlands, it seems to be a little bit easier. They call [each other using first names], also with the prosecutor. That’s unbelievable in Germany. [In Germany], it’s “Mister.” But, when you look [closer], you see that the connection between giving an order and following [the order] is the same on the Dutch side as in Germany. [The Dutch] are a little bit easier with talking, with speaking to each other, but [upon closer examination], there’s always one person who gives orders, and one who has to follow. (German Police Commander, Interviewee 34)

Therefore, sometimes the Dutch informality has no effect on international police and judicial cooperation.

Dutch organizational cultures were also characterized by the Belgians and the Germans as talkative. Recall that one Belgian prosecutor stated:

If you give a file to the Dutch, they say “Stop,” and then we start talking for half an hour... (Belgian Prosecutor, Interviewee 4)

On the one hand, discussions are necessary for strategizing, particularly when working with minimal resources. On the other hand, extended discussions can impede cooperation by delaying the start of action. This will be discussed in greater detail below with respect to the issue of organizational culture clashes.
8.3.1.2.3. German Organizational Cultures: Bureaucratic and Formal

The interview data presented in the subsections immediately above clearly established that German organizational cultures are bureaucratic and formal. These are not criticisms. On the contrary, the interviewees praised the German system for its reliable and efficient role in facilitating international police and judicial cooperation. One Belgian prosecutor stated:

Well, there is a different culture in the investigations that we do here, and the investigations that they do in the other countries. For instance, some criminal facts that we take seriously, in The Netherlands, they say, “Oh no, that’s not serious enough for us.” That doesn’t happen in Germany; they never refuse to do something. (Belgian Prosecutor, Interviewee 13)

This represents the dominant viewpoint about German organizational cultures as proffered by the interviewees. Naturally, this ties into the German “principle of legality,” but the main point here is that despite the large case-load that comes from the “principle of legality,” the Germans have nevertheless developed a smooth-operating, reliable system.

A part of the reliability and efficiency found in the German system could be due to the relationship between the German police and the German prosecutors. One German prosecutor stated:

Yeah, sometimes I have the impression that, for example, the German police don’t have any problem to contact the public prosecutor just by picking up the phone and calling him or her. That seems to be different, for example, in The Netherlands or Belgium... it does not seem that easy [there], maybe because of the hierarchy? I don’t really know... For example, maybe we are more easy-going in Germany? I don’t know really. For prosecutors and police, it seems to be more easygoing [in Germany]. (German Prosecutor, Interviewee 5)

In any event, it appears that the ease in communication between the German police services and the German prosecutorial services is another aspect of German organizational cultures, and this helps to facilitate international police and judicial cooperation.
8.3.1.2.4. Culture Clashes between Belgium, The Netherlands, and Germany

The subsections above described the basic characteristics of the police and prosecutorial organizational cultures in the Meuse–Rhine Euregion. The next question becomes, “How do these different organizational cultures interact and influence international police and judicial cooperation?” Generally speaking, these different organizational cultures sometimes result in culture clashes that impede international police and judicial cooperation. As aforementioned, the main elements of organizational culture around which culture clashes seem to arise are: (1) behaviors (e.g., the Dutch love for talking vs. the Belgian love for action/working/results), norms (e.g., formality vs. informality), and philosophies (e.g., the principle of legality vs. the principle of opportunity) (see Table 4.8 in Chapter 4 above). Each of these “friction points” is discussed below.

Different Behaviors: Discussion vs. Action

A number of the Belgian and German interviewees stated that the Dutch often engage in lengthy discussions, whereas in comparison, the Belgians and Germans prefer to start a case and get working. These behaviors are somewhat opposed and sometimes cause culture clashes between the organizations. Recall that a Belgian prosecutor stated:

...there is a lot of cooperation. There are a lot of structures, and they have a lot of meetings, but they lose a lot of time also. The advantage is that they have a lot of meetings, structures, negotiations, and talking. The disadvantage is that they have too much of that; they are not operational enough... The Dutch like to talk a lot, as you know [laughter]. But also the Germans too. We like to take a file and start...

If you give a file to the Dutch, they say, “Stop,” and then we start talking for half an hour about... But we [Belgians] start working on it, and perhaps, we will see, after some days, if we need a meeting...

We insist that [there should be] more results in the Euregion. It’s a nice idea, it’s quite a good structure also, but with [Dutch] priorities and the selection of files... we want to have results, and I’m afraid that we don’t get that... [T]he Board of the College of Prosecutors General in The Netherlands... insists on the same thing. They insist to have more results [in the Meuse–Rhine Euregion]—that there is too much talking. (Belgian Prosecutor, Interviewee 4)

This particular type of culture clash causes frustration among some of the police and justice officials, which in turn, slows down the process of international police and judicial cooperation.
Different Norms: Formality vs. Informality

Different organizational norms, with specific regard to the degree of an organization’s formality, also instigate organizational culture clashes among the police and justice organizations in the Meuse–Rhine Euregion. One Dutch prosecutor readily admitted to how the informality of Dutch organizational cultures sometimes clashes with the formality of German organizational cultures:

The Germans are more formal, whereas we [i.e., the Dutch] are more informal, sometimes too informal. [The Germans] are formal. [The Germans] would say, “We made an appointment last year, and now we try to execute the appointment, but now it cannot be done.” Whereas we, the Dutch, we would say, “Last year was last year.” That is Dutch behavior. Then, the Germans are irritated. Or, the Dutch will not attend a working group meeting, and won’t give any notice about their absence either. So, we get a complaint that there were no Dutch police [officers] at the working group, and then they are irritated. (Dutch Prosecutor, Interviewee 39)

The irritation caused by this sort of culture clash does not help international cooperation. Indeed, it causes frustration, and makes some of the international partners less eager to participate in cross-border discussions, which is damaging to the enterprise.

Different Philosophies: The Principle of Opportunity vs. the Principle of Legality

The different philosophical principles operative in the Meuse–Rhine Euregion can also spark interorganizational culture clashes, which impede international police and judicial cooperation and ultimately erode trust. One German prosecutor explained:

If you sometimes take the principle of opportunity in The Netherlands, and the principle of legality in Germany, there is a big hindrance—a big blockage—not only for working together, but also for the trust. If you see that—it sounds very terrifying—but if you see that big drug dealers are running free here through the streets in the Limburg region, of course it has an effect on my trust. If you see that the big bosses are not sitting here, but in Rotterdam, Amsterdam, and I think that there is not enough done in these regions against them, it is even worse for my trust… the principle of opportunity in The Netherlands… makes things very complicated for Germany… (German Prosecutor, Interviewee 38)

Many of the interviewees identified the different philosophical principles as problematic with respect to the process of international police and judicial cooperation, because while the Germans are to investigate every crime brought to their attention, the Belgians and
the Dutch act according to the principle of opportunity, with the Dutch exercising much freer license in this regard. This type of circumstance will naturally impede international police and judicial cooperation between these three countries.

8.3.1.2.5. Overcoming Differences in Organizational Cultures

Despite the multiple organizational cultures, and the friction points that spark culture clashes, a number of the interviewees explained that the differences in organizational cultures are not always negative, and are actually being overcome through discussions, open-mindedness, and the willingness to cooperate. Two Belgian police commanders stated:

**Interviewee 10:** Yes, and culture difference. There is some difference between Belgium and Holland, but, it’s not always in a negative way.

**Interviewee 9:** We learn from each other.

In a separate interview, one Belgian prosecutor built upon these points by explaining:

In cooperation, there were difficulties because of the different culture in the three countries, but thanks to the cooperation, all these people with all their cultures come together in those working groups and they try to find solutions, and they try to cooperate. So, I think, it is difficult, because everybody has their own culture, but by bringing the people together, they can solve many things in those working groups. (Belgian Prosecutor, Interviewee 13)

Indeed, in another interview, one Dutch prosecutor spoke of the ever-shrinking gap between the organizational cultures:

In the beginning, [international police and judicial cooperation] had more problems because of culture. For instance, we couldn’t make a joke [about] a German police [officer regarding] the Second World War. We do it now—it’s normal. They will laugh at this. Do you know what I mean? The difference [between the cultures] is becoming smaller. They can accept more from each other. We are becoming friends. (Dutch Prosecutor, Interviewee 29)

While the Second World War was only raised by a very small number of interviewees, and only in passing, this particular interview transcript excerpt goes far in demonstrating the extent to which the various organizational cultures in the Meuse–Rhine Euregion are being redefined.
8.3.1.2.6. “We have the same culture”

Surprisingly, some of the interviewees across the three countries argued that there are “no differences” in organizational culture among the various police and justice organizations in the Meuse–Rhine Euregion. For example, one Belgian police commander stated:

I believe that the culture of the police [officers] in the Euregion is the same. We have the same culture: police culture. And, this police culture has priority [i.e., it is more prominent/important] over the national culture. The different police [officers] here feel the same [way], and are my friends. (Belgian Police Commander, Interviewee 19)

In another interview, one Dutch police commander put it this way:

There are hardly-to-none problems in attitude or [the] cultural area. People have the same targets, so they want to work together. (Dutch Police Commander, Interviewee 26)

Interestingly, these statements were made by some of the “Masters in Cooperation.” In fact, considering the data reviewed thus far, it appears that there is an inverse relationship between the level of problems reported in relation to certain variables, and the interviewees’ level of mastery in international police and judicial cooperation (see Figure 8.3 below).

Figure 8.3. The Inverse Relationship between Problems and Mastery in International Police and Judicial Cooperation

Source: Qualitative data for the present study.

Specifically, the less experienced/knowledgeable/skilled the interviewee demonstrated him/herself to be in international police and judicial cooperation, the more problems in
cooperation he/she reported. On the other hand, the more highly skilled/experienced/knowledgeable the interviewee was, the less problems in cooperation he/she reported. In other words, everything is easy for the “Masters in Cooperation,” because they know what they are doing. This is yet another sign that international police and judicial cooperation is a specialist’s job, preferably for “Masters in Cooperation” who possess the experience/knowledge/skills to manipulate the variables to negate problems.

8.3.2. **Inductive Variables**

8.3.2.1. **Proximity**

One interesting organizational-level variable that emerged from the data was the variable of proximity. To be clear, *proximity* is defined as “nearness in space, time, or relationship” (Soanes, 2002:672). The present data confirmed that proximity in terms of space and relationship influences the process of international police and judicial cooperation in the Meuse–Rhine Euregion. Specifically, close proximity enhances international cooperation, whereas distance impedes international cooperation. These data are presented below in terms of geographic proximity, spatial proximity, and working-relationship proximity.

8.3.2.1.1. **Geographic Proximity between Countries and Cities in the Meuse–Rhine Euregion**

Close geographic proximity between the stakeholder organizations facilitates international police and judicial cooperation, for various reasons. One Dutch police commander stated:

> In Heerlen (The Netherlands), we are closer to Aachen (Germany) than we are to Maastricht (The Netherlands). The distances are short, so we have the chance to work together. Geography is one of the most important things as to why it could happen—why three countries could come together... And, [the Meuse–Rhine Euregion] is also 20 miles around. (Dutch Police Commander, Interviewee 3)

The facilitative aspect of close geographic proximity is not just due to the convenience it offers. Recall that one Belgian prosecutor stated:

> There’s more identity between the three different parts of the Euregion than there is identity between Aachen and Berlin, Liège and Brussels, Maastricht and The Hague. (Belgian Prosecutor, Interviewee 2)
As established in Chapter 6 above, and worthy of re-emphasis here, the history of the Euregion has had an impact on the culture and sense of unity among the people.

In a separate interview, one Dutch prosecutor and one Dutch police commander, respectively, confirmed the facilitative influence of close geographic proximity by discussing the converse situation, namely how a large geographic distance between the stakeholder organizations can impede international police and judicial cooperation. These two Dutch interviewees explained:

**Interviewee 29:** The small international area [of the Meuse–Rhine Euregion] makes the people know each other, because we have seen them here, or we went over there, and that also [grows] trust, because the lines [of communication] are very short...

To make [cooperation] easy is the closeness of the countries in the Meuse–Rhine Euregion...

**Interviewee 28:** We know each other. We have worked on earlier investigations with each other. So, when somebody in Aachen starts an investigation, he knows already who he has to call. He doesn't have to do any homework [to find out] who in Holland, or South Limburg, is responsible for an investigation for border crime.

And, a lot of Dutch people live in Belgium or in Germany, and a lot of Germans are living in Holland... So, there is no distance...

And regarding the Meuse–Rhine Euregion, we are so close to each other, that it’s so easy to call each other and to point out some difficulties and to make some requests, or to force an answer... when it takes too long when someone is waiting for an answer. It’s easier for us to do a quick call to a prosecutor in Aachen or Liège. It’s so easy...

**Interviewee 29:** And other parts of Holland, like for instance, the region for Amsterdam, they are not [as] professional as [us]. I don’t know how to say it in English...

**Interviewee 28:** We have a bigger workload than Amsterdam. Amsterdam is the main capital, but Amsterdam, for example, only handles MLAs from the UK, or from the Schiphol Airport, for instance. We have a lot of border regions, and a lot of border crimes, so we receive a lot of MLAs, but it doesn’t answer your question about what makes an investigation successful or not successful.

**Interviewee 29:** I want to say that, for instance, the police in Amsterdam are not so...

**Interviewee 28:** The police in Amsterdam are not so involved in an investigation... when we receive an MLA from Aachen or Liège... we know that we have to work together and be close to each other. When Amsterdam receives a request from Liège, they say, “Liège? I’ve never heard of it.” So, that could be a problem. But it doesn’t really answer your question...
Interviewer: I see what you’re saying. It just goes to reiterate that close proximity—both by geography and interpersonal working relations—helps to facilitate cooperation.

Interviewees 28 & 29: Yes.

Interviewer: Whereas the example you gave me about Amsterdam demonstrated the converse—the flip side—that, when they are far away geographically and interpersonally, then cooperation may be more difficult.

Interviewees 28 & 29: Yes.

These facts resurfaced in multiple interviews. Consider the following discussion that ensued with a German prosecutor, who explained that large geographic distances not only impede international police and judicial cooperation, but can also have a negative effect on trust:

Interviewer: On a scale of 0 to 10 (with 0 being the lowest and 10 being the highest), how would you rate the amount of trust you have in your international partners in the Meuse–Rhine Euregion?

Interviewee 38: In the region, I would say 8 to 9 out of 10...

[In contrast], if you go down to the sea—to Amsterdam or Rotterdam—the big cities—the trust on both sides is gradually going down, and the same counts for Belgium.

So, if I say 8 to 9 for the Euregion, and for the people I work here together with, I would say 10.

But, I would say that if you go to Brussels and to Amsterdam, it is perhaps at the level of 5 [out of 10].

Interviewer: Oh, why?

Interviewee 38: There are different items. Here, the common culture over centuries is a different one than with the other regions. Here, it is still—although they speak three different languages—nevertheless, everybody understands the other one. The language is still a problem for many people.

Legal background. If you sometimes take the principle of opportunity in The Netherlands, and the principle of legality in Germany, there is a big hindrance—a big blockage—not only for working together, but also for the trust...

Here in the Euregion, despite the different legal systems, and the problems with the principle of legality and opportunity, I have the trust, and it is growing...

And, if this was embarrassing for you, as I said, 5 points [out of 10], if you’re far away from the borders, I would say that this has been down to 2 or 3 out of 10, in my eyes, 20 years ago. There was no trust on both sides. If you came to Rotterdam and Amsterdam in legal affairs... I was there personally, on holidays, and it’s different [even on holidays], but it’s also worse [in Amsterdam and Rotterdam] than here. It has
become better, but it was—in those regions—even worse at that time. Of course, this is a big problem for our working together.

I will give you an example... there was a German [fugitive]. They looked upon him, in Germany, with a European Arrest Warrant for drug dealing, and a police [officer] here from Aachen called me and said, “The Dutch made problems in Amsterdam,” because [the European Arrest Warrant] is centralized. [By way of explanation], the colleague in the Euregion is responsible for it, but the first decision will be taken by the central authority in Amsterdam.

And [the German police officer] said [to me], “[The officials in Amsterdam] claim that there is no translation in Dutch or English of the German [issued European] Arrest Warrant, and they said that it is internationally done.” [So I said to him], “Promise [i.e., assure] them that they [will] get the translation in 24 hours. It will work—I can tell you—because we in Germany do the same.”

And then, I come back, and [the German police officer] said [to me], “They have released him. [The officials in Amsterdam] said, “The translation was not there [in time].” This was Amsterdam.

So, I say [to myself], “This is a sign for me,” and of course it is reflecting on me, and, I now again say, “This is no trust—having no trust in each other.” Everybody knows [that] with a little bit of effort, they could have either waited, or have a look at the German text, and say, “Oh yes, [the European Arrest Warrant] is [for] murder,” or something [like] big drug dealing. They just said, “Well, it’s not here. Now, [it is] three o’clock. If [the translation] is not here at four o’clock, we will release him.” For me, this is a sign of non-trust from their side. And, as I said, it reflects now on me that I now again have my [reputation at stake]. Yeah, in my mind, [people] have always said, “This is Amsterdam. This is Rotterdam. They don’t cooperate.” I told the German police [officer] who called me, “This would never have happened in the [Meuse–Rhine] Euregion here. Never. This is non-trust.”

And as I said, for me, it is not the bad thing that they have no trust, [it is bad because] it reflects on my trust [in them] that I was building up. Do you understand what I mean? The things that are manifest in your head, you say, “Okay, the Dutch. The Dutch in the central region...” I always thought, “They would do it.” It is a bad sign, also for me, because my trust should be better, and my opinion—my reaction—should have been, “This was an isolated fault that won’t happen again.” But, it is different. In my eyes, it is “Oh yes, this will happen again.” And, it shows that my trust is also [not] so totally built up, as I thought it would be...

Yet the trust, [as] we already discussed, is [very important]. But, I would say that, if I just come back to the trust topic, it is just, the further away you are from the borders, the more problematic it is, at least with The Netherlands. In Belgium, it’s a general problem, and not so much connected with the distance. But, nevertheless, it always comes to the same solution. Compare it with what we had 20 years ago, and you would say, “It is unbelievable. It has become unbelievably better.”
Remarkably, the hindering effect of large geographic distance was also raised on the Belgian side. For example, consider the discussion that unfolded with three Belgian prosecutors:

**Interviewee 48:** Specifically, for the European Arrest Warrant, in The Netherlands, there is a central authority based in Amsterdam. We do not have that in Belgium. In Belgium, arrest warrants are executed by the prosecutor [in the city] where the person lives. With a central authority, that is the only authority that makes the decisions. If you do not agree, or they are not the right ones, you are stuck. While, in Belgium, you have several authorities who are competent to execute European Arrest Warrants. If one makes a decision that is not the correct one, you can appeal. In The Netherlands, you have one central authority, and they have very strange and strict views on European Arrest Warrants. They always ask questions, after questions, after questions—questions that we do not have to answer.

**Interviewee 25:** Normally, it is based on trust between countries in Europe, and [the authorities in Amsterdam] give us the impression that they do not trust our system at all [laughter]. And our colleagues in Maastricht think the same.

**Interviewee 24:** In The Netherlands, they think the same of their own colleagues in Amsterdam. They call Amsterdam “an island.”

**Interviewee 48:** Some even call it “a republic.”

**Interviewer:** It’s interesting. If it’s a central authority that is located far away, they are not in touch with what is happening on a day-to-day basis here in this Euregion. So, it makes it difficult for them to be in a position to make decisions.

**Interviewee 25:** They think that they have the task to look to see if there is enough evidence in a case, but [that’s not their job]. They do it, if they want to see if it’s a serious case, but they don’t have to ask questions. When we ask somebody to be delivered to Belgium, we have our reasons. They do not have to ask “Why this?” and “Why that?” but they do.

**Interviewee 24:** In the other way, we are not asking anything. We are only looking if it is legal—if it is okay. But, we are never looking at the ground of the case, because we are not authorized to look to the ground. In Amsterdam, they always do it.

**Interviewee 48:** European Arrest Warrants are based on mutual recognition, so if a judge here [in Belgium] says, “I want him,” that is sufficient grounds. We do not have to clarify why we want him, because the case is not made in the country where the warrant will be executed (e.g., The Netherlands). The case is made here [in Belgium]. In The Netherlands, they want to look at the evidence; Amsterdam wants more information about the case. But that is not how the European Arrest Warrant was intended to work.
Recall that the Dutch “Target Agreements” are drafted in Zoetermeer and formalized in The Hague, and that these decisions affect what is happening in the Euregion, yet the officials in The Hague do not appear to be fully aware of what is happening in the Euregion. If they were aware, then the “Target Agreements” for South Limburg would take into account and reward efforts concerning international police and judicial cooperation. Recall also that permission to establish a JIT is always ultimately given by the capital city of each country, which requires the request to go up and down the chain of command, even though the officials outside of the Euregion are not fully aware of what is happening in the Euregion. In sum, the data revealed several key examples of how large geographic distances between the stakeholder organizations hinder international cooperation, whereas close geographic proximities facilitate cooperation.

One Way of Decreasing the Distance is to Appoint a Representative, but the Idea Has Not Been Well-Received

The key stakeholder organizations involved in international police and judicial cooperation in the Euregion, but based outside of the Euregion, are the Belgian Federal Prosecutor’s Office, as well as the national police forces’ central services whose mandate is to investigate serious transnational organized crime. To attenuate the negative influence of large geographic proximity on international police and judicial cooperation, in some cases, representatives of these organizations sometimes attend relevant meetings in the Euregion, so as to decrease the distance between the capital cities and the Euregion. Yet, the data revealed that there is resistance at both the police and prosecutorial levels toward “outsiders” participating in Euregional meetings. For example, two Belgian police commanders explained:

**Interviewee 10:** Yeah, we don’t allow them to take part of our working group. No. Somebody from Brussels—from our central service—we do have, for the Federal Police, [for example] a central service [a unit for] human smuggling that gives the entire view of [human smuggling] for the entire Belgium. And, he invited himself to take part in our working group, but we didn’t allow him. We told him, “This is the wrong place to go. This is not for you. It’s for our region.” It is strictly fieldworkers. Nobody from [directorates is invited to the NeBeDeAgPol Working Group meetings].

**Interviewer:** And who was that person from Brussels? A very high-ranking official?

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128 In the case of South Holland, it is The Hague, not Amsterdam, as detailed in Chapter 7 above.
Interviewee 10: Yes. We have a central [police] service for human smuggling [investigations].

Interviewee 9: High-ranking.

Interviewee 10: [That person is] the commissioner who gets the entire view within Belgium of all problems of human smuggling. But, international information mostly passes via this service. And when the Ukrainian or Romanian police, or whatever, is doing an investigation, and it comes to Belgium, it passes by the central service, and he gives [us] a phone call, [saying] that, “I have an incoming investigation. It is for you,” and so on.

And this person [from the central service in Brussels] invited themselves, [saying], “I want to come and take part of your [working group].” But, we don’t... because we are not discussing about roles and... okay, we [make] suggestions to the BES and to NeBeDeAgPol, but let us, in our workgroup [work on fieldwork].

Interviewer: So, the workgroups are for operational fieldwork?

Interviewee 10: Yes...

We don’t need them. We strictly [said] that we wanted fieldworkers from the federal or local [level]—it doesn’t matter—but, somebody who has the information on his desk, maybe from his colleagues, and can strictly get it to his Dutch or German colleagues. Nobody coming there for “protocol,” because [when that is the case], there is a lot of “blah, blah, blah,” drinking coffee, we separate, and nothing happens. Nothing is done. I think that’s one of the strengths of our working groups.

A lot of people want to take profit from this situation [i.e., the developments in international police and judicial cooperation in the Meuse–Rhine Euregion], and maybe to get some promotion, [people would say], “I will take part in an international program” or whatever...

Ironically, these central services have a mandate that warrants/justifies their involvement in the Euregion in cases of serious transnational organized crime, yet due to the large geographic distance between their offices, they are viewed as “outsiders.” In sum, it is difficult to overcome the negative effects of large geographic distances between organizations. Indeed, appointing representatives to attend Euregional meetings does not appear to work, because some of the Euregional officials do not prefer the idea.

8.3.2.1.2. Spatial Proximity between Officials Working Together

The data also suggest that spatial proximity also influences international police and judicial cooperation. Specifically, close spatial proximity between the officials (i.e., working side-by-side) enhances international police and judicial cooperation, whereas not working side-by-side appears to impede such efforts. A number of the police officials attested to these facts. For example, one Dutch police commander stated:
It is very important to work [in person] with each other—that you see each other in the same [physical] location. (Dutch Police Commander, Interviewee 31)

This was echoed in a separate interview with a German police commander:

I think the first, and the most important [variable], is the personal contact with the colleagues on the other side of the border line. I worked there for [several] years, and I think I have very good contact. Today, I have friends in the Dutch police. The personal contact is very, very important. It is the most important reason [why cooperation is successful]. (German Police Commander, Interviewee 34)

It was the Belgian officials, however, who provided several case examples to illustrate the influence of spatial proximity on international police and judicial cooperation. Recall that one Belgian police commander explained:

**Interviewee 30:** For instance, last year we had a Russian group. They locked themselves in a garage—a Mercedes dealer. At one [o’clock] in the morning, they stole five new cars. One of the cars was established with a tracking system. It was in Brussels, and in Brussels, they speak French. And they were on the highway—autobahn—in Germany, going 150 kilometres an hour, heading east.

So, the colleague in [Belgium] phoned [EPICC]. [EPICC] phoned Brussels for the tracking system, and they gave [EPICC] access to the system on [the] computer, and [the police officers at EPICC could] see that the car [was] going east.

Then, the German colleague [went] to [EPICC], and said, “[You] have to phone the police to check [something].” It was the Highway Police in that area, and they had—because there was an accident, [or for some other reason], they had a helicopter—and they made a big show. Within half an hour, they had four out of the five cars... Through the normal procedures, like Interpol, you would never achieve this.

**Interviewer:** Why?

**Interviewee 30:** Because over here, we are speaking at least three languages, most of us. And, in Germany, they are working with Bundesländer, which means [states]. Germany is a federal state. I think they have [16] states within the federal state. For instance, North Rhine–Westphalia is a Bundesland; it is a state within a state. They have their own government and they are controlling the police. So, if I read something from Bavaria [which is another German state], I don’t have to phone the police in North Rhine–Westphalia, because they can’t do anything for me. I have to know which Bundesland— which state—I have to phone, and that knowledge is very important. My German colleague knows, by map, where he has to call to get something.
**Interviewer:** So, the main reason why this can’t happen at Interpol is because here, you are all working side-by-side, you speak the languages, and you know where to get the information? Whereas Interpol...

**Interviewee 30:** At Interpol, they are always translating the questions. If you send a question to Interpol, for instance in Dutch, they will translate it into English—I don’t know why—and then they send it to The Hague. From The Hague, they send it to the country involved. Then it has to go to Berlin or [indiscernible]. Then, they have to send it down, though the system.

**Interviewer:** So it’s a very long line to send a message, whereas here, the line is shorter.

The benefits of working side-by-side seem to be “common sense,” yet surprisingly, the police officials are not always working side-by-side in the Euregion. In a separate interview, one Belgian police commander explained:

**Interviewee 36:** ...we also have concepts about common controls: “How can you organize a common action with your neighbor, so that the police [officer] will not be frustrated?” I sometimes [get] questions from local police chiefs, and they say “Yes, we made an action with the neighbors, but, you know, we made it together, but the Dutch colleagues worked in their region [in The Netherlands], and I worked in my region [in Belgium], and it was not really together.”

So, we made a concept for common patrols. We told them, “You have to prepare it together. You have to make a [joint] briefing for the police [officers] together. During the six or eight hours of the control, you must have some times—some moments—where you have one big control action together in one place. After that, you can have patrols, but during one or two hours, [be] in one place together. If you have a little break, make this break together, not the Belgians on one side, and the Dutch on the other side. And afterwards, the communication of the results—make that together too. And, there are no “Belgian results” and “Dutch results.” There is a “result from the common action.” So, if you respect those things, you will have a good common control, where the police [officers] won’t be frustrated. They will be glad to participate in such a control, and you will have a more effective control.

**Interviewee 35:** So, we make each year common controls in the prostitution world. Aachen was the last [location], with police [officers] from Belgium, The Netherlands, and Germany. So, the Belgian police and the Dutch police are in place, and in control, because there are many girls who are forced to be prostitutes, and they work sometimes in Belgium, and sometimes in The Netherlands. What is interesting is to find out who are the people who exploit them—the pimps. The next [joint control] will be in Liège. It will be a great control on a street where prostitution is practiced, and German and Dutch police officers will come too. We made it in The Netherlands too, with all the three police services. So, [there are] escort services from Belgium which work in The Netherlands...
Interviewee 35: But here, it is so, that every day, we have Dutch and German police [officers] who come here... to speak with colleagues about investigations, about people who work between... the two sides of the border. That is normal. That’s absolutely normal that a German police [officer] comes here, and they work together, they drink maybe a beer together. That’s [normal].

Interviewee 36: So... I think a police service is there to work for the people living there in the region. If you are in a border region, and you have cross-border problems, and police do not work cross-border, then the police don’t do [their] work. The people there have the right to get from the police effective work, and it will not be effective when there are cross-border problems and the police do not work together. We do it for the people living here. It is our mission. We do not have another reason to exist as a police service, if we do not do this for the people.

Interviewee 35: And, it is a fact here... [a very high percentage of cases] are transborder investigations, or international investigations. So, it’s absolutely necessary to work together. It’s a fact... so we must work together.

The Joint Hit Team and EPICC demonstrate the benefits and success of having police officers from the three countries work side-by-side together in the context of international cooperation. It appears that the only time that the prosecutors work side-by-side with each other is in the context of the “Contact Prosecutors” meetings, which are to be distinguished from the actual work of preparing and sending mutual legal assistance requests and responses. Overall, there is a large amount of evidence in support of the benefits to be gleaned from an arrangement that has the officials working side-by-side, so as to facilitate international police and judicial cooperation. Chapter 9 below explores the many reasons why this is not happening to a greater extent in the Meuse–Rhine Euregion.

8.3.2.1.3. Working Relationship Proximity between Officials

The closeness of the working relationships between the police and justice officials in a given country may have a facilitative influence on international police and judicial cooperation. One Dutch police commander explained:

...the contact between the police officers and the judge and prosecutors in Holland is much more close than it is in Belgium or in Germany. There is a certain distance between them. So, you have to recognize many things when you try to reach something. And when I have a good colleague in Belgium or in Germany, who thinks and knows his people, because every police officer—whether you’re working in Canada, the US, or in Holland—you will eventually have to go to the court, so it is important to have a very good connection with the prosecutor and the court office. If there is not a good connection between one of my
colleagues in Germany and a prosecutor in Germany, and we have a legal assistance inquiry, and it goes to that prosecutor who is not in good connection with his own people, then you have some barriers in the way of getting something done. (Dutch Police Commander, Interviewee 23)

Interestingly, the data suggest that the working relationships between the police, prosecutors, and examining magistrates appear to be closest in The Netherlands. Recall that a Belgian police officer also confirmed that there is greater informality/closeness in The Netherlands between the Dutch police and justice officials versus the Belgian police and justice officials. Yet, ironically, as has been established throughout the findings chapters of this dissertation, the data also suggest that the Dutch are the most difficult to collaborate with in the context of international police and judicial cooperation, for various reasons. In sum, the variable of working relationship proximity may naturally help facilitate international cooperation, with particular regard to country-specific processes.

8.3.2.2. Criminal Justice System Differences

An overview of the Dutch, Belgian, and German criminal justice systems was presented in Chapter 6 above. Building upon these findings, the interviewees attested that the differences between the criminal justice systems generally complicate international police and judicial cooperation in the Meuse–Rhine Euregion. Indeed, many of the interviewees made statements such as this:

For us, I think the biggest problem is the difference of systems... (Belgian Prosecutor, Interviewee 15)

The criminal justice system differences include differences in national institutions, national substantive/procedural laws, national crime-fighting priorities, national crime-fighting approaches, and differences in case management styles. In one interview, a Belgian police commander provided a few detailed examples to illustrate some of the ways in which the Belgian and German criminal justice systems differ. This Belgian police commander explained:

In Belgium, we have an approach to criminality that is very global—not only [with respect to] the facts [of a case], [such as, for example] murder or robbery, but an approach [toward] the criminals—the group of criminals—the criminal organizations. We call it “proactivity.” We can investigate a group of persons that we know... committed a fact
[i.e., crime], but we don’t know exactly which facts [i.e., crimes]... it’s not precise.

In Germany, it’s not the same. Germany can investigate only on the facts [i.e., they can only be reactive, not proactive]. Only on the facts [i.e., crimes] committed, and not before.

Now, we have in Belgium, [what we recognize as] a “criminal organization.” We are able to open a case against an identified criminal; the [crime] is [being] a member of a criminal organization. We can open an investigation on someone just because we know that he’s a member of a criminal organization. We [may] not know exactly what facts [crimes] he has done, or what he’s committed, but we know that he is known as a member of a criminal organization, so we can open an investigation about him. But that is not the same in Germany.

So, we make an observation—we can make wiretaps, [or do] undercover infiltration—to determine what facts the [criminal] organization committed. But, in Germany, it is not the same...

[Also], German law permits [police officers] to work in an undercover case with civilians. In Belgium, it is not allowed. There are differences between those countries.

In Belgium, [those who go] undercover must be police [officers]. But in Germany, you can be a civilian [and work as an undercover agent]. Sometimes, it makes problems, because the undercover surveillance in Germany comes to Belgium for a transaction, but the law in Belgium doesn’t allow that. It makes problems. (Belgian Police Commander, Interviewee 20)

In a separate interview, a Belgian prosecutor provided an example to illustrate one difference between the Dutch and Belgian criminal justice systems:

Negative variables include differences in procedural law. As a Belgian example, the large/severe cases of criminality in the investigative phase are in the hands of the investigating judges, who are not bound to any cooperation. (Belgian Prosecutor, Interviewee 2)

Clearly, the differences between the three criminal justice systems are sometimes at odds with one another, which creates problems for international police and judicial cooperation. These differences not only impede international cooperation, but can also “...sometimes generate a conflict of trust” (Belgian Police Commander, Interviewee 10).

8.3.2.3. Different National Laws in the Three Countries

Almost every interviewee identified the different national laws in the three countries as an impeding variable in international cooperation. Most interviewees lamented about the different national laws, like this Dutch police commander:
Every country has its own law. There are differences in laws. So, it’s not always easy to cooperate. (Dutch Police Commander, Interviewee 31)

In one interview, a Belgian prosecutor provided greater insight as to the nature of this problematic variable:

I think that all the European treaties that we have at the moment are fine. We have more than enough treaties. The general ones are so vast that almost every type of cross-border crime can be solved by using one of those treaties. That is not really the problem. The problem is, “How can we use them in everyday work?”

...you have to go back to the national law systems that actually makes it possible for you to use the treaties in the way that they are supposed to be used. Sometimes, there are limits in national law that, for instance, prevent you from sharing certain types of information even when international law says that it is possible. Maybe it is something that they forgot when they signed the treaty, but sometimes there is a small detail in our national law that might cause a problem, while the international law still makes it possible. (Belgian Prosecutor, Interviewee 15)

The national laws among Belgium, The Netherlands, and Germany differ in some ways, including with respect to crime types/definitions, police policy and procedure, and the freedom of information and protection of privacy. These examples of how the national laws differ between the countries are presented below to reveal their hindering effect on international police and judicial cooperation.

8.3.2.3.1. Different Crime Types/Definitions

As has already been established in the chapters above, some crime types/definitions sometimes vary between the three countries. The interviewees across the countries and professions cited various examples to illustrate the hindering effect of different crime types/definitions on international cooperation, the most common of which was the different approach to drug crime.

Drug Policies/Laws

Many interviewees attested that the differing approaches to drug crime between Belgium, The Netherlands, and Germany impede international police and judicial cooperation in the Meuse–Rhine Euregion. One Belgian police commander stated:
Mostly, the politics in Belgium and Germany about drugs is the same. And, it is totally different in Holland. So, that is why the cooperation at this moment with The Netherlands is not so good [for drug investigations]. We are trying to make progress in it, but they have a totally different viewpoint about drugs in Germany and Belgium, and that’s why the cooperation is often... difficult. (Belgian Police Commander, Interviewee 9)

Naturally, this was the most common viewpoint among the Belgian and German officials. Interestingly, the Dutch interviewees did not cite the different drug policies/laws as a hindering variable. This may be because the Dutch only participate in international investigations when the case is in alignment with their crime-fighting priorities and can be handled with their limited resources, as reported multiple times by the Belgian and German interviewees.

8.3.2.3.2. Different Laws for Police Policy and Procedure

The countries also differ with respect to their police policy and procedure, which also serve to complicate international cooperation, especially for the police in tactical situations. One Belgian police commander introduced the problem:

Yes, it is not only tactical problems that we have. We also have problems linked to the operational\textsuperscript{129} procedures of the police in each country. When we arrive on the scene of crime, we do not work the same way as German or Dutch colleagues. There are differences. If we have a kidnapping, we maybe don’t have the same procedures of intervention. So, we, as a cooperation structure... have to pay attention to this, and try to detect best practices and try to make it cohesive when we work together. You cannot put all the difficulties on technique and law. You must recognize that you also have some difficulties coming from police operational procedures that you can change. There, you have the possibility of change, and so you have to do it. So, that is also a problem. (Belgian Police Commander, Interviewee 36)

The common examples provided by the interviewees to illustrate the complicating nature of the different police policies and procedures found across the three countries concerned police use of weapons and the collection of DNA evidence.

\textsuperscript{129} Recall that when the Europeans use the term "operational," they actually mean the North American equivalent of the term "tactical" (see Chapter 6 above).
Police Use of Weapons

Interestingly, there are differences between the countries with respect to what constitutes police “use of a weapon.” One Belgian police commander provided a powerful example to illustrate the difference in laws/perceptions between the Belgians and the Dutch regarding what constitutes police “use of a weapon,” as well as the concomitant implications for cross-border police operations:

Let’s say I was talking about weapons. You know, here [in Belgium] you have some gangsters, or you have to arrest them. If I put my gun in my hand [Interviewee 21 then withdraws his police gun from his holster and holds it in front of him], I would be stopped in The Netherlands. If I do this, and only this, it’s a “use of a weapon” [according to Dutch law]. [Interviewee 21 then places his police gun back into his holster]

Do I [as a Belgian police officer in Belgium] have to write each time I take out my gun? No.

If I cross the border, and I just do this [Interviewee 21 again withdraws his police gun from his holster and holds the gun in his hand], I will have problems with Dutch law. We already had an official problem [handled] through our Ministers of the government, because two [Belgian] colleagues had their gun in their hand after pursuing a stolen car, or something like that. [Interviewee 21 then places his police gun back into his holster]

So, we were talking about perceptions. Someone selling five kilos of cannabis... it’s really not a problem [in The Netherlands]. But, if [a Belgian police officer] is on Dutch territory with a gun, he will have a big problem, because it is very important for [the Dutch]. We were talking about perceptions, so that’s one more example of that. (Belgian Police Commander, Interviewee 21)

Although there are differences between the respective countries in terms of police policy and procedure, there are similarities as well. In a separate interview, three Dutch police officers tried to further explain this area of law:

**Interviewee 32:** Also the use of firearms. There’s a difference in law.

**Interviewer:** So foreign colleagues cannot use firearms?

**Interviewee 33:** [Foreign colleagues] can use their weapons to defend themselves or their colleague(s).

**Interviewee 31:** It is only allowed for a police officer to use their firearm if someone shoots at him.

**Interviewee 33:** [In most foreign police forces] we can only use violence with our weapon, only if our life, or the life of colleague, or a citizen, is in real danger, so it is the same right.
Interviewee 32: But it’s changing...

Interviewee 33: Yes. It is the first time that it is not allowed. A few months ago, [a foreign colleague] was not allowed to have [his] gun, so [he] was only carrying pepper spray and handcuffs, and [he] had no right—no permission—to carry [his] gun because there was no international treaty about it.130

Interviewee 31: But since the "Treaty of Prüm," it’s possible that [foreign police officers] have their guns with them [while on foreign territory].

Interviewee 32: It is still like this, that if I [a Dutch police officer] want to go drink a cup of coffee with my German colleague [in Germany], and I have nothing else to do [in Germany, such as police work], then I have to leave my gun at home. But if I have a [police-related] job to do in Germany, then I can take my gun with me.

Interviewee 31: But, in the meantime, when our colleagues go abroad, they take their weapons with them. It’s no problem anymore.

Interviewee 32: We don’t leave our weapons at home, of course. We do two things together: we drink a cup of coffee, and we do our work at the same time [laughter].

So, the first passage above by Belgian Police Commander Interviewee 21 spoke about the use of a weapon, whereas this passage spoke about the use of violence with a weapon. While the common denominator is the same—police may use their firearm to protect the public and/or themselves only in cases of real life-threatening danger—the phrase “use of a firearm” still has a range in meaning, which varies according to national law. In a separate interview, another Belgian police commander expressed the confusion that can ensue due to these differences in national law, and how that impedes international cooperation:

Some questions about international cooperation include, “If we got into an accident with our police cars on foreign land, are we insured?” Another question is, “What if somebody needs to use a gun?” These are big questions with respect to international law enforcement cooperation between Belgium and Germany. International law enforcement cooperation is easier with the Dutch. Sometimes, we are stopped from cooperating with each other because of the law. (Belgian Police Commander, Interviewee 10)

130 It is very unfortunate that, sometimes, a lack of knowledge about the legal framework regulating international police cooperation is perpetuated through the ranks, especially since this is an officer safety issue. As Table 2.4 above clearly showed, there are at least seven international agreements (spanning from 1962 to 2008, with the majority entering into force well before the Prüm Convention of 2005) that allow foreign colleagues to carry their weapons on foreign territory. This will be discussed further below.
In sum, Belgian Police Commander Interviewee 21 acknowledged that seemingly minor mistakes can result in official inquiries that dampen enthusiasm for international cooperation, whereas Belgian Police Commander Interviewee 10 revealed that a lack of knowledge of the legal possibilities may preclude participation in international cooperation altogether.

To settle the issue, a review of the European law regulating police weapons and use of force reveals that there are at least seven key agreements speaking to these matters (see Chapter 2, Table 2.4). Upon examining the relevant articles of these international agreements, it becomes clear that they are all basically a mutatis mutandis reproduction of what was first printed in the “Benelux Treaty” (1962). This treaty states, *inter alia*:

Article 28(3). While performing the operations mentioned in Article 27 [*i.e.*, hot pursuit], they may wear their uniform and bear their regulation arms.

Article 28(4). In case of need, they shall be entitled to use measures of restraint and defence in the same conditions as officers of the Party in whose territory they are operating.

The international agreements have evolved to become more facilitative of international police cooperation in this regard, by not requiring that the police officers be in hot pursuit for these allowances to be granted. Nevertheless, the more contemporary international agreements speaking to the use of weapons by the police, namely those dated from the “Treaty of Enschede” (2005) onward, direct that the foreign police should advise their local colleagues about any incidents and, of course, write a report to satisfy the legal requirements of the country wherein the incident occurred. Thus, a lack of knowledge or confusion about the law can impede or preclude international police cooperation.

**DNA**

The collection of DNA evidence is another area in which police policy and procedure differs between the three countries. Two Belgian police commanders explained:

**Interviewee 35:** To imagine how difficult it is.. In Belgium, the DNA problem is that you must have an authorization from a judge to use DNA. [But], in Germany and in The Netherlands, it’s by the police.
So, the exchange of DNA data is... not impossible, but you must go the way of the judge, if you need to exchange DNA profiles.

**Interviewee 36:** And, the other countries don’t have to; they may [share DNA data] on the decision of the police.

In this case, the complicating factor for international police and judicial cooperation comes from Belgium, due to its strict laws concerning DNA evidence. Recall from Chapter 7 that when an examining magistrate is involved, extra steps are added to the process of international police and judicial cooperation, which requires extra time.

The laws not only regulate how DNA is collected, but also how DNA is matched. One Dutch police commander explained:

> [For example], the DNA problem. There’s a DNA problem with Germany. We have the “Prüm Treaty.” Every country interprets the “Prüm Treaty” for DNA to do legal requests to get information to [confirm a] person’s identity. For Germany, for a DNA hit, you need eight or 12 markers. But the German system by the forensic institutes does not go further than six or seven markers. So, when they send you a request to the Prüm DNA Databank, they have a problem, because we can’t look after it, because we need eight or 12 markers. They only have six or seven markers. So there is a problem, and they have to solve it. What they have to do—the German Forensic Institute—they have to approve the search to get more markers... it is a problem in the “Prüm Treaty”... The countries have to do a mutual legal request to get a person’s legal identity. So, that can be done better. (Dutch Police Commander, Interviewee 28)

Clearly, the differences among the three countries in terms of their police policy and procedure function to impede international police and judicial cooperation.

### 8.3.2.3.3. Finding Common Ground: Law Harmonization

Considering the many different national substantive and procedural laws between the three countries, and the complicating effects that arise due to the differences in law, a number of the interviewees contemplated what could be done to mitigate the problems. The most common observation was that law harmonization is required. Consider the following sampler of responses:

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**131** It is technically called the *Prüm Convention*, but many of the interviewees referred to it as a "treaty."
And we don’t have European law. If we had European law \([i.e., \text{the same law across Europe}]\), it would be faster than every country \(\text{having its own national law}\). (Dutch Prosecutor, Interviewee 29)

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[T]he laws of the countries are different. It would be better if... the law is the same in every country. For instance, in Germany, some offences are punishable, while in Belgium they are not. So everything [should be] the same, and not so complicated. Why do we have borders? (Belgian Prosecutor, Interviewee 24)

* * *

Harmonizing the laws and practices. That is really... that has to be the goal. (Belgian Police Commander, Interviewee 21)

Law harmonization is, of course, the ideal scenario. Indeed, in this light, the utility of a European Criminal Code becomes obvious as a way to facilitate international police and judicial cooperation. One Belgian police commander stated:

We need a European Penal Code. All the law [needs to be] the same in each country, but that is not for tomorrow [laughter]...

There must be a harmonization of law across the EU. We need to have the same procedures now in each European country. For example, in Germany, the suspect has the right to speak with his lawyer before the first meeting with the police [officer]. But, that is not the case in Belgium. (Belgian Police Commander, Interviewee 19)

Unfortunately, however, the \(\text{zeitgeist}\) to allow for the drafting/legislation of a European Criminal Code may not have arrived yet. In recognition of this, one German prosecutor suggested law harmonization, but only “to a certain degree”:

Interviewee 38: [T]o change things for the better... I would like to have, not a European penal law and penal procedural law, but a certain amount of similarities everybody shares—harmonization in law, to a certain degree.

Interviewer: What is that degree?

Interviewee 38: To have a frame within which everybody can find themselves. A frame of common measures, common terminology, common definitions, and common standards in the penal system. This would help.

In contrast, the most conservative approach was offered by one Dutch prosecutor, who stated:

Interviewee 8: Well, to unify on law, we need a national level. So, then we should—and it happens already—people are busy with that in The Hague, Berlin, and Brussels, but we should take a certain law, or
article in law and tell The Hague and Brussels that, “You have to change this, so that we can cooperate better.”

**Interviewer:** And it happens?

**Interviewee 8:** Yes, but it takes so much time. It’s very complicated.

As explained in Chapter 2 above, law harmonization has begun, but there is much to do. It appears that small steps are being taken in this direction because the idea of complete law standardization is currently too overwhelming of a concept for all of the countries.

### 8.3.2.4. The International Legal Framework

Recall that an overview of the legal framework regulating international police and judicial cooperation was presented in Chapter 2. As well, additional descriptive information about the legal framework was presented in Chapter 6 to establish the status quo of international cooperation in the Meuse–Rhine Euregion, according to the police and justice officials. Therefore, this subsection will be kept brief, meant only to illustrate that the legal framework regulating international police and judicial cooperation both facilitates and impedes international cooperation.

#### 8.3.2.4.1. “The treaties make cooperation possible”

Almost every interviewee commented that the international legal framework facilitates international police and judicial cooperation. For example, one Dutch police commander observed:

> The treaties make cooperation possible. Without the treaties, there would be no possibility for cooperation. (Dutch Police Commander, Interviewee 31)

Many of the interviewees kept their remarks in this regard very brief, and simply listed the key agreements that have most facilitated international police and judicial cooperation in the Meuse–Rhine Euregion, including: the “Benelux Treaty” (1962), the Convention Implementing the Schengen Agreement (1990), the “Bergen op Zoom Treaty” (1999), the “EU MLA Convention” (2000), the Prüm Convention (2005), the “Treaty of Enschede” (2005), and the Lisbon Treaty (2007). For example, a Belgian prosecutor stated:

> Positive variables include... the development of legal instruments in the European Union. For example, the “EU MLA Convention” of 2000, the “Prüm Treaty,” and the “German/Dutch Police/MLA Treaty” [i.e., “Treaty of Enschede”], Stockholm, etcetera. (Belgian Prosecutor, Interviewee 2)
Then, some of the interviewees went on to provide a brief example as to how the agreement has facilitated international police and judicial cooperation. For example, consider the following sampler of responses:

At first, what came was the *Schengen* contract, which for the first time made it legal for us to give police information to the German and Belgian police forces, and that we can follow suspects across the border, take our weapons, and arrest them. (Dutch Police Commander, Interviewee 3)

* * *

I told you about the German–Dutch police treaty [*i.e., “Treaty of Enschede” (2005)]*, which allows for [the] spontaneous exchange of information, which makes things much easier than [they have] been. (German Prosecutor, Interviewee 38)

In sum, there was much praise for the legal framework, since it has literally made international police and judicial cooperation possible.

**8.3.2.4.2. “There are too many laws and regulations”**

There were, however, a number of more critical responses among the interviewees, with some of the police and justice officials explaining that the legal framework complicates international police and judicial cooperation for various reasons. For example, one Belgian police commander lamented:

There are too many laws and regulations. It makes a problem for international law enforcement cooperation. International law enforcement cooperation worked even better before *Schengen*, for that reason [because there were not so many laws]. The laws and regulations make international law enforcement cooperation difficult. (Belgian Police Commander, Interviewee 10)

In a separate interview, another Belgian police commander extended this critique by explaining:

And, you must know that there are a lot of treaties. Those treaties sometimes talk about the same things, but in a different way. Or, some treaties do not speak about some things, so it’s not easy for a police [officer] to know [the answer when they ask themselves], “Which treaty do I have to work [with] now? Or [when they ask themselves] “For this matter, where do I have to look to find an answer?” (Belgian Police Commander, Interviewee 36)
The elaborate legal framework has created an “embarrassment of riches,” which has left some police officials confused about how to proceed in cases of cooperation, hence the development of the *Vademecum* (as discussed in Chapter 6 above). The confusion created by the large legal framework actually impedes cooperation.

To reduce the confusion created by the large legal framework regulating international police and judicial cooperation, a number of the interviewees suggested that the law should be simplified. For example, consider the following statements made in separate interviews:

> In [the] Schengen system, it’s better, but there are too many rules.  
> It can be simplified. Simplify the law. (Belgian Prosecutor, Interviewee 24)

* * *

> We should have—that would be the most nicest thing—to have one police agreement for all of Western Europe. That would be the main...  
> (Dutch Police Commander, Interviewee 32)

Law simplification could definitely occur, either through: (1) the compilation/synthesis of the current laws by legal scholars (*i.e.*, an extension of what was done by the researcher in Chapter 2 above); or (2) the drafting/legislation of a new all-encompassing European police and judicial cooperation agreement that summarizes the current/most advanced laws regulating the enterprise.

### 8.3.2.4.3 Various Shortcomings/Gaps in the International Legal Framework

The interviewees reported that the international legal framework regulating international cooperation has other shortcomings. For example, the legal framework does not grant investigation competences to foreign officers, which means that a foreign police colleague’s investigation competence is always *beside* a local police officer.\(^{132}\)

As well, the legal framework does not explicitly state that the establishment of a common database is permissible. So, the police and justice officials are bound by the current national laws on the subject. One Belgian police commander stated:

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\(^{132}\) For the data illustrating the latter point, see Chapter 7, subsection 7.4.3.4, with specific attention to the dialog involving Dutch Police Interviewees 31 and 32. See also the present chapter, subsection 8.2.1.7.1, for the statement made by German Police Commander Interviewee 34 explaining the Joint Hit Team arrest procedure via ear radio.
We would like to have a common database [at] EPICC for our investigations, but it is a very difficult problem, because of the national privacy laws. [Emphasis in original] (Belgian Police Commander, Interviewee 35)

If the international legal framework allowed a common database, the contracting parties would naturally transpose the international law into their own national law. Since there is no explicit international law on the subject, and since there is limiting national law, the police and justice officials have interpreted the present legal framework as precluding the establishment of a common cross-border police database.

The failure to ratify treaties by some countries also creates gaps in the international legal framework. The following dialog ensued with one German prosecutor:

**Interviewer:** What are the gaps in international law enforcement cooperation?

**Interviewee 38:** ...it was different 10 or 20 years ago, but sometimes, you find a field where one country has not yet ratified or implemented a law on, let me say, undercover agents, or that they don't prosecute a certain deed which, in other countries, is a crime. You find that still in Europe. Where do we have that? There was a catalog [of crimes] on the European Arrest Warrant. I think 32 "branches," I would call them. It was not called "murder," but "capital deeds” is one branch. So, there are 32 [crime types listed] in that catalog of crimes which lead to extradition in Europe.

And still, you have a gap that, “Country A” says, “Well, for us, number 29 is not punishable,” whereas in “Country B,” they say, “This is a major crime, and we don’t understand why you don’t interfere with it.”

In the hearing of the German Constitutional Court, they made jokes about it because there were certain kinds of kissing in the carnival regions here—in this region, extending to Cologne—where the big carnival, [which] is also in Düsseldorf and also here in Maastricht, they say, some very aggressive kissing during carnivals is a sort of social eloquence, and in Ireland, it's rape. Yes. It's no joke. I come to the example because it was discussed in the German papers.

So, what did the Irish say? [For example], "Mr. Dexter" [engaged in aggressive kissing] in Germany [during the Carnival]. Now, they look for him in Ireland, because in the catalog [of crimes to which the EAW applies, that deed of aggressive kissing is considered “rape”], but in Germany, they say, “It’s silly.”

How can you prosecute or investigate somebody whose behavior is not punishable in “Country A?” But, has he to be extradited in 26 other countries, but in Germany, they say, “No, we don’t extradite him if we [find] him here,” but 26 others say, “Yes, of course—[extradite him].” When he is caught in France, he's going to Ireland, to face two years for that, or so.
They couldn’t solve the problem, but you see, with a catalog of 32 deeds, it was not easy. But, they found out that they did not solve everything in that \[i.e., \text{by creating a book of 32 different crime types for the EAW}\]. That’s what I mean with gaps. You should not perhaps call it “gaps,” but there are different interpretations of the provisions in Europe, and this is still a problem, but you see that it is also not a percentage. It’s a very small problem, but it is one. For the people connected to these things, it is a real problem. But, statistically, it is something you can’t or shouldn’t talk about.

Building on the interview transcript excerpt presented above, one problematic area concerned the employment of undercover agents in cross-border police operations. This issue was raised in every country. One Belgian police commander summarized the issue by stating:

German law permits [police officers] to work in an undercover case with civilians. In Belgium, it is not allowed. There are differences between those countries.

In Belgium, [those who go] undercover must be a police [officer]. But in Germany, you can be a civilian [and work as an undercover agent]. Sometimes, it makes problems, because the undercover surveillance in Germany comes to Belgium for a transaction, but the law in Belgium doesn’t allow that. It makes problems. (Belgian Police Commander, Interviewee 20)

So, when the international legal framework does not explicitly address a matter, the matter is regulated by the respective national laws. Naturally, international cooperation is complicated when the national laws differ.

8.3.2.5. Resources: Money and Manpower

Many of the interviewees reported that the variables of money and manpower are very important in the process of international police and judicial cooperation, and that moreover, these two variables are related. Specifically, an increase in funding allows for an increase in manpower, and a decrease in funding results in layoffs. Consider the following sampler of responses, which represent the dominant view among the interviewees in this regard:

The police agencies don’t have enough manpower. It is the same for us. It is a question of money. (Belgian Prosecutor, Interviewee 41)

*   *   *

It is always a question of manpower and money. I can have all the will, but if I have no manpower, I can’t do anything. (German Prosecutor, Interviewee 11)
Although these two variables could be examined separately, the following discussion examines these variables in tandem, because of their relationship to one another (i.e., two sides of the same coin). Since these two variables are tied to the different criminal justice systems of the three countries (see Chapter 6 above), the following discussion examines these data by country, beginning with The Netherlands.

8.3.2.5.1. The Netherlands

In the present time of global economic crisis, The Netherlands, as well as the other countries under study, are feeling the effects. In identifying money as a variable that influences international police and judicial cooperation, one Dutch prosecutor stated:

And then, there is money, and these are difficult days. I don’t have to explain to you the period we are in, or the time. (Dutch Prosecutor, Interviewee 8)

While the Dutch police have been able to secure funding for technologically advanced equipment, the situation is not as bright with respect to the acquisition of human resources. As was explained in Chapter 6, the Dutch have less police officers per capita than their neighboring countries (see Table 6.1 above). The lack of police capacity is a direct result of a large workload and decreasing budgets. One Dutch police commander stated:

But the police in The Netherlands... get less money, less money, and less money... (Dutch Police Commander, Interviewee 31)

This was echoed in a separate interview by a German prosecutor, who stated:

I have read in the Dutch papers that the police in South Limburg will have to cut their budget for next year [2011] from 8.5 million Euros to 6.5 million Euros. (German Prosecutor, Interviewee 11)

The performance of the Dutch police with respect to their annual “Target Agreement” has typically determined the amount of funding that the police will receive the next year. Specifically, if the Dutch police are unable to meet their “Target Agreement” for the year, their funding may be decreased for the next year. Recall that the main problem here is that the Dutch “Target Agreements” do not recognize the efforts of the Dutch police in South Limburg toward international police and judicial cooperation. Interestingly, however, in a follow-up communication in 2013 with respect to whether the total budget for the Dutch police in South Limburg has been decreasing in recent years because they
have not been able to meet their “Target Agreements,” one Dutch police commander stated:

Fortunately, no. We could prove that we could not get the target because the budget was too low. Now our police is re-organized. [The] Region Limburg South does not exist anymore. Now we have the national police force and unit Limburg (the old south [Limburg] and north [Limburg] together)... (Dutch Police Commander, Interviewee 26)

Nevertheless, since the Dutch have been feeling the pressure to cooperate from their neighboring countries, in addition to policing their own problems, the Dutch police have experienced a lack of capacity in matters concerning international police and judicial cooperation. This was the most common complaint advanced by the Belgians and Germans about the Dutch. The Dutch are well aware of this particular shortcoming, and a number of Dutch officials readily admitted to this problem. Consider the following exchange that took place between the researcher and one Dutch prosecutor:

**Interviewer:** What things make cooperation fail?

**Interviewee 29:** For the Dutch police, it’s mostly a lack of capacity. That’s the [biggest] Dutch problem for the foreign countries, because when they want to start an investigation, there are [many] police [officers] involved, but then, the MLAs can’t be done, because there is no capacity. That’s the [biggest] complaint from the foreign countries to us—that we have to tell them that, “We don’t have enough police [officers] to do the job.”

The lack of police capacity in The Netherlands is extremely problematic in the context of international cooperation, to the point that it creates resentment among the Belgian and German police and justice officials. This, in turn, impedes international police and judicial cooperation. Consider the following statements, gleaned from separate interviews:

There is often a lack of capacity... particularly in The Netherlands, and, this is what they use as an excuse if they don’t execute things the way the other side would like to have it [done]. (German Prosecutor, Interviewee 38)

*   *   *

There is another case [scenario for the process of cooperation]: when you have information that a kind of criminal activity is in Germany, or in Holland, then we give our information to them, but we can’t force them to investigate, and that is frustrating for the police, because in Holland, the police work in a completely different way than the Belgian police. [The Dutch police] have problems of capacity, and so on, and then they say, “We have no capacity to do the investigation.” And that is frustrating for all police officers, but we cannot force them to act.
[So, in this case scenario] there is no investigation, but there is information in Belgium that some criminals are active in Holland or in Germany. Then, we say, “Yes, they are trafficking drugs,” and [the Dutch] do nothing when there is no capacity [laughter]. (Belgian Prosecutor, Interviewee 25)

The lack of Dutch police capacity impedes international police and judicial cooperation to the point that it affects work quality, or it prevents such collaborative work entirely. Moreover, the lack of Dutch police capacity naturally frustrates the Belgians and the Germans. It was reported that, on the one hand, the Dutch often refuse to assist the Belgians and Germans in international cooperation due to a lack of police capacity in The Netherlands. Yet, on the other hand, the Belgians and Germans generally always cooperate with the Dutch when the Dutch ask for assistance.

To conclude this subsection about The Netherlands, it is important to mention that the Dutch are regarded as “powerhouse rainmakers” by the Belgians and the Germans. In other words, the Dutch officials know how to secure government funding. Consider the following statements, which arose in separate interviews with one Belgian police commander, and one German police commander, respectively:

[The Dutch] have the “know-how,” and [the Dutch] have the money to buy some equipment. (Belgian Police Commander, Interviewee 10)

*   *   *

The Dutch police are very well-trained in asking for European money. The German side is really not trained in it, and it’s a problem here on this side. The Dutch police [are] very smart and very clever. They know how to use the potential of the European Union, especially when they have projects, and they ask for money. And the German side is really not trained in it. So, we can learn a lot from the Dutch side. (German Police Commander, Interviewee 34)

So, although the economic times are difficult, the Dutch have the ability to secure funding nonetheless. Clearly, additional funding can help facilitate international police and judicial cooperation.

8.3.2.5.2. Belgium

The situation concerning money and manpower is less complicated in Belgium than in The Netherlands, but remains essentially the same. One Dutch prosecutor explained:
There is also a big difference: police in Holland are very well-equipped with phones and all the facilities, whereas when you go to Belgium, it is really more poor. So, when the police work together, that is no good. You should have all the same materials and equipment. (Dutch Prosecutor, Interviewee 8)

A number of points should be expanded upon in relation to this quote. First, a possible reason why the Dutch “are very well-equipped with phones and all the facilities” may be because they have less police officers per capita than the neighboring countries, and therefore, more money for equipment. Conversely, the reason why the Belgian police may be lacking in terms of equipment could be because they have more police officers per capita than the Dutch (see Table 6.1 above), and therefore may not have the money for new equipment. In fact, some of the Belgian justice officials explained that they no longer have business cards due to a lack of funding.

The lack of funding has a limiting effect on police capacity in Belgium. To illustrate, the following discussion took place between the researcher and one Belgian police commander:

Interviewer: How many additional police officers have you been getting every year?

Interviewee 22: Additional? It’s a negative actually. The police... we lost, actually, in the last three years, about 12 investigators.

Interviewer: Where did they go?

Interviewee 22: Where did they go? The people who retired were not replaced. So, the tendency is to get less investigators actually. So, the context is not very positive actually, for the police.

Consequently, there is a lack of police manpower in Belgium for international cooperation. One Belgian examining magistrate stated:

In Belgium, in Liège, there are only a small number of police officers involved in [international] investigating and cooperation. (Belgian Examining Magistrate, Interviewee 16)

Recall that some Belgian officials explained that it is difficult to identify police officers with the language skills necessary for international cooperation.

The lack of manpower is also apparent in the justice realm. One Belgian prosecutor stated:
Interviewee 12: In Eupen, there is a lack of resources. There are some prosecution offices in Belgium, with a smaller population than Eupen, that have more prosecutors. [Eupen has] four prosecutors... but the minimum is usually six. It is a historical development.

Interviewer: How does that affect cooperation?

Interviewee 12: We do the best that we can.

Yet, very interestingly, the lack of manpower in Belgium in both the police and justice worlds does not seem to hinder international police and judicial cooperation in the Meuse–Rhine Euregion. In one interview, two Belgian prosecutors explained how the Belgians make it work despite their limited resources:

Interviewee 25: When we tell our police that, “You have to do this case,” then they will do that. But in Holland, they will say, “No, we have no capacity” [laughter] to the magistrate, and that is not possible in our country...

Interviewee 24: If there is something, we will do it...

Interviewer: And Belgium always helps?

Interviewee 48: Yes, but we also do not have unlimited capacity.

Interviewer: So, how are you always able to help?

Interviewee 48: Because it takes longer, and our police handle more than one case at once. Our police—the drug section—they have several cases going on at the same time. While in The Netherlands, they form one team, to investigate one case.

Interviewee 25: And then all priorities are on that case. But then, people have priorities on their own cases, and then they have to...

Interviewee 48: Then, sometimes, it takes a bit longer to execute...

Interviewee 25: In The Netherlands, when they arrest someone, there is a specific time period within which they have to bring the case before a court. I think it is 90 or 100 days. So, if you have someone in custody, you have to work against the clock. [In contrast], we do not have a time restraint. We do not have a time limit. It also comes back to what we said that we have several police officers who are working on several cases at the same time. Since there is no time limit on it, it takes a bit longer. But, if you want to combine those two—with them having to finish a case within 90 days, and [us] working at our pace—it sometimes conflicts.

As will be discussed in greater detail below, the “principle of opportunity” is operative in Belgium, which means that Belgian police and justice officials have the opportunity to choose which cases they want to bring to justice—like the Dutch. This is significant, because it means that Belgian and Dutch officials can choose not to pursue certain investigations, for various reasons. Yet, for the most part, however, the data revealed that
Belgian police and justice officials are very cooperative with the Dutch and Germans with respect to the process of international police and judicial cooperation. In other words, although Belgium and The Netherlands both have a lack of resources, the Dutch explained that their lack of capacity hinders international police and judicial cooperation, while the Belgians indicated that their lack of capacity does not hinder international police and judicial cooperation as much.

8.3.2.5.3. Germany

According to Table 6.1 above, Germany has more police officers per 100,000 people than The Netherlands, but less police officers per 100,000 people than Belgium. In other words, Germany is in the middle in this regard. Interestingly, however, the interviewees did not readily make reference to a lack of funding or manpower in Germany. Prima facie, the data suggest that Germany is quite strong with respect to funding, manpower, and resources as compared to Belgium and Germany. Recall that one Dutch police commander stated:

And, we had the luck that, for instance, in Aachen, just across the border, they have what they call a “hundertschaft” [in German],” [which means “group of one hundred”], and that is a mobile squad that is available 24 hours a day for major incidents. So, we don’t have such a team here in our region. The “Treaty of Enschede” (2005) says that, in the worst case, we could ask our German colleagues to help us, so when we have unforeseen trouble with hooligans, for instance, and knowing that there is a squad of 100 German police officers just across the border, it’s much easier to get those 100 men here in five minutes, than it is to get my Dutch colleagues from Eindhoven, or wherever. (Dutch Police Commander, Interviewee 31)

This was corroborated by an astute German prosecutor who, when asked to comment on whether the German police are well-resourced (i.e., money and manpower), stated:

[The] German police [are] “well-resourced”—equip[ment], money, and manpower—at least better than [the] German judiciary. And the manpower is far better than with [the] Dutch police. [Emphasis in original] (German Prosecutor, Interviewee 38)

Germany’s strength in terms of funding, manpower, and resources was all the more interesting considering Germany’s philosophical “principle of legality,” which directs that all criminal offences discovered by the police must be prosecuted. Yet, also recall that
one German police commander explained that there are not many entrenched/formalized job positions for international police cooperation in Germany:

We don’t have so [many] functions [available] for international cooperation. In the Dutch Joint Hit Team, there are two German functions. And in the EPICC, there are four German police [officers] here from Aachen. So, totally, we have six people on the Dutch side, from 1200 [German police officers] who are working... [on the Joint Hit Team]. (German Police Commander, Interviewee 34)

Despite the minimal formalized contribution of Germany toward international cooperation, there were no complaints toward the Germans by the Belgians or the Dutch because the Germans appear to almost always cooperate with their international colleagues when the process of cooperation is engaged. Germany and Belgium are quite similar in this regard. Upon further probing, however, a larger picture was offered by a German police commander, who explained:

Unfortunately your impression... [that] the... German police and also the Aachen Metropolitan police [are “well-resourced”] is not appropriate. We have [been getting much less] manpower, as well as funding... In the late 1980s, policy aimed for a proportion of 1 police officer by 400 residents. At this moment, we have a proportion of 1 [to] 500. In addition to this, many police officers—most[ly] female—work part-time. And also, there are much more tasks than in the 1980s: domestic violence, protection... So [the] police [have] great problems to [overcome in order to] fulfil their duties. Starting... 2017, and lasting for the next ten years [thereafter], every year... 2,000 to 2,500 [police] officers [will] leave service by pension. We engage now 1,570 new trainees in one year. So, it will become... worse.

The criminal investigation department [especially] has big problems. The medium age of the department is above 50 years [old]... The crime rate is climbing each year... Presently we drive six homicide investigations with eight officers in our crime scene division, four of them aged around 55. Unlike... the uniformed police, the education of a detective lasts for four to six years. So, unfortunately I guess... I will experience the breakdown of the department before I’ll go with pension. The same is about the money. We [get] constant[ly] less cars, less [police officers], less training, and education. (German Police Commander, Interviewee 34)

This passage is yet another reminder of how this is also a study of perceptions, and that not all perceptions are factually correct, as this German police commander attested. So, while the data at first suggested a perception that the German police are “well-resourced” as compared to their Dutch and Belgian counterparts, it appears that all three countries are working with a lack of resources.
8.3.2.6. Crime-Fighting Policies / Priorities

Crime-fighting policies/priorities also influence the process of international police and judicial cooperation in the Meuse–Rhine Euregion. On the one hand, different crime-fighting priorities between the three countries impede international cooperation. The dominant view in this regard was proffered by a Belgian police commander:

The problem with Holland is [that] the priorities of the Dutch police are very separate [from Belgian priorities]. The Dutch police are just basically working on their own priorities. If we ask [the Dutch] for some cooperation, in something which is not a Dutch priority, then it is, let’s say, impossible to get some aid. (Belgian Police Commander, Interviewee 19)

On the other hand, similar priorities facilitate international cooperation. One Belgian prosecutor attested:

[If] both countries have the same interests... then it is very simple to cooperate. (Belgian Prosecutor, Interviewee 24)

The interviewees provided numerous case examples and in-depth explanations to illustrate these points. The highlights of these data are presented below.

8.3.2.6.1. Different Crime-Fighting Policies/Priorities

The most commonly cited example of differing crime-fighting priorities concerned the different approaches to drug crime across the three countries. Indeed, the interviewees explained that the Dutch have a very tolerant approach to drugs, whereas the Belgians and Germans have strict laws prohibiting all drug use and trafficking. One Belgian prosecutor stated:

If you’re talking about drugs, of course, there are differences in law. In The Netherlands, they are more open to drugs than in Belgium and in Germany. For instance, in The Netherlands, they have “grow shops” where you can actually buy stuff so that you can grow your own plants. In Belgium, it is not allowed. But, you can imagine that people who want to grow drug plants—cannabis or hash or whatever—they can just go to The Netherlands, buy lamps, fertilizers, and all the ingredients that they want, and they can start their own plantation in Belgium, and just grow drugs. I think, especially when you’re talking about drugs, that is a big problem that we have, because it is stupid to think that it is going

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133 For all intents and purposes, these two variables proved to be essentially one and the same. Therefore, these two variables are treated together as one in this subsection.
to be contained to The Netherlands only. With the European Union and the further integration and cooperation in the European Union, we can just travel from one country to the other, without being stopped at the border. So, it is also easy to come to The Netherlands and shop, buy a pair of shoes, or go to a restaurant here, and then just stop at one of the “coffee shops” or “grow shops,” pick up your drugs, and go back to Belgium or Germany. So, that is also the difference in policy, especially when you’re talking about drugs, and it causes problems. [Emphasis added] (Belgian Prosecutor, Interviewee 15)

Other police and justice officials across the three countries confirmed that the crime-fighting priorities of Belgium and Germany are quite similar, and it is the Dutch divergence from those priorities in particular that hinders international police and judicial cooperation.

There are several reasons why there are differences with respect to crime-fighting priorities between the three countries. First, crime-fighting priorities are set at the national level in each country. Next, the countries are given freedom to address district-level crime-fighting priorities within the context of their own national safety plans. Then, priorities also differ between the officers in charge, considering their investigative units’ particular caseloads. One Belgian police commander described this multi-level framework for priority setting in one statement, with the interview dialog proceeding as follows:

**Interviewer:** You mentioned that there are differences in policy even at the district level. Can you please give me an example? How do the policies differ between the districts, particularly in Belgium?

**Interviewee 20:** When I say that there are differences between police districts in Belgium, it’s because each police district has its own criminal politics [i.e., politics/priorities relating to crime-fighting and prevention]. In Belgium, every four years, the federal political authorities create a National Safety Plan. This plan sets priorities in the various criminal phenomena. Each decentralized judicial police is made to follow this plan, while being granted the freedom to also address local priorities. These priorities are not always the same between the police districts because of the local priorities.

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134 This fact was confirmed in the literature by Spapens, who commented on how Belgium and The Netherlands compare in this regard. In his words: “At the national level, the Minister of Justice sets the investigative priorities. He, in turn, will be led in part by joint priorities formulated by the EU. For instance, synthetic drugs, money laundering and human trafficking are priorities throughout the whole of the Union. The member states may also set specific priorities. A major difference between The Netherlands and Belgium relates to predatory crime. The Belgian authorities consider predatory crime, especially when committed by itinerant groups, an important investigative priority. In The Netherlands, however, predatory crime is not a priority except for burglaries in private houses” (Spapens, 2010:90).
It’s one of the reasons [for] this difference. When we have discussions with The Netherlands or with Germany, it can be a problem. In the last example you spoke [about with] me, the Dutch and Germans will constitute a police team (i.e., Joint Investigation Team), to fight against a criminal phenomenon [that] is [not] a priority for Belgium. In that case, there was another problem. The [preliminary investigation] carried out by [the] Dutch gave a report on [factual case ties] with Germany, but not with [Belgium]. It is for this reason [that] we do not wish to invest in this JIT. We are ready to support transborder collaboration, but by respecting the principles related to the established priorities.

A last thing which can play and create a difference between the Belgian districts… is the sensitivity of the persons in charge with respect to their own workload [i.e., the “principle of opportunity”].

Interviewer: Can you please give me a specific example that shows how the local priorities between the districts in Belgium are different? For example, is the main crime-fighting priority of Liège stolen vehicle trafficking (?) while the main crime-fighting priority of Verviers is drug trafficking (?) (or another crime type)? In other words, what are the main crime-fighting priorities of two or more Belgian districts in the Euregion?

Interviewee 20: The district in Belgium must develop crime-fighting priorities, depending [on] their size. For example, a district like Verviers must develop three crime-fighting priorities, Liège, five, and Eupen, only one. For Verviers, the three priorities are drugs, [trafficking] of human beings and itinerant criminality, which concerns mainly organized burglaries. Liège has the same priorities like terrorism and economic fraud, I mean. Eupen has only itinerant criminality. Those priorities are issued [by] the federal plan… stolen vehicle trafficking is not a priority in Belgium…

To re-capitulate, crime-fighting priorities are determined at the national, district, and local levels in each country.

To further complicate matters, there are also differences between the countries in terms of which officials set priorities at the operational level (i.e., police vs. prosecutors). One Belgian police commander explained:

The priorities, for example, are set in The Netherlands by the prosecutors, and in Belgium, it is the police who say, “For us, those are the priorities,” and the [Belgian] prosecutor agrees. (Belgian Police Commander, Interviewee 43)

Recall, however, that there is some major confusion/tension about who leads investigations, with each profession stating that they are the ones who lead investigations (see Chapter 6 above). It appears that the same phenomenon is present in these data.
concerning priority setting. Specifically, the above-noted statement was made by a Belgian police commander (Interviewee 43) who explained that it is the Belgian police who set the priorities. Yet, the Belgian prosecutors stated that Belgian prosecutors are the ones who set the priorities. For example:

   I think we have more problems with The Netherlands, because in Belgium, the prosecutors give the priorities, but in The Netherlands, it is the police that give priorities to the kind of criminality that they will target. For us, it is very difficult, because for us, it is very important, whereas for them... It is more difficult with The Netherlands, but we find solutions. (Belgian Prosecutor, Interviewee 6)

Regardless of who exactly is setting the priorities at the operational level, the main point is that the priorities are being shaped by the officials themselves to some degree.

**Different Philosophical Principles Regarding Law Enforcement: The “Principle of Opportunity” vs. The “Principle of Legality”**

The different philosophical principles guiding law enforcement efforts in the different countries also shape crime-fighting priorities. Many of the interviewees across the countries and the professions confirmed that this is an especially influential factor in international police and judicial cooperation. Specifically, Belgium and The Netherlands operate according to the “principle of opportunity,” whereas Germany operates according to the “principle of legality” (de Doelder, 2000:188; Joubert & Bevers, 1996:521; Knippenberg, 2004:617–618; Parmentier *et al.*, 2000:172; Spapens, 2008:48; Spapens, 2010:89, 90; Van Daele & Vangeebergen, 2009:96). Fijnaut and Spapens (2010:117–118) explained the differences between these philosophical principles:

   In Germany the principle of legality applies, which means that a criminal investigation always has to be conducted when the police or the public prosecutor become aware of crime. The investigating authorities are obligated to do so. In Belgium and The Netherlands, however, the opportunity principle applies, which gives the public prosecutor more freedom of choice about whether to investigate or not.

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135 Indeed, research by Parmentier *et al.* (2000:180) showed that approximately 74% of the files that come before Belgian prosecutors are dismissed due to the “principle of discretion/opportunity.”

136 In Germany, however, prosecution of the offence may be precluded if “…matters of law or fact render [prosecution] impossible” (Joubert & Bevers, 1996:521).
These philosophical principles can sometimes conflict, especially when The Netherlands is involved, since as discussed in Chapter 6 above, the Dutch have developed an elaborate process by which potential cases will be evaluated (i.e., the “Weigh Commission”). One Belgian examining magistrate explained how the Dutch “principle of opportunity” sometimes poses problems for international cooperation:

But, of course on the other hand, across the border, then there is a policy made by the public prosecutor in Holland that it “sometimes” can intervene (i.e., the “principle of opportunity”). For instance, if a suspect who we think is important enough to investigate, but the public prosecutor in Holland says, “We don’t have capacity for that now,” or “We don’t think he’s important enough at this time”… so, it can sometimes be a factor of influence. (Belgian Examining Magistrate, Interviewee 7)

These facts were echoed by the German officials. One German prosecutor stated:

The problems that we have with the Dutch are the problems of drug cases, because they have the “principle of opportunity” in The Netherlands, and there are big drug dealers sitting here in the region—everybody knows that—who are not prosecuted because of the fact that [the Dutch] say, “We don’t have the people, or the money to open up a very efficient investigation.” So, they don’t do anything. And, in Germany, people say, “They are crazy,” but this is a difference of the legal system. In Germany, you are forced to do something, even against the little drug dealers. [In The Netherlands], sometimes, the big bosses are not touched by the judiciary. This was now, from the German point of view, let’s say, that is something negative about the Dutch. Everybody knows it, and we sometimes make jokes about it. But on the other hand, I am not here to say, “The Dutch are crazy—they don’t do anything.” This doesn’t help. You have to see what can they do? It is the climbing between the boats of what can they do, and what should they do. I always try to say, “Okay, I know your problems, but from the German point of view, this is incredible. You should do something.” (German Prosecutor, Interviewee 38)

In contrast, Belgium’s interpretation of the “principle of opportunity” surprisingly appeared to be more along the lines of the “principle of legality” in the present dataset. Indeed, although Belgium formally purports the “principle of opportunity,” a number of the officials, including Belgians, reported that Belgium operates according to the “principle of legality,” like Germany. Recall that one senior Belgian prosecutor stated:

For example, look at [the Dutch] using cannabis. In The Netherlands, it’s a human right [laughter]. So, this of course brings conflicts towards Belgium and Germany, where it is a crime! In more serious terms, the “principle of legality” in Germany and Belgium, versus the “principle
of opportunity” in The Netherlands, and the resulting concentration on projects in The Netherlands... [Emphasis in original] (Belgian Prosecutor, Interviewee 2)

In sum, a range of factors create a situation wherein crime-fighting priorities can vary between the different countries. In this time of limited funding and manpower, differing priorities often preclude international police and judicial cooperation, since every police and justice official should be addressing their own crime-fighting priorities at the district and national levels.

8.3.2.6.2. Finding Common Ground: Setting Priorities Together

To help encourage convergence, the police and justice officials in the Meuse–Rhine Euregion have entered into discussions about the importance of their respective crime-fighting priorities. One Belgian prosecutor provided more insight as to how the countries have been finding common ground with respect to crime-fighting priorities:

But, the big problem is narcotics, because the situation in The Netherlands was different from that in Belgium, where everything is prohibited totally. And that was different in The Netherlands. But now, the climate seems to change in The Netherlands, but for a long time, they said “No, that’s not important for us.” For the Belgian police, the “soft drugs” have always been important, because that is forbidden here. So, that was sometimes a difference; when we ask for mutual legal assistance, then they were not always helping us, or doing what we ask. But, also... due to the meetings in Maastricht, that has changed things in the Meuse–Rhine, because we kept on saying that, “It’s important for us,” and “Please, we have to do this.” And, in the end, they did it. (Belgian Prosecutor, Interviewee 13)

Indeed, the continued discussions in the Euregion have brought about common crime-fighting priorities for international police and judicial cooperation, with the targeting of drugs being one. One Dutch police commander provided insight as to how the Dutch are controlling the drug problem, with the interview unfolding as follows:

**Interviewer:** With respect to how the different policies cause problems, has anything been done to improve cooperation in that regard? I read a newspaper article that said Dutch drug policy may become stricter.

**Interviewee 3:** Yes, we are going that way. Total tolerance—that’s gone in Holland with the Dutch. We are now trying to get some control over it. So, the buying of soft drugs, only three or four years ago, there were 500 places in Heerlen that you could buy hashish or marijuana, now there are only 10.
Interviewer: It is decreasing and it’s getting under control.

Interviewee 3: Yes, it’s getting back under control. And, the border cities of The Netherlands that have “coffee shops” where you can buy drugs, they bring the “coffee shops” to the border. So, the effect is that the criminals don’t come into Holland but stay more... [on the outskirts]...

There is political pressure from Germany, and France, and Belgium, to break the tolerance. So, the pressure from all the countries on Holland, that “You are too tolerant,” now, we are going back [and becoming less tolerant].

Other interviewees confirmed that the Dutch are starting to control the drug problem.

To this end, one Belgian police commander stated:

That’s what you see in the last few months; they are very much changing in The Netherlands. Three or four years ago, they didn’t have a problem with drugs. Now, it is priority number one in the Euregion. Now, [the Dutch] are saying it, and they do something about it. But four or five years ago, they didn’t have a problem with drugs. But now, it’s better for us [in Belgium]. They recognize the problem, and they do something about it. The will to change is there, and certainly at our level [i.e., the police commander level]. Then, [beyond our level], you are going to the politician [level], and that is different again. (Belgian Police Commander, Interviewee 44)

The convergence of drug policy between the three countries has helped to facilitate international cooperation.

To help enhance international cooperation, the police and justice officials in the Meuse–Rhine Euregion also set crime-fighting priorities together. Consider the following exchange that ensued between one Belgian police commander and the researcher:

Interviewee 22: Yes, the priorities are on a strategic level. The priorities are... you know the problem of drugs? Well, the problem of drugs was not a priority in The Netherlands, for instance. We have a big problem of drugs in Belgium. So, that is the reason why, for the past two years, there have been some meetings between the prosecutors in the Meuse–Rhine Euregion once a year that define some common priorities. It is called “The Strategic Conference of the Prosecutors of the Meuse–Rhine Euregion.”

Interviewer: Is that the one that happened in December?

Interviewee 22: Yes.

Interviewer: Is everybody invited to that?

Interviewee 22: Yes, and also the chiefs of the judicial police are invited to participate in the debate there.
In a separate interview, another Belgian police commander put the Annual Strategic Conference into context, by speaking about the different roles of the officials in identifying crime-fighting priorities:

You know, something like the Strategic Conference that we have... Some people say, “Well, it took a long time before we had this,” but you must know that, in Germany, the one who makes the priorities in the fight against criminality [is] the police. They don't have to talk with the prosecutors to make a strategy on the fight against crime. Here in Belgium, it's the prosecutors that say what are the priorities, with police. So, if you tell a German colleague, “Now, you have to go and sit at the same table as your prosecutor to talk about a strategic [plan for police/justice],” he says to you, “But that is none of his business. That’s my business!” So, it’s a real great step to have a strategic conference between three countries, with diverse competences, authorities, and so on. (Belgian Police Commander, Interviewee 36)

So, it is the officials themselves who have the ability to persuade one another as to the importance of their respective crime-fighting priorities. These “Masters in Cooperation” help harmonize the crime-fighting priorities between the three countries, and in turn, help facilitate international police and judicial cooperation.

8.3.2.7. Accountability and Control

Typically, in all organizations, there is management oversight to ensure that the job functions are being performed correctly. With respect to international police and judicial cooperation in the Meuse–Rhine Euregion, the two main structures that facilitate cooperation are NeBeDeAgPol and the BES, yet these two structures do not oversee or administer punitive “corrective actions" in the case of failures in international police and judicial cooperation.

The interviewees explained that the oversight in international police and judicial cooperation is primarily provided by the officials themselves, in terms of self-accountability and self-control, since they are responsible to their own organization of employment. The dominant view was presented by a German prosecutor who stated:

...you’re responsible to your country and to yourself... your superiors expect accountability and expect that you are controlled... (German Prosecutor, Interviewee 38)

In addition, the Dutch are also accountable to the “Weigh Commission” and work to satisfy their “Target Agreements.” Two Belgian police commanders explained:
Interviewee 10: Accountability and control. This is also, to me, very important, because for the Dutch system there is some kind of... not only quality control, but when they start an investigation, they tell the team leader, “You get eight people to do, for four months, your investigation, and these are your goals.” And afterwards, maybe the team leader is saying, “Oh, four months... that’s not enough. I need some more time.” [In that case], he has to appear before the [weigh] commission, and the commission has to talk about [the length of additional time required for the investigation], and the commission has to agree [to give extra time]. This is accountability.

In Belgium, we don’t have that, but we are working on it—research/investigation management. We are just introducing a new management theory/system that, the longer [time goes on], the more we are indeed going to talk about terms, periods, and goals, what do we want to reach, and maybe we are running an investigation for four months, but the goals we want to obtain... if we don’t get there, [then] okay, stop the investigation. Maybe there is a criminal organization busy doing something, but we can’t reach our goals, let’s say within half a year. Okay, stop. Together with the prosecutor, we decide to stop and do something else, in order to weigh the costs and the benefits.

Interviewee 9: But nowadays, the longer [time goes on], the more that they are going to that type of working, here in Belgium too. But nowadays, we work, you get a case, and have time to work on it.

Interviewee 10: Let’s say, today, nobody from intelligence is coming to me [to tell me] about somebody doing human trafficking... Nobody is telling me, from the very beginning, how much time I can spend on my investigation, how many people/investigators I can use, what are my goals. We can decide on our own, together with our prosecutors, okay. But, in Holland, the system is very strict with the “Weigh Commission,” they analyze the group, then, you get a “go,” then you work from start to finish.

Interviewee 9: And now, here in Belgium, you don’t have a [set working] period. You can work as long as you think you need to [reach] your goals.

Interviewee 10: And, of course, within a certain [time] period, we have our contacts with the prosecutor, who is telling [us], “I want you to stop. Maybe we had enough in this case,” or “Maybe I want to go international rogatory commission,” or whatever, or not. So, we decide it together in the moment—on the go—not in the very beginning.

The Dutch model of accountability and control is interesting, since it is not designed to oversee international cooperation *per se*, but nonetheless has a significant hindering effect on Dutch involvement in international police and judicial cooperation. Recall that the Dutch will only work on cases that satisfy Dutch priorities, which is not very cooperative in the international sense of the term. Recall also that the Dutch “Target Agreements” do not recognize or reward Dutch involvement in international police and judicial cooperation efforts, which makes such activity unwise for the Dutch to participate in...
because they will probably lose funding for the next year if they do not reach their annual “Target Agreement,” even though international cooperation is said to be a Dutch priority.

8.4. Summary

In responding to Research Question #3, the interviewees explained that an overwhelming number of individual, interpersonal, and organizational-level variables influence (facilitate/impede) the process of international police and judicial cooperation in the Meuse–Rhine Euregion. Specifically, the interviewees confirmed that most of the deductive variables identified by the organizational behavior literature do in fact influence the process of international police and judicial cooperation in the Meuse–Rhine Euregion. The interviewees also reported that a number of inductive variables (i.e., not identified by the organizational behavior literature) also influence the process of international police and judicial cooperation in the Meuse–Rhine Euregion. Appendix I below presents a list of the influential variables in the form of a table, complete with notations as to their facilitative or impeding influence on the cooperation process, and in keeping with the color scheme used in Chapter 7 above. The table in Appendix I can be viewed as a “score card” of sorts, since it allows readers to quickly see what is working in the Euregion, and the areas in need of improvement. Generally speaking, the points of convergence between the three countries help to facilitate international police and judicial cooperation, whereas the points of divergence function to complicate/impede international police and judicial cooperation.

As well, the present chapter revealed that most of the variables influencing international police and judicial cooperation are located at the micro- (individual/interpersonal) level. This is a very significant finding, because it means that international police and judicial cooperation is a specialist’s job. Accordingly, police and justice officials possessing the necessary skills/attributes can help control many of the variables that influence the process of cooperation, and thereby help the process function more smoothly and with greater success.

Facilitative variables are highlighted in green and notated with a “+.” Impeding variables are highlighted in pink and notated with a “−.” Finally, variables deemed to either facilitate or impede cooperation, depending on certain circumstances, are highlighted in yellow and notated with a “+/−.”
The data also revealed additional information about how the variables interact with one another, to create the organizational behavior that characterizes international police and judicial cooperation in the Meuse–Rhine Euregion. This finding is in consonance with the organizational behavior literature, which purports various models as to how variables interact and influence one another to create organizational behavior (see Chapter 4).

8.4.1. **Looking Ahead**

Representing the last findings chapter in this dissertation, Chapter 9 brings the “story” of international police and judicial cooperation in the Meuse–Rhine Euregion to a close, by presenting the officials’ views with respect to how the lengthy step-by-step process of international police and judicial cooperation may be improved, as well as how the enterprise may be advanced as a whole. The approach taken in Chapter 9 is holistic, meaning that all of the findings from the previous chapters are considered, including the conceptual and legal frameworks, so as to answer Research Question #4.

We found that if you do not organize the structure, international law enforcement cooperation depends on coincidence. (Dutch Prosecutor, Interviewee 39)

*   *   *

[I]f you want to make sure that cooperation will not depend on the goodwill of some persons, you have to create a structure for it... So, the structure needs to be strategic, but also [tactical]... It has to be based on needs... [B]ottom-up is important too: that is to make sure that you stay based on needs. (Belgian Police Commander, Interviewee 36)

*   *   *

If you solve the basic problem—it’s a structural problem—then, you have won a lot. (German Prosecutor, Interviewee 11)

This final findings chapter tells the remainder of the “story” of international police and judicial cooperation in the Meuse–Rhine Euregion by exploring the various ideas percolating among police and justice officials with respect to how such cooperation may be improved. The data revealed that this endeavour should be approached in two separate ways, so the present chapter is organized accordingly.

First, one should examine the lengthy step-by-step process of international police and judicial cooperation, with an eye to controlling the hindering variables, so as to help ensure speed and success in international cooperation every time the process is engaged. When asked, “What could be done to improve the hindering variables influencing the process of international police and judicial cooperation?” many of the police and justice officials simply said something to the effect of, “Flip them—in the mirror,” meaning that the variable values that are hindering the process should be changed to the opposite of what they are, so that they become facilitative (i.e., if “no trust” is a problem, then build trust by involving trustworthy police and justice officials in the process). For the sake of brevity and clarity, these findings are simply summarized in a table (see Appendix J below). Upon reviewing these findings in the form of this table, it will become clear that most of the influential variables are situated at the micro-level, and therefore can be controlled by
having the right people involved in international police and judicial cooperation (i.e., specialists). These findings are presented here to: (1) fill the gap in the published literature regarding how to improve the variables that hinder international police and judicial cooperation in the Meuse–Rhine Euregion; and (2) answer Research Question #4 by arguing that, although some officials are pessimistic/doubtful that the current status quo can be changed, the process of international police and judicial cooperation in the Meuse–Rhine Euregion can be improved by recognizing international cooperation as a specialist’s job, and accordingly allocating such work to qualified police and justice officials who possess the required attributes, so as to control the micro-level variables that influence the process of cooperation, and help increase the chances of success in cooperation.

Second, one should also consider how the enterprise of international police and judicial cooperation in the Meuse–Rhine Euregion may be advanced as a whole. When asked, “If you were ‘king/queen for a day,’ what would you do to improve international police and judicial cooperation in the Meuse–Rhine Euregion?” the police and justice officials offered many responses that they referred to as “utopic.” They also continued telling the story of international cooperation in the Euregion, by offering more information about the evolution of some plausible ideas. In some interviews, however, the interviewees engaged in psychological game playing with the researcher by responding to every good/possible idea with “Yes, but...” The data went on to reveal that these police and justice officials have been playing the same psychological games with their cross-border colleagues, as a means to regain power and control in the currently unbalanced/unfair situation. In addition, data also surfaced with respect to the variables of group decision-making and organizational change, so these variables are also addressed in the present chapter. Upon reviewing all of the findings gathered for this study in a holistic manner, it becomes clear that, despite the natural assumption that the players in international police and judicial cooperation are all equal, there is currently inequality and a lack of fairness between the stakeholders. Consequently, a power struggle has ensued between the police and justice officials of the three countries in this Euregion with respect to the ownership/control of any new entities/structures that may be built to further advance cooperation, which has resulted in deadlock. These findings are presented here to: (1) address the paucity of literature regarding how to advance the enterprise of international police and judicial cooperation in the Meuse–Rhine Euregion;
and (2) answer Research Question #4 by arguing that the power struggle and deadlock between the three countries can be overcome by ensuring complete equality/fairness between the stakeholders going forward.

9.1. Improving the Process of International Police and Judicial Cooperation by Controlling the Variables

Naturally, some of the variables that influence the process of international police and judicial cooperation may be controlled to better facilitate cooperation (i.e., hindering variables can be removed entirely or changed to become facilitative). Accordingly, the researcher’s first approach toward Research Question #4 was to ask the interviewees, “How can international police and judicial cooperation be improved with respect to the variables that influence the process of cooperation?” The interviewees naturally responded by explaining that they should continue the things that are working (e.g., meetings, getting to know each other), and change the things that are not working (i.e., if “problem personalities” are involved, then “helpful personalities” should be involved instead). For example, upon delving deeper into the examination of what can make the process of international police and judicial cooperation easy and successful, the following exchange ensued with one Dutch prosecutor:

**Interviewer:** So, those are the problems that make cooperation difficult. What are the things that make cooperation easy? Are they just the same variables that you mentioned, but flip them?

**Interviewee 8:** Yeah, in the mirror. Yeah, and I think that you have to have the right persons at the table. And I do not mean in position [i.e., job function], but I mean persons [i.e., personalities/skills]. When you have some people at the table, it will never work; it will just be obstructed—the whole process. It’s about personalities.

This interview transcript excerpt is important because it: (1) summarizes the dominant view among the police and justice officials with respect to what should be done to improve the variables influencing the process of cooperation, and also (2) alludes to a research finding that is substantiated by overwhelming evidence in the present dissertation, namely: *most of the variables that influence the process of cooperation are situated at the individual-level, and therefore can be controlled by the police and justice officials themselves.* As aforementioned, this is a very significant finding, because it means that international police and judicial cooperation should be recognized as a specialist’s job.
Accordingly, the right people with the necessary attributes/knowledge/skills/abilities should be involved to control the hindering variables at the individual-level and improve the process of cooperation. As aforementioned, these findings are summarized in the form of a table (see Appendix J below). Significantly, Appendix J may also be viewed as an evidence-based “Action Plan” for discussion and implementation by the police and justice officials in the Meuse–Rhine Euregion.

Upon examining the table in Appendix J below, it should be clear to readers that the police and justice officials themselves can do a great deal to improve international police and judicial cooperation—even at the organizational-level. Indeed, the negative effects of the seemingly “untouchable” organizational-level variables of criminal justice system differences and different national laws can be mitigated by the police and justice officials, who can take the initiative to advise law makers of the law reforms required to improve the process of cooperation. Arguably, the onus for law reform depends on the practitioners themselves because without feedback from the practitioners as to what is not working, the law makers may not realize what needs to be changed. Therefore, the police and justice officials should take responsibility for items within their purview and do their best to improve the process of international police and judicial cooperation themselves.

Unfortunately, however, the whole enterprise of international police and judicial cooperation is largely “done off the corners of the desks” of the police and justice officials involved, because apart from structures such as EPICC and the BES, there is no structure to facilitate the process of international police and judicial cooperation, which features specialists who are dedicated to international police and judicial cooperation. Therefore, the present scenario has the police and justice officials working from their respective home organizations in their own countries, and there is no control over the individuals who are involved in the process of international police and judicial cooperation whenever it is engaged (i.e., different people may be involved every time, depending on who is available). To be clear, international cooperation is just one component of most of the officials’ respective job descriptions. Since all the police and justice officials are busy

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138 This is an expression, which means that international police and judicial cooperation is not the principle task of most police and justice officials, since it is currently not recognized as a specialist’s job function. Therefore, international police and judicial cooperation is done when the police and justice officials find spare time between their numerous other principle tasks.
with their other job duties, international police and judicial cooperation does not receive the attention and careful control that it should.

Many of the police and justice officials admitted that they had never before thought of the process of cooperation as being subject to multiple influential variables. This likely explains why many of the police and justice officials failed to previously see that the process of cooperation could be improved by controlling the influential variables. If they had realized this, then this study would not have been necessary, since all of the appropriate measures would have ideally already been put into place to control the variables, and international cooperation would theoretically already be functioning optimally in the Meuse–Rhine Euregion. The researcher was able to engage only one wide-thinking interviewee in a discussion with respect to the value and necessity of controlling the variables that influence the process of international police and judicial cooperation. Consider the following dialog that unfolded with one Dutch prosecutor:

**Interviewee 39:** If the JIT is really a good thing to do, then think of a JIT, and make a JIT out of it. That kind of attention is what [the] BES tries to give to international cases. But, your possibilities are not unlimited.

Let’s say, those are the eight detectives on the Dutch side, and three of them are not my favorites. I will not start a discussion on those three; we have to move along. And, those three together with the five—okay, not optimal—but... also, if I was to say to the police about those three, "Could we have some other guys?" They will say, "Mr. Prosecutor, you do your job, and we will make the team. That is our responsibility. And those are the eight that we have free now." So, I hope that the chief of that team will put eight people on the team who know international cooperation. Those are the sociological things that you’re looking for.

**Interviewer:** This is so perfect. Everybody’s talking about the idea of establishing a permanent joint police team of investigators. They are suggesting that, if they were "king for a day," they would like to see a joint police team—with specialists working. So, if this is the case, where you have to have the people with the right attitude, knowledge, and skills, then, wouldn’t it make so much sense to have this joint police team?

**Interviewee 39:** Exactly... Do you want to have to arrange that [i.e., a consideration of the personalities and abilities of the officials involved] for every investigation, again and again? Trying to find the right people? Or, is it better for a region like this to have that kind of a process organized, once?

**Interviewer:** You got it.
**Interviewee 39:** By this argument: skills, information sharing... [*i.e., referring to the argument laid out above]*.

This is what happens now—things have to be done [*i.e., arranged]* again and again, for every investigation. And, every time the question is, if every step is done good, and if it turns out, fine...

In reality, we have all these results [*i.e., successes, partial successes, and failures in cooperation]*.

**Interviewer:** Because the variables are always changing.

**Interviewee 39:** Yes, and the conditions or preconditions are changing every time again, because we don’t have it organized in a structure.

Most of the investigations will end reasonably well—pretty good—and a real minority is very good, if you ask me. So, it is not a negative. I have experience in all for the steps, but 70% will come here [pointing to a piece of paper, indicating success in cooperation].

**Interviewer:** So, what is happening to cause that success? Is it because you’re manipulating the variables in real life? And you are choosing the right people?

**Interviewee 39:** No, no. Mostly, let’s say, people from the judiciary and the police are, of course, professional, and they have a kind of... in countries like Belgium, Germany, and The Netherlands—western countries—police forces are built-up well. They are not amateurs. They have professional standards.

**Interviewer:** But, what you’re saying is if we are currently at 70%, we can manipulate the variables in real life to make it 100% every time.

**Interviewee 39:** Yes, and to make “reasonable” cases to “good” cases, and to make “good” cases to “excellent” cases.

**Interviewer:** Yes. To make that jump you need to manipulate the variables in real life. How do you do that? You are suggesting that you do that by establishing a permanent structure, where all the variables are controlled.

**Interviewee 39:** Yes. That is the only solution. If you have to collect—for every investigation—new investigators again, then you’re hoping that they speak enough German, that they have done international cases in the past. The difference between a national case and an international case is mutual legal assistance—“Did you ever hear about it my good fellow?” A request for mutual legal assistance—“Have you ever seen one?” [*i.e., implying that prior experience with requests for mutual legal assistance is necessary for participation in an international cooperation case]*. If you have to do that every time... and you can’t watch it [*i.e., control for that every time], because the coincidence is too big [*i.e., there is too much room for variance in the variables without a permanent structure to control the variables] in this process...

**Interviewer:** Right now, because it’s open—there is no structure—the variables are not controlled—it is like “chaos” [*i.e., if some of the variables are not controlled, as things currently stand in the Euregion, the results of a case are left to chance—it is left to coincidence as to
which variables come into play and influence the process of international cooperation).

**Interviewee 39:** Yes, and at the decision-making moment... that was the problem we spoke about in the beginning: it might be a decision not to cooperate because the capacity is not there. So it is interesting, because the “total failure” result could be because there was no investigation. That is like saying the grass is purple instead of green. The first thing is that the investigation starts. If we get a “No,” then that variable/factor/variant of capacity will be taken care of, to a certain level, by such an operational police force.

**Interviewer:** Yes.

**Interviewee 39:** Of course, there will be some limits to the capacity. In the Meuse–Rhine Euregion, there is a zone of about 4 million people. I do not think that an operational police [team] could be built up to be big enough to cover all of the cases in that region. Still, they would have to say “No” [to some cases]... but, such a police [team] would say “No,“ knowing why they would say “No,” with a policy [outlining when] to say “No,” because, if we would make a three-country police [team], and above that we would place the BES, [they]—together with the chiefs of that police [team]—could make a strategic [decision] with [knowledge of] “What are the cases we are looking for now?” And then [they] would say, “No” to another one. And, that would not hurt.

**Interviewer:** Yes, you have to have priorities.

**Interviewee 39:** Yes, but if you would [identify] the priorities together [as a tri-national team]... [by asking] “My dear German colleague, what is your opinion?” And “My dear Belgian colleague, what is your opinion on this priority?” Okay. If we all agree that something is a number one priority, we all go home happy. And, the other case, it is not done, it is accepted, because we made the decision together to not do the case by this [new joint] police [team], because the type of crime that we want to catch now is another one [i.e., we have prioritized another type of crime to target]. So, that would be another thing—that you would control these variables, and you would have acceptance—you will have a shared policy and strategy on this—and by that acceptance, there will be a complete acceptance about what is done, and what isn’t done, and why.

The data presented in both Chapter 8 and this first part of Chapter 9 provide the evidence in support of the fourth thesis statement, which argues that recognizing international police and judicial cooperation as a specialty job can help improve the process of cooperation, since specialists can help control the influential variables—particularly those variables situated at the individual-level. This naturally leads into the next discussion, which concerns how the enterprise of international police and judicial cooperation in the Meuse–Rhine Euregion may be advanced by creating appropriate structures—staffed with specialists in international police and judicial cooperation—to control the influential
variables and keep them constantly facilitative. This is discussed in the subsection immediately below.

9.2. Visions for Advancing the Enterprise of International Police and Judicial Cooperation

To discover additional ideas for advancing the international cooperation enterprise, the researcher’s second approach toward Research Question #4 was to ask the interviewees the more open-ended questions of: “If you were ‘king/queen for a day,’ what would you do to improve international police and judicial cooperation in the Meuse–Rhine Euregion? What is your vision for international cooperation?” The interviewees generally began answering this question by stating their utopic visions, each dampered with “realistic” reasons as to why such utopic visions would probably never materialize. After the utopic visions were considered, then the interviewees raised some of their more plausible visions for the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion. The highlights of these datasets are presented below.

9.2.1. Utopic Visions

In stating their utopic visions for the advancement of international police and judicial cooperation, the interviewees focused on a select number of core variables in need

139 The goal should be to control all the variables, so that the same quality of product can be produced every time. This can be analogized to growing hothouse tomatoes. The temperature in the hothouse should be in the ideal range, and the amount of light/water that the tomatoes receive should also be controlled, so that top quality tomatoes are guaranteed at the end of the process. In contrast, if tomatoes are grown wild in a garden or in a field, and the variables influencing the growth of the tomatoes are left to chance, then the results will be left to chance as well. In an uncontrolled environment, many variables may affect the growth of the tomatoes. When the quality of the tomatoes is important, the goal is to control as many of the variables as possible to ensure success, which explains why many tomatoes are grown in hothouses under controlled conditions. This controlled approach toward food production is also observed by the international fast-food restaurant chain McDonald’s®, where all variables are controlled to produce the same McDonald’s food products/tastes around the world. Building upon this idea, and to borrow the contemporary term “McDonaldization” coined by McDonald (2005), the establishment of a structure to facilitate international police and judicial cooperation in the Meuse–Rhine Euregion would instigate the “McDonaldization” of international cooperation, where successful results would not be left to chance, but would be obtained reliably—by design.
of improvement, according to their perceptions. These variables generally concerned, culture, law, and language. For example, one Dutch prosecutor stated:

I would take out the differences. It’s the differences that are the problem. So, I would make one law, one structure, one bag of money, one position for prosecution and police, and work on the culture. (Dutch Prosecutor, Interviewee 8)

This interview transcript excerpt offers an introduction to this particular dataset. Each core utopian vision is examined below in greater depth.

9.2.1.1. One Country—Abolish the Borders

A number of the Belgian and German judicial officials began stating their vision for the improvement of international cooperation by tackling the issue of borders. Consider the following sampler of responses:

I would totally abolish the borders. With the total abolishment of borders, there would be no more international problems. You’d only have national problems. (Belgian Prosecutor, Interviewee 12)

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If it was one country, it would be no problem. (German Prosecutor, Interviewee 11)

Indeed, while the physical border controls between the countries in the Schengen space have disappeared, the borders between the countries remain due to national sovereignty. Considering the trend toward law harmonization, the total abolishment of the borders in Europe may occur in the future. Such an occurrence would facilitate international police and judicial cooperation, because further harmonization of laws and judicial systems would then have to follow.

9.2.1.2. One Culture

Other interviewees stated that having “all one culture” would greatly facilitate international police and judicial cooperation in the Meuse–Rhine Euregion. For example, one Belgian police commander stated:

Same languages for everybody, same race, but no more racial problems. If everyone has the same race/origin, the same culture, and no more religion, that would be a perfect world [laughter]. (Belgian Police Commander, Interviewee 19)
Of course, this is a utopic statement, which reveals the problematic nature of the different cultures with respect to international police and judicial cooperation in the Meuse–Rhine Euregion more than anything else.

9.2.1.2.1. But really, they would not want one culture…

The problematic effects of culture on international cooperation were raised in other interviews, but tempered with qualifying statements such as these, which were made by two Belgian police commanders:

**Interviewee 36:** But one thing is sure, I would not wish for one culture. It is richer to have a lot of cultures, more than to have only one. That would be sad to work in a space with only one culture.

**Interviewee 35:** It is really a passion to work with other colleagues...

As stated at the beginning of this chapter, it appears that the best way to overcome the hindering effects of the *culture* variable is to simply employ police and justice officials who are culturally sensitive and who view themselves as sharing “one culture” with their Euregional partners in international cooperation (see Appendix J).

9.2.1.3. One European Penal Code and One European Legal System

Many of the interviewees stated that they wish to see one European Penal Code and one European legal system, because those changes would greatly facilitate international police and judicial cooperation. For example, consider the following statements made in The Netherlands and Belgium, respectively:

And we don’t have European law. If we had European law [*i.e., the same law across Europe*], it would be faster than every country [*having*] its own national law. (Dutch Prosecutor, Interviewee 29)

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To make the different laws in Europe the same for the same case. Harmonization of the law. We need a European Penal Code. All the law [*needs to be*] the same in each country, but that is not for tomorrow [*laughter*]. (Belgian Police Commander, Interviewee 19)

These points were echoed in Germany as well. One German prosecutor explained:

**Interviewee 11:** …but we can say, “Make the same law for all the three countries.” That would solve the problem. That is what they are trying to do now in Brussels [*by virtue of*] a new commission. They say that
Europe is different countries, but we have to come to a [point] where it’s going to be one law for all.

**Interviewer:** So, have they decided that it is going to be like that? Or is it just a lot of discussion right now?

**Interviewee 11:** A lot of discussions with 27 countries. They have to be anonymous, so you can imagine that maybe you will be alive when it comes.

**Interviewer:** Yes, I hope so. I have a feeling that it will go in that direction.

**Interviewee 11:** It has to.

**Interviewer:** We have so many different entities.

**Interviewee 11:** Yes, it has to be. Look, and we have the European Arrest Warrant. We have the European Search Warrant. It is going in that direction, but it takes time... Sometimes, when we have our conferences in Maastricht, and it is only three parties, but after two hours it is... [Interviewee 11 gestures like it’s a headache] [laughter]. To think that in Brussels, it is 27 at the same table... oh no [laughter]. Sometimes, the problems are very small, but very heavy.

Many of the interviewees acknowledged that law harmonization is being achieved in Europe, but that such efforts are also taking a great deal of time to achieve.

### 9.2.1.3.1. But, there are different systems and philosophies

Some of the interviewees were slightly more pessimistic regarding the possibility of fully harmonizing the laws across Europe. For example, in entertaining the utopic ideal of having one European Penal Code, one Belgian police commander explained:

One judicial code, one way to work [laughter], but it is an illusion. We have judicial systems, we have the Anglophone system [*i.e.*, common law] versus the *Napoleonic Code* [*i.e.*, civil law]... there are different philosophies. (Belgian Police Commander, Interviewee 35)

Despite the current differences between the European countries in the *Schengen* space, harmonization is being achieved through the expansion of the international legal framework (*i.e.*, treaties/conventions/agreements).

### 9.2.1.4. One Language

Many of the police and justice officials also spoke of how helpful it would be to have “one language” to help facilitate international police and judicial cooperation in the Meuse–Rhine Euregion. For example, one Belgian police commander stated:
If I could have two or three wishes, I could say, at first, that we have the same language, or, that we agree on Esperanto, or English, or whatever, to have the same language in the Meuse–Rhine Euregion. That would be the first step, to solve some problems. (Belgian Police Commander, Interviewee 36)

The utility of using one common language to help facilitate communication/understanding and speed in international police and judicial cooperation is obvious. Recall, however, that some of the police and justice officials in the Meuse–Rhine Euregion are hesitant to use the English language for various reasons (see Chapter 8 above).

9.2.1.5. No Crime

Finally, some interviewees commented that, in their utopian vision, crime would no longer exist. For example, one Belgian prosecutor stated:

But in my utopia, there would be no crime. (Belgian Prosecutor, Interviewee 13)

This was the most utopian vision put forth by the interviewees.

9.2.2. Realistic/Plausible/Concrete Visions

After the interviewees presented their utopian visions for international police and judicial cooperation, the researcher further probed, “If you were ‘king/queen for a day,’ what else would you do to improve international cooperation?” This line of questioning yielded many more realistic/plausible/concrete visions for advancing international police and judicial cooperation in the Meuse–Rhine Euregion. These latter visions concern the advancement of international police cooperation specifically, and the advancement of international police and judicial cooperation more generally.

Very significantly, a number of interviewees dampened every vision for the improvement of international police and judicial cooperation by playing psychological games with the researcher. Readers will recall from Chapter 4 above that psychological game playing is a variable that can cause conflict and negatively impact organizational behavior. The present data revealed that the most common psychological game played by some of the police and justice officials in the Meuse–Rhine Euregion was the “Yes, but…” game, wherein every good idea is essentially “shut down” with a response
such as “Yes, but... let’s be realistic” or “Yes, but... there is no money,” and so on. In speaking about “Yes, but…” statements, one Belgian police commander explained:

> If you ask the question, “Would you like to work cross-border?” You can say, “Yes,” or you can say “No,” or you can say “Yes, but only if...”—that’s the same as “No.” (Belgian Police Commander, Interviewee 36)

As will be discussed in Chapter 10 below, psychological games are being employed by some police and justice officials in the Meuse–Rhine Euregion as a way to diplomatically bring discussions about advancements in international cooperation to a halt, which suggests a tense power struggle between the officials of the three countries. To explain, the current power arrangement between the countries is unequal and unfair; the Belgians and Germans perceive the Dutch to be in the “power-position” with respect to advancing international police and judicial cooperation in the Meuse–Rhine Euregion (i.e., since all of the ideas, proposals, funding, and the locations of the current Euregional organizations, such as the BES and EPICC, are Dutch). Instead of the Belgians and Germans honestly and directly explaining to the Dutch that the Dutch proposals for the advancement of international cooperation are unfair/unequal, the Belgians and Germans have chosen to be diplomatic and play psychological “Yes, but…” games to establish themselves as equal participants in this collaborative venture.

Indeed, according to one psychologist, “the person who wants less in a relationship is in control” (Dr. Alina Wydra, Personal Communication, July 22, 2008). Therefore, the only way for the “underdog” to gain control in a situation that is developing too fast and in a manner that is unequal/unfair to those involved is to move slow and want less (Dr. Alina Wydra, Personal Communication, July 22, 2008). The psychological games are successfully equalizing the distribution of power between the stakeholders, but unfortunately causing deadlock in the advancement of international police and judicial cooperation, since all suggestions to improve cooperation are being “shut down” due to the “Yes, but…” game. Very interestingly, the Dutch interviewees generally stated that they wish if international cooperation could be advanced more, but they have been wondering why the Belgians and Germans do not want to participate (i.e., the Dutch colleagues do not fully understand how their behavior is creating this dynamic of deadlock between them and their cross-border colleagues). Both the visions for the advancement in cooperation, and the concomitant psychological games, are examined below.
9.2.2.1. Visions for Advancing International Police Cooperation

The visions for advancing international police cooperation include: (1) the expansion of EPICC, (2) improvements in radio communication, (3) increased common police patrols, (4) participation in more Joint Investigation Teams, (5) the establishment of a staff bureau for police, and (6) the establishment of an integrated cross-border police investigation team. Each vision for advancing international police cooperation is explored below.

9.2.2.1.1. Expanding EPICC

The first main vision for the advancement of international police cooperation concerns the expansion of EPICC. The interviewees raised a number of ideas with respect to the ways in which EPICC could be expanded for the better, including: (1) the creation of a joint police database for the three countries, (2) the employment of crime and intelligence analysts in EPICC, (3) the merging of the IRC into EPICC, (4) possibly adding Customs Services to EPICC, and (5) extending EPICC’s hours to make it a 24/7 operation. Each of these visions for the expansion/improvement of EPICC is discussed in the proceeding subsection.

The Creation of a Tri-Lateral Police Database for the Three Countries

The development and implementation of a tri-national police database was one of the most widely discussed visions among the police and justice officials. In speaking about the origin of this idea, one Belgian prosecutor explained:

…and the idea of the trilateral database came from NeBeDeAgPol—from the working groups... (Belgian Prosecutor, Interviewee 15)

The bottom-up nature of this vision has given it credence. Indeed, the popular view held among the vast majority of interviewees in this regard was encapsulated in a brief statement made by a Belgian police commander:

We need, here in the Euregion, and even in all of Europe, we need one database for everything. Then, we [would] not have these problems. (Belgian Police Commander, Interviewee 43)

Most of the prosecutors also endorsed this idea. For example, one Belgian prosecutor stated:
This [joint police database] is one of the most important projects... A database should be one of the priorities, I think. (Belgian Prosecutor, Interviewee 4)

Naturally, a tri-lateral database would facilitate the ease/speed of information exchange, allow for better intelligence analysis, and enhance officer safety.

Only two interviewees—one Belgian examining magistrate and one German prosecutor—stated that, in their opinion, such a database is unnecessary. For example, one exchange between the researcher and a German prosecutor unfolded as follows:

**Interviewer:** In speaking with some of the other people, some ideas were mentioned. One of the ideas is creating a joint database for the police between the three countries. What is your thought on that?

**Interviewee 11:** That is a police question. If all three [countries] think that they need it, okay, have it. But the problems of data protection you have to solve. Have you heard about EPICC? What more do they need? They can ask via EPICC, they can go into the database of all three countries, and if they need information from France, then they can go to Europol. There are a lot of databases. They have access to what they need. I don’t think there is much need for a joint police database.

This interview transcript excerpt is another example of how perceptions vary depending on the interviewee’s vantage point/role in the criminal justice system. Yet logic, the published literature, and operational policing “success stories” reveal the benefits of pooling information for the purpose of faster information exchange and enhanced intelligence analysis.

**Psychological Games**

The vision for a tri-lateral database, however, was consistently dampered with discussion-ending psychological games—played mostly by the Belgian and German police and justice officials. For example, one Belgian police commander stated:

It will happen eventually, but it takes time, it takes effort, it takes money. (Belgian Police Commander, Interviewee 30).

Interestingly, these psychological games feature a façade of truth, since they hinge largely upon the current “reality” in the Meuse–Rhine Euregion (e.g., legal restrictions, control/ownership issues, lack of political will). Yet, these psychological games are designed to diplomatically “shut down” the conversation, as a way to afford the Belgians and Germans an opportunity to regain their power and equality as compared to the Dutch.
Perhaps even more interesting was the finding that the Dutch have “bought into” these statements, and as such, the Dutch were making these “dead-end” statements as well, perhaps as a way to sympathize with the Belgians and Germans and express understanding\textsuperscript{140} as to why the Belgians and Germans cannot help advance international cooperation further. The key points to recognize here are that: (1) for various reasons, the Dutch are the ones who are the most eager/willing to advance international cooperation, as compared to the Belgians and Germans;\textsuperscript{141} (2) the resistance is coming from the Belgians and Germans as a way to regain their power and control over the presently unbalanced/unequal current and proposed arrangements\textsuperscript{142}; and (3) yet, it appears that the Dutch do not fully realize that they have been “coming on too strong” for the Belgians and Germans, which has created and continues to perpetuate the resistance.

The discussion begins with an overview of the most mentioned hindering variable: the law.

“No, but the current privacy laws do not permit a tri-national database”

Virtually every interviewee was hopeful about the possible development and implementation of a tri-national police database in the Meuse–Rhine Euregion. Many of the police and justice officials, however, also explained that such a database is not presently possible due to prohibitive national privacy laws between the three countries, and the lack of \textit{explicit} international law allowing its establishment. For example, one Dutch police commander summarized the situation:

\textbf{Interviewer:} Another thing that is being suggested is a joint police database for all the three countries.

\textbf{Interviewee 26:} Yeah [sigh]. We asked for it, but it is complicated, because the laws of the three countries do not say the same thing about this thing...

[I]t is about 120,000 Euros. It is not \textit{that} expensive.

It is possible, it can be made, but now we have to change the laws to make it possible. \textit{The Treaty of Lisbon} makes it possible [for] the future. We hope we get permission very soon.

\textsuperscript{140} This reminds the researcher of Imago Relationship Therapy, as developed by Dr. Harville Hendrix (see Hendrix, 1988).

\textsuperscript{141} The data suggest that the ideas/ingenuity/funding/eagerness of the Dutch are creating a power imbalance/struggle among the three countries in terms of international cooperation.

\textsuperscript{142} In response to the power imbalance, some of the Belgian and German officials are using psychological games to regain control. In addition, it appears that the German language is also playing a role in the power imbalance (see Chapter 8 above, subsection 8.2.1.11.2 with respect to “The Problems Created by Using the German Language”).
**Interviewer:** And who is the permission going to come from?

**Interviewee 26:** The Minister of the Interior for The Netherlands, and the Minister of the Interior for Belgium, and the Minister of the Interior for Germany. So, three ministers have to say “Yes”...

If you come back in 10 years, you should see it [laughter].

The database is not that much a matter of money. It is only 120,000 Euros. [Emphasis in original]

The complicating effect of the current legal framework was also underscored in Belgium and Germany. For example, in response to being asked, “What do you think about the joint police database idea for the three countries?” two Belgian prosecutors explained:

**Interviewee 13:** It is something that has always... we have already spoken about it in Maastricht. I think everybody thinks it’s a good idea, from what I understood at the last meeting. But, there are some legislative... some problems about privacy in the three countries because there are laws about these databases and the privacy of the information that is in there, and I think that is the problem that needs to be sorted out. I think they have asked the University of Heerlen [in The Netherlands] to study... the [privacy law] in the three countries, and [whether it is] possible [to] create a [tri-national police] database or not. But, it is something that the prosecutors and the police think would be a good thing, and the next step in the cooperation, but there has to be some laws or treaties, before we can implement that.

**Interviewee 47:** Even when you go to EPICC... have you seen the people sitting there at the desks? The Belgian police officer does not have access to the Dutch system or the German system. That is with personal information. If you want to have a joint database, you can only do it with information that is not connected to people. What can you do with it? You can see it is the same *[modus operandi]* in different countries... So, you can bring together the police officers in charge of those cases, and they can just exchange personal information around the table, but not in a joint database. That is what is possible today. But, what we want in the end is a joint database with personal information, and that is what the university is going to look at, and they are also going to suggest changes in legislation, or maybe a treaty— I don’t know. That is... going to be their objective of the project. Our idea was just to look at what is possible today with the current legislation and treaties.

*Prima facie*, this does not appear to be a psychological game whatsoever. Indeed, all of the statements are factually correct. The element that makes it a psychological game

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143 As discussed in Chapter 2 above, the international legal framework regulating international police and judicial cooperation allows police and justice officials to exchange information, whether “around the table” or via formal letters rogatory. The irony, however, is that the information from the three countries cannot be stored together in a tri-national database yet.
is the *lack of effort* being put in by the countries to resolve this issue. Indeed, the parties cite the differing legislation as a problem, and then strategically chaperone the discussion to a quick end. Indeed, every time an interviewee played a psychological game with the researcher, the researcher and the interviewees would then look at each other in silence.\(^{144}\) Further probing by the researcher only prompted the onset of more psychological games, as delineated below.

"Yes, but it is up to the politicians"

Many of the interviewees across the three countries wished to defer responsibility for advancements in cooperation to their political counterparts. For example, one Belgian police commander stated:

> We’re working on it [trying to create a joint database], but it is a question of money, and political will...

> There is no treaty for that, and the police databases... they [i.e., the decision-makers] are very anxious of a joint database. Therefore, [we] have two computers [at EPICC]: a Belgian computer, which has all the [Belgian] police databases, and a Dutch system. And, it’s not allowed to have a hardware link between the two. It’s not allowed. (Belgian Police Commander, Interviewee 30)

The researcher agrees that ideas for advancement in international cooperation should emerge from the bottom-up. This means, however, that the *practitioners themselves* should inform the politicians about what is required to advance international cooperation further. Even when permission is obtained, such as with the SIS and EUCARIS police database projects, the onus again falls on the *practitioners* to implement the new initiatives and bring them into practice. Yet, some of the new initiatives (including the JIT possibility) are not being used at the ground level to the extent they could be used because of the micro-level variables. In addition, other variables impede developments (*i.e.*, lack of resources—time, money, manpower) as discussed in Chapter 8 above.

\(^{144}\) In conducting the interviews, the researcher initially coded/labeled these discussion-ending issues as “political hot potatoes,” since regardless of who discussed the issues, the issues were always dropped and abandoned like “hot potatoes” by the interviewees. It was only through a deeper examination of the organizational behavior literature that it became apparent to the researcher that these “big problems” are actually “psychological games” (see Luthans, 1985:397; Huse & Bowditch, 1977:146).
“Yes, but who will control it?”

The next psychological game played with respect to the idea of a joint police database concerned concomitant control/ownership issues. This psychological game proved to be a powerful one—so powerful that, after much analysis, it surfaced as the main problem between the three countries that is preventing the police and justice officials from finding ways to assume responsibility and actively work to overcome the legal restrictions that currently preclude the establishment of such a database. One Belgian police commander candidly stated:

Then, if and when a tri-national database would exist, the problem is who will control it, where does the information come from, and who will enter [the information into the database]. [Data entry] has to be done automatically. If not, it is too heavy [i.e., too much work] to fill. If you need someone to do it, for every police agency—one or two people from every country—you can’t please them. Every country has its own system. And when the information is interesting for the three countries, then [it should go] automatically to the tri-national database. But if somebody has to do the input, it takes too much time, money, and effort. [Emphasis added] (Belgian Police Commander, Interviewee 30)

A paradigm shift among the police and justice officials would help to reframe the issue and eliminate the problems that they foresee. Specifically, if the police and justice officials would abandon the idea of a joint police database, and instead opt to establish interoperability between the three national police databases, then: (1) the control/ownership of the database would not be an issue, since each country would retain control/ownership over its own respective database and records; and (2) populating the new database would be a moot point as well since such work would not be required.

“Yes, but it is something for the future…”

Considering the current complicating factors that preclude the establishment of a joint police database, many of the interviewees stated that a tri-national police database “is something for the future.” For example, one German prosecutor stated:

Yeah, it’s a good idea. It’s something for the future. It has to be carefully developed. (German Prosecutor, Interviewee 38)

This was the dominant conclusion across the professions and countries with respect to the tri-national police database idea.
Employing Crime and Intelligence Analysts

Some of the interviewees mentioned that it would be beneficial to have crime and intelligence analysts employed within EPICC, and that such a development would be in consonance with national priorities. One Dutch police commander explained the current situation in EPICC. The interview dialog proceeded as follows:

**Interviewer:** So, does EPICC have intelligence analysts and crime analysts?

**Interviewee 26:** Not permanently.

**Interviewer:** Or, do the officials there do that job too?

**Interviewee 26:** Partly. When we really need crime analysts, we can ask the central service for it.

**Interviewer:** What is the “central service”?

**Interviewee 26:** The teams from the detectives have several things, like forensics, but they also have analysts. When we need to analyze things, we can ask them for assistance, and they will help us. They have that kind of competence, and they will come. But we don’t have them “in the house.” We do want that in the future. We want it now, but we don’t have that, because of the economic situation. There isn’t enough money to do everything that we wish to make that work.

Clearly, the services at EPICC would be enhanced with the addition of some crime and intelligence analysts.

In a separate interview, one Belgian police commander offered more ideas with respect to the possible vision of employing crime and intelligence analysts in EPICC for Euregional work. In so doing, this Belgian police commander provided insight into the psychological games being used by some officials in the Euregion to prevent the implementation of these ideas:

But, of course, one of the things that has to be done in Holland is... Euregional targeting. There has to be an analyst or workgroup [that] is collecting all the information and intelligence from the entire Euregion, put it in some kind of analysis, and tell us [the police], or the prosecutor, “This is your main problem, this is your second, this is your third. And, who is going to do it?” At this moment, the Dutch colleagues make the most progress, but Belgium and Germany [are] a little behind. We don’t have any kind of analysis, or some service, or some men who are constantly analyzing this Euregional information and so on...

Maybe we could think about [establishing] this analytical work file [i.e., intelligence analysis capability] within this Euregion. There should be one analyst—one person. In Europol, there are maybe 15 or 20 [analysts]. One person [in the Euregion] should get the job of making
some analysis of information available on the drug scene [regarding] cannabis plantations, ecstasy laboratories, and so on. Or, maybe there is a small group, or there is some Nigerian connection dealing with some Nigerian girls in this Euregion. Make some analysis of all the information from Belgium, Holland, and Germany available.

[The analyst] makes a small study, and the prosecutors can target it. The three prosecutors or the police officers can say, “Okay, we have the entire view. This, and this, and this are the targets. We are going to work on it, [but] on which basis? A mirror investigation, a Joint Investigation Team, a separate investigation, or whatever?” And we start it.

We don’t have this analytical work file or this analyst at this moment. Where should they be installed? In Heerlen? Or EOT? Or, maybe in Belgium? But, who is going to pay? And so on. This is a problem, but I think it should be in a proposal—to install somebody or [an intelligence analysis] service collecting all the information from the three countries, and then making an analysis [which would state]: “This is your problem. You have, in the Euregion, a big problem with drug runners, or drugs—cannabis—and these groups should be responsible for [investigating] this. Go and work on it today.” And that is what we don’t have at this moment. [Emphasis added] (Belgian Police Commander, Interviewee 10)

As can be seen from this passage, the questions that continue to bring such a development to a halt are the “hot potato issues” concerning where the analysts should be installed, who will pay, and so on. Unfortunately, these issues are being used to play psychological games, because no one has the answers to these questions, and moreover, no answer has been mutually acceptable to all parties to date. As will be seen in the subsequent chapters of this dissertation, these questions can be easy to answer in a mutually satisfactory way when all the stakeholders are treated equally and fairly.

Various Other Ideas on Improving EPICC

Additional ideas were raised by the interviewees with respect to the ways in which EPICC may be improved. As mentioned above, these ideas included: (1) merging the IRC into EPICC; (2) adding Customs Services to EPICC; (3) extending EPICC’s hours to make it a 24/7 operation; and (4) adding a Europol satellite office to EPICC. It remains to be seen which of these additional ideas may take hold.

9.2.2.1.2. Improving Cross-Border Police Radio Communication

Recall that in Chapter 8 above, with respect to the variable of communication, it was noted that the current police radio systems do not have roaming capacity, and are not interoperable. These circumstances hinder international police and judicial
Improvements should be made with respect to cross-border radio communications between the three respective national police forces when conducting joint operations. The goal should be to establish interoperable radio systems, which would eliminate the need for roaming capacity. To this end, one Belgian police commander stated:

The will to achieve interoperability is present, but it is mainly a budgetary issue. Here also, a demand for funding by the EU Commission is in preparation. (Belgian Police Commander, Interviewee 36)

Notably, the lack of money is cited as an impediment, yet this particular issue cannot be categorized as a psychological game because effort is being made by the officials in this regard (i.e., by writing a request for funding).

**9.2.2.1.3. Increasing Joint Hit Team Patrols**

Another idea for improving international police cooperation is to establish more Joint Hit Team patrols. One Dutch police commander explained:

We want to increase those common patrols, but we are also still in a testing [phase] to see if it has value, because when [there is no] added value to do common patrols, we stop, because when nothing is added to our work, it doesn't make sense that you have two police officers talking about procedures in Belgium and Holland. So, it has to be something that has value. If not, we stop it. But, so far, during the daytime, it has additional value. But, we'd like to increase that. (Dutch Police Commander, Interviewee 31)

The Dutch were particularly eager about this idea. Some of the Belgian and German police officials also expressed their desire to see increased common patrols between the three countries.

**9.2.2.1.4. Establishing More Joint Investigation Teams**

As was established in the chapters above, initiating an ad hoc Joint Investigation Team in the Meuse–Rhine Euregion appears to be a relatively rare event. To this end, a number of the police and justice officials commented that more Joint Investigation Teams could be established as a way to advance international police and judicial cooperation in the Meuse–Rhine Euregion. In response to being asked to
explain his vision for improving international police and judicial cooperation, one Belgian police commander stated in part:

**Interviewee 22:** Certainly to make better use of this possibility, which is the Joint Investigation Team... But for instance, in Liège, [they] never had a Joint Investigation Team with The Netherlands or Germany, for instance. Never. It has been possible for the past three or four years, according to European law, to put together a Joint Investigation Team where, for instance, some investigators from Liège would go to work for two to three months in Heerlen, together with colleagues of The Netherlands. It is possible, but [the officials in Liège] never did it.

**Interviewer:** Why? What is happening?

**Interviewee 22:** One investigator here in Belgium has on average... when I look at the chart, he leads, at the same time, about eight, nine, or ten inquiries—at the same time. And if I send an investigator... or two investigators... to Heerlen, I know that they are lost for two, or three, or four months.

**Interviewer:** So, it is a question of manpower?

**Interviewee 22:** I think, yes... I think it would be good to send perhaps two investigators from [Belgium], but for a very, very short time, when it’s very needed, for two or three months, and then okay, if we have some results, okay, then they have to [return] to [Belgium]...

I agree with the principle of doing ad hoc teams when it’s needed, okay? Certainly, with a specialist. Perhaps for this investigation, I need two specialists for vehicle trafficking. Perhaps one specialist for white-collar criminality because perhaps the money that the criminals earned they invested in houses, so I need a specialist. And perhaps a specialist in forensics because we have to analyze how the vehicles were modified. Okay, then I will send four people who are really specialized, but if [they] say, "Okay, we will try to find five people from Liège who will on a permanent basis work in Heerlen," then which kind of people have [they] to... you know what I mean? I am really a partisan of ad hoc structures, okay? Now, we have one investigation, we need to cooperate, okay—but, not a permanent structure.

The above-noted interview transcript excerpt is particularly important because upon close examination, it reveals the main concern among some of the Belgian and German police and justice officials with respect to further intensifying international police cooperation in particular. Specifically, some of the Belgian and German police and justice officials are hesitant to donate human resources to joint police teams in the region, because they are concerned that such resources will be used wholly for Dutch purposes, and that their resources will not be returned to their country (i.e., to be used permanently by the Dutch for Dutch purposes). This is the key point to keep in mind as one reads the proceeding subsection with respect to the idea of establishing an integrated police team in the
Euregion, which, as one may suspect, was heavily dampened by a long list of psychological games played by some Belgian and German interviewees in an effort to “shut down” all such conversations in a diplomatic and indirect way.

9.2.2.1.5. Establishing a Staff Bureau for the Police, Similar to the BES

The provocative idea of establishing a staff bureau for the police (i.e., similar to how the BES was established for the prosecutors) was also raised. One Dutch prosecutor eloquently explained:

We still lack professional, well-equipped structures on several fields. For example, I find it surprising that NeBeDeAgPol—the organization for the whole police cooperation—has existed for over 30 years, but they still haven’t made a staff bureau.

There are police officers doing something for NeBeDeAgPol in their spare time, and they like it [i.e., like a hobby]. When a police officer who has very good language skills—who speaks two other Euregional languages—and he likes to cooperate or do something [to help facilitate international law enforcement cooperation], he would be part of a working group of NeBeDeAgPol.

But what they don’t have [i.e., in NeBeDeAgPol] is a bureau like BES, where people can call and have daily access and a daily partner [to work with from the different organization]. I can’t call the Bureau of NeBeDeAgPol for anything—any strategy, any case, anything [i.e., because no such bureau exists]. Instead, I have to call an official who I know is participating in that circuit. The more I have thought about it over the last few years, I have found it strange that they haven’t made a staff bureau for themselves to help them on a daily basis.

They did make EPICC for the exchange of information between the police forces, and it was a very good thing that they did. But it was a task that, by treaties, they are obliged to do. They did it already, and they put the people together in one building [i.e., EPICC]. [Before], they were sitting in three different buildings, and now they’re sitting in one building together. It’s fantastic.

But international law enforcement cooperation involves more than just the exchange of information in this region. International law enforcement cooperation spans from the exchange of information to working together in investigations, daily law enforcement activities—for example, organizing “controls.” We have traffic controls here. But, they also look at drugs and weapons. And in those controls, you will have officers from the three countries. So, if a French-speaking Belgian citizen comes along, the Belgian colleague will help with that case, to ask questions like, “Where are you going? What is in your car?”

So, this whole [enterprise of] international law enforcement cooperation [in the Meuse–Rhine Euregion] is done by people in their own direct network. So, I’m very surprised that NeBeDeAgPol has not built up for
the whole coordination [of international cooperation in the Meuse–Rhine Euregion] a bureau like BES, because BES works for the public prosecution department in this Euregion. Let’s say something like 1,500 people work at the public prosecution department [i.e., in Maastricht]. In contrast, there are about 15,000 police officers working in the Meuse–Rhine Euregion. We have 4 million people living in the Meuse–Rhine Euregion, yet we only have about 15,000 police officers combined from the three countries in this region. Why isn’t there a bureau for those 15,000 people? A bureau for those officers to call daily, to ask questions like, “How do things work in Belgium? Can you please help me on this case?” Or “I need something from Germany…” [or] “I need a telephone number…” Part of it is done by EPICC, but there is no strategy. I am thinking about a complete bureau—where strategy is developed, working groups are coordinated, where interpreters are used.

In the past, [the officials at the BES] got a request a few times from NeBeDeAgPol asking if they could pay from [their] budget some interpreter costs they had… The police asked the judicial services to have a few thousand Euros to cover the cost of some translations. Let’s say [for the sake of argument] that the public prosecution service spent in the region of 5 million Euros [i.e., on translations]. It would be 100 million Euros [spent] by the police. So, the police go to the prosecution service for a few thousand Euros, because they haven’t organized this cooperation...

But, for me… working… in the field of international law enforcement cooperation, I do not have a telephone number to call for police cooperation. I have to call somebody I know within the Belgian police—somebody who I know we have dealt with on that subject in the past. Then, I might get the answer, “Yes, in the past, but now I have a new function.” If you don’t organize it, you are depending on those types of things. We found that if you do not organize the structure, international law enforcement cooperation depends on coincidence.

(Dutch Prosecutor, Interviewee 39)

Parallel reasoning suggests that if the BES is functioning to help facilitate international police and judicial cooperation in the Meuse–Rhine Euregion, then the establishment of a staff bureau for the police in the Meuse–Rhine Euregion could also be helpful. Certainly, considering the numbers cited in the passage above, it appears that the police may benefit from the establishment of such a bureau in the Meuse–Rhine Euregion.

9.2.2.1.6. Establishing an Integrated Euregional Police Investigation Team

The most contentious/controversial idea advanced by some of the interviewees concerned the idea of establishing a joint/integrated team of police detectives from the three countries who would work side-by-side in the same building on Euregional cases. By way of some background, some of the interviewees reasoned that the Meuse–Rhine
Euregion currently has EPICC (i.e., which facilitates information sharing), and BES (i.e., which helps facilitate mutual legal assistance requests), but the component that is missing is something in between—an operational component for the police detectives.

A passage from the literature can be cited to further introduce this idea:

> To arrive at a structural solution, several parties have suggested the establishment of a more permanent team tasked with the investigation of serious and organized crime in border areas (Spapens, 2008b). District-based public prosecutors in the three countries of the Meuse–Rhine Euregion would be responsible for directing this team. Team members would operate as a JIT in the execution of specific criminal investigations. Attempts to create such a team have so far been unsuccessful because the police and prosecution services fear losing control over the use of ‘their’ people and resources. [Emphasis added] (Fijnaut & Spapens, 2010:119)

This passage also confirms the key point mentioned in subsection 9.2.2.1.4 above regarding the real reason why the Belgian and German police and justice officials are hesitant to collaborate more closely with the Dutch. To be clear, it is not that the Belgians and Germans are against the idea. On the contrary, the data indicate that the vast majority of the Belgian and German interviewees actually support the idea of creating an integrated police investigation team for the Euregion. For example, consider the following sampler of interview transcript excerpts:

> *   *   *

...it would be the best [model for cooperation]—that we are all in the same building, and that if you have to do something that is international, you make one phone call, and the three countries are working for you—with observations and with arrests—with one phone call. Now, if I want to make an arrest in The Netherlands, I have to phone 10 or 15 times to find the right person [at] the right place to do that for me. When you have this [model]—one police or whatever you call it—then, you [just] have to make one phone call. Then, you have a Belgian who will arrest a German, or the German who will arrest a Dutch person. So, that will be one of the advantages of that [Euregional] police. (Belgian Police Commander, Interviewee 44)

*   *   *

Then, perhaps, second, is a more permanent—but it’s far away—but something like a permanent Joint Investigation Team, on specific phenomenon, like drug tourism, where they would work together for several years on the same project. This is not for tomorrow. (Belgian Prosecutor, Interviewee 4)

*   *   *

In the operational [sphere], we have very good cooperation. But now, we are ready to go for the next step. The next step must be cooperation in investigations. (German Police Commander, Interviewee 34)
Indeed, the creation of one or more Integrated Euregional Police Investigation Teams composed of specialists in international cooperation (i.e., multilingual, trustworthy, highly experienced/knowledgeable) would help control many of the variables that influence the process of cooperation (i.e., including the lack of Dutch police capacity), and thereby help facilitate matters. Despite the logic behind the integrated police team idea, it has not been possible to turn this dream into a reality.

The problem is rooted in the perception among a small number of Belgian and German officials that the Dutch want to create an Integrated Euregional Police Investigation Team for the wrong reasons (i.e., to solve Dutch police capacity problems, to address only Dutch crime-fighting priorities, to establish yet another structure in The Netherlands, and to enjoy the prestige and control that would come with establishing another structure in The Netherlands)—all of which would mean a loss of control and a lack of equality for the Belgian and German officials. As a prelude of what is to come, consider the following statement made by a Belgian prosecutor, the second paragraph of which confirms the presence of perceptions such as inequality and a loss of control:

If we would have such a team, it would certainly advance cross-border cooperation and investigations... If they could have a [tri-]country police team, it would be very good.
Belgium should have a say in how the case is run and the types of crimes that they investigate. (Belgian Prosecutor, Interviewee 15)

This statement underscores the inequality that the Belgians (and Germans) feel and expect to continue when collaborating with their Dutch colleagues. To explain the deadlock in advancing police and judicial cooperation operationally and tactically, the subsections below explore: (1) the ideas proposed with respect to the composition, mandate, and location of such an integrated police team, as well as (2) the power struggle dynamic between the three countries, as exemplified by a long list of psychological games and excuses advanced by a small number of Belgian and German officials to regain control and equality by preventing all such developments in this regard.

Possible Mandate and Composition

The Dutch interviewees were all very enthusiastic and hopeful about the possibility of establishing an Integrated Euregional Police Investigation Team in the Meuse–Rhine Euregion. In fact, the idea of an Integrated Euregional Police Investigation Team was conceived by the Dutch, so it is appropriate to open this subsection with a statement made
by a Dutch prosecutor, who explained the Dutch vision/perspective in this regard, and how
the Dutch idea has been received by the Belgians and Germans:

The [next] structure that we lack is an international investigation force—an Euregional investigation force.145 We’ve been talking about it for eight years now. It’s a sensitive subject. The police say—and they have a right—that, “It’s our responsibility to organize our way of investigating. So, you are very nice people, you public prosecutors, but…”

And what has been spoken about here, in the past, many times, is a kind of political thing: “Why don’t we make a copy again based on the idea of the BES, let’s say [with] 50 to 60 investigators who focus only on those transnational cases within the Euregion.” It’s written down in the report as one of the most important suggestions by Cyrille Fijnaut in his 2005 report,146 where he gave the picture of transnational crime. He also gave us about five different strategy suggestions, and one of them was make such a force, of about 50 to 60 investigators—about 20 investigators per country—which is not too much if you have thousands of police officers in this region. It would be a very nice force to work only on those Euregional transnational cases, because now, if the case starts out in “Country A”—Belgium for example—and they [discover] Dutch criminals who steal in their country, or who have drugs produced there, they will have to ask the Dutch police, and hopefully they will have enough capacity to say, “Yes, we will come along and do an investigation.” One time, it is “Yes.” Other times, it is: “No, we have two murder cases here and we can’t help you with your case.” So, we work now from case to case, and from coincidence to coincidence—“Can we build up a team for this investigation?”

If we could have a kind of minimum force, then the Euregional police force could run the most important transnational cases. You are going to speak with a lot of police officers—it will be very interesting to see if they even mention it in response to your question about what structures are lacking, because they… [will probably say], “It’s okay—what we have now. Everybody has their own investigators. If they need

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145 As the researcher discovered while conducting the field research, the term “Euregional police force” has the potential to alarm a small number of senior Belgian and German police and justice officials in the Meuse–Rhine Euregion, who absolutely oppose such close collaboration. This is partly an issue of semantics. To be clear, the Integrated Euregional Police Investigation Team idea essentially amounts to an integrated police team, wherein each of the members still belong to their home organization and wear their own police uniform/patch, but work together side-by-side in one building. In contrast, a new “police force” would require a single uniform and arm-patch for the police officers to wear, the development of a European Criminal Code, etcetera. Thus, the term “integrated team” is a more accurate way to describe this entity in a non-threatening manner, as opposed to using the words “police force.” For this reason then, the idea will hereinafter be referred to as the “Integrated Euregional Police Investigation Team” in this dissertation. It would be like a permanent JIT, except it would be staffed with specialists in international police and judicial cooperation.

146 On the basis of the literature review conducted for the present study, it appears that this interviewee was mistaken. The researcher believes that the publication this interviewee meant to cite is actually Fijnaut & De Ruyver (2008) (see Appendix B for the literature review summary in tabular form).
each other in a case, they will call each other.” (Dutch Prosecutor, Interviewee 39)

To recapitulate, the mandate of the Integrated Euregional Police Investigation Team would be to investigate cases of serious transnational organized crime in the Meuse–Rhine Euregion. The interviewees agree about this point.

Naturally, the team would be composed of specialist police detectives from Belgium, The Netherlands, and Germany. One Belgian police commander explained:

...my vision is they need some specialized people. In Belgium, most of the [police] are specialized to their bureau—drugs, fraud, computer crime, and so on... You need working people in the detective bureau. And then [if you get] someone doing all the different sections [types] of crime—it’s impossible—you can’t do anything. (Belgian Police Commander, Interviewee 30)

So, the expectation among the interviewees is that the Integrated Euregional Police Investigation Team would be composed of investigators who specialize in combating certain types of crime (e.g., drugs, human trafficking, and burglaries). The data also strongly suggest that the Euregional investigators would have to possess expertise in the process of international police and judicial cooperation.

Interestingly, the interviewees could not agree on how many police officers should be donated from each country. Recall that the Dutch prosecutor cited immediately above (i.e., Interviewee 39) proposed the idea of 50 to 60 investigators (i.e., about 20 from each country). In contrast, other Dutch officials proposed a more modest model, consisting of only 30 investigators (i.e., about 10 from each country). For example, in response to being asked, “How many people would staff this organization, on the police level?” one Dutch police commander stated:

Interviewee 28: ...I think you have to start with 30—10 Dutch, 10 German, and 10 Belgian—because if you want to do an investigation—a good investigation—and you want to do everything [on] your own, and those investigations [consists of] wiretaps, hearings, searches—say, 24 to 30 people, with staff.
Interviewer: Plus civilian staff? Is that what you mean?
Interviewee 28: No—that’s included. They have to prove themselves... if they want to gather more people, because they can also use people from the crime squads from the districts.
The Belgians were also willing to entertain the idea of establishing a pilot integrated police team with minimal numbers. Two Belgian police commanders stated:

**Interviewee 44:** Let’s say, if you have 10 people, they have enough work. If you have 100 people, there is also enough work. The more [people] you get, [the more work you find to do].

**Interviewer:** But to start—let’s say it starts as a trial.

**Interviewee 43:** Yes. [It could be] ten [police officers from each country].

**Interviewer:** So, two police officers from each city here in Belgium?

**Interviewee 43:** Yes.

In a separate interview, another Belgian police commander explained how the political/cultural/language composition of Belgium should be reflected in the composition of an Integrated Euregional Police Investigation Team, with “…at least three people from Belgium, for the three languages” (Belgian Police Commander, Interviewee 30).

A German prosecutor offered a different perspective, concluding the statement with a perception about Dutch intentions. This German prosecutor stated:

**Interviewee 11:** Some people say... If you [hypothetically] say that we need 100 police officers, so, how many do you think have to come from Holland, Germany, and Belgium? Now, we come to the practice. If you want 100 Euregional police officers, and if you are the Dutch guy, how many do you give?

**Interviewer:** I would imagine that it would be equal—like, 33 each? Or no?

**Interviewee 11:** But [if you look at the Meuse–Rhine Euregion], The Netherlands is so small, and Belgium is so big.

**Interviewer:** So, more Belgians would be needed?

**Interviewee 11:** I would say 40 Belgians, 40 Germans, and 20 Dutch.

Then, some other police officers would come and say, "Look at the Dutch...” [laughter] "They invest 20%, and they get 100%." [laughter]

Again, this is a psychological game, because the interviewee entertains the idea, but then ends with a remark about why such an idea will not work. Specifically, the perception is that the Belgian and German resources donated to an integrated police team will be used by the Dutch for Dutch purposes in The Netherlands, because as will be shown below, the likelihood is that if such a team is established, it would be established in The Netherlands. In any event, these were the main sets of proposed staffing numbers.
advanced by the interviewees with respect to the possible composition of an Integrated Euregional Police Investigation Team (i.e., 30, 60, or 100 police investigators total).

Possible Location

The next task is to determine where such a team could be located. Data gleaned from the interviews suggest that certain parameters should be observed in the selection of a location for an Integrated Euregional Police Investigation Team. Specifically, the interviewees explained that a German law states that information from Germany can only go so far into another country via data lines (i.e., approximately a few kilometers), which is why Heerlen (The Netherlands) was chosen as the location for EPICC, since Heerlen is very close to the German border. Logic dictates then that it would be most natural/convenient to base an Integrated Euregional Police Investigation Team near EPICC in Heerlen. Two Belgian police commanders explained:

**Interviewee 19:** Heerlen was chosen [as the location for EPICC] because it is near Germany and Belgium, but also because the Dutch have the money to do that.

**Interviewee 20:** The money comes from Europe.

**Interviewer:** And they still have money coming?

**Interviewee 20:** Now, the three countries pay for EPICC. In the beginning, it was just the Dutch.

If we must choose a place for a joint bureau, it is better to be near EPICC.

**Interviewer:** So, if it’s based out of Heerlen, do you think that it would be good for it to actually be a part of EPICC? Should it be in the same building as EPICC?

**Interviewee 20:** Yes, it is better, because you’re near the information.

Thus, Heerlen appears to be the most logical location for such a team.

Possible Working Conditions (i.e., Hours/Shifts)

The interviewees indicated that they had even given thought to the possible working conditions (i.e., hours/shifts) of a potential Integrated Euregional Police Investigation Team. For example, in response to being asked a question about what sorts of hours such a team would work, one Dutch police commander responded:

**Interviewee 28:** [They would be working] with shifts, until 11 in the evening, because those criminals are not always working during the day, but they work also at night, but it’s proven that at night, there will be a
lot of phone communication that you can hear in the morning. If something is going on, and you know that by day someone is going to commit an offence in the evening, you have to change your duties and your shifts.

**Interviewer:** So, 24/7—rolling shifts?

**Interviewee 28:** Yes... One [could be from] from 8am to 5pm, and the other... from 3pm until 11pm...

**Interviewer:** But not during the night?

**Interviewee 28:** No. In the beginning, no, but, when the investigation needs it, okay, you have to change your shifts...

As with all of the “realistic/plausible/concrete” visions so far, these proposals appear to be reasonable.

**Possible Equipment and Resources**

Finally, some of the interviewees noted that a potential Integrated Euregional Police Investigation Team should be properly equipped and resourced, to set it up for success in achieving its crime-fighting goals. For example, one Belgian prosecutor stated:

... And if I had money, like a king or queen, more police officers, better infrastructure, better equipment, better computers, faster cars, because the criminals have faster cars. If [the police] want to follow a car, the criminals have Porsches and Ferraris, and they also have [criminal] teams to look to see if the police are following them, but the police don't have Porsches or Ferraris. So, give it to them. (Belgian Prosecutor, Interviewee 24)

Readers will recall from Chapter 6 above that one crime phenomenon the police and justice officials in the Meuse–Rhine Euregion are dealing with is something they have named “Go Fast,” wherein organized drug trafficking rings travel from The Netherlands to Spain with very fast and expensive cars that the police are unable to catch with their current police vehicles. Clearly, better equipment and resources would likely help the police fulfill their professional duties.

**Psychological Games**

As previously mentioned, virtually all of the interviewees expressed support for the idea, including the Belgians and Germans (which amounts to the “Yes...” in the equation). Interestingly, however, only a very select number of interviewees (n = 4; mostly Belgian police commanders) directly played psychological games with the researcher to “shut down” discussions about how this idea could be put into fruition (which amounts to
the “but” in the equation). Another four Belgian police commanders, and one German police commander, reported other officials as playing psychological games with their colleagues. One Belgian police commander diplomatically summarized the situation by stating:

There are a lot of problems to solve when you create a joint police [team]. (Belgian Police Commander, Interviewee 43)

In a separate interview, the foreshadowing of the problematic issues was more prominent:

**Interviewer:** So why not just let those police officers work together in the same building? That’s all.

**Interviewee 9:** [We agree]. That’s all.

But practical problems come up, [such as]: “Who’s going to pay [for] it?” [and] “How should it be organized?” Everything. And then, it finishes [i.e., the discussion comes to an end].

The data revealed that a small number of police and justice officials from Belgium and Germany are asking key questions that are essentially stopping further advancement in international police and judicial cooperation in the Meuse–Rhine Euregion. The long list of psychological games played in response to the idea of establishing an Integrated Euregional Police Investigation Team is presented below.

**Location and Leadership Questions**

The biggest discussion-ending psychological game questions from the Belgian and German police and justice officials concerned the possible location and leadership of an Integrated Euregional Police Investigation Team. These data are presented below to show the nature and extent of the problems causing the deadlock in the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion.

“Yes, but why in Heerlen? Why not in Germany? And why not in Belgium?”

The data revealed that the first question to be asked by the Belgian and German police and justice officials with respect to the possible establishment of an Integrated Euregional Police Investigation Team concerned the potential location/country of where such a team could be based. For example, the interview dialog with two Belgian police commanders proceeded as follows:
Interviewer: Another suggestion is to have a joint operational police team.

Interviewees 9 and 10: Yes.

Interviewer: Now, the beauty about this, and I can’t believe it—as an outsider coming in, what really strikes me is that this wish—if this is something that, through consensus and lots of discussion among the stakeholders in the Euregion—if they really want this team, I think a joint team would be easy to do, because you already have the components. You have EPICC, BES, and now EOT, and that makes it even easier. All you need is some Belgian and German police. I’d also suggest some intelligence analysts in EPICC, and some more prosecutors. And, then you have this organization.

Interviewee 10: Yes, but... [laughter].

But, almost one year ago—I don’t know how long ago—the discussion came up, of course, from Dutch colleagues, because they [said], “Yes, at this moment, we do have this team (EOT). We have 10 or 12 Dutch colleagues. We have the building, the tables, the desks, the computers, and so on. The only thing we need is just some more colleagues from Germany and Belgium.” So, they asked the Belgian politicians and police commanders, and so on, and also the German police commanders, and then problems occurred.

Why?

Interviewee 9: The first question was, “Why in Heerlen?”

Interviewer: From what I understand, they’re saying that Heerlen is the perfect spot because of German law...

Interviewee 9: For the Dutch, Heerlen is the best location. But then, the Germans come up and say, “Why not in Germany?” And the Belgians come up and say, “Why not in Belgium?” And then it [i.e., the debate] started. And then politics...

In a separate interview, an additional two Belgian police commanders provided even more information concerning this issue:

Interviewee 43: Not so long ago, The Netherlands wanted to create a Euregional thing—a Euregional police from Belgium and Holland—only from the Euregion.

Interviewer: To take 10 police officers from each country?

Interviewee 43: Yes.

Interviewer: I’ve heard about this. So, what is your opinion on this?

Interviewee 43: [One Belgian police chief]... he agreed with that. He said, “I have a location in Tongeren to install that.” But, at that moment, The Netherlands opposed that [idea], because they wanted to have it in their country.

Interviewer: Then what happened?

Interviewee 44: Nothing.
**Interviewer:** It just stopped?

**Interviewee 44:** Yes. That is politics. There is a lot of money from Europe that could be spent on that [to start a Euregional police team]. And... it will be The Netherlands who will have most of the money to pay for something. Then, it’s... Europe pays for the Euregion. There is a lot of money available to do something.

**Interviewer:** But The Netherlands wants it all?

**Interviewees 43 and 44:** [Nod].

**Interviewee 43:** There is a great difference [between Belgium and The Netherlands regarding budgets]. The budget of the Belgian police is central—it’s in Brussels. We do not have any Euro in cash [here]. When I say that, I am exaggerating, but we do not have money to pay the police [officers] who are working; we have no budget, here in [this one city in Belgium], to pay our police officers.

**Interviewer:** So, the police here get paid by Brussels? The pay-cheque comes from Brussels?

**Interviewee 43:** Yes.

In The Netherlands, it’s different. The budget is local. The total police budget for the police [officers] in Maastricht and Heerlen [is] paid by the region Limburg South. So, if [the Dutch] can get money from Europe, it’s a win-win situation for the [Dutch]. The more they can get money from Europe, the more they can do.

**Interviewer:** But Belgium can get money too.

**Interviewee 44:** Yes, but it will be in Brussels.

**Interviewer:** So, if there is a joint police team, and Belgium gets the money to host it, where would it be? In Brussels?

**Interviewee 43:** It would be [based] in Brussels and it would be used here. But the difference is that we [could] use it only for that reason. In The Netherlands, that budget comes from their total budget, and they can use it for everything—for buildings, for cars—they can use it for different things. That’s a great difference.

So, if [the Dutch] get money, for example, for the installation of a Euregional police crime unit, they can [rent] a building. For us [in Belgium], we would install that crime unit in our own buildings.

**Interviewee 44:** If [the Dutch] are feeling that they are not going to get that money, they block everything.

**Interviewer:** For everybody? So, you mean The Netherlands always has to be in charge?

**Interviewee 43:** [Nod]. They want to have the [leadership] of that sort of thing.

Clearly, there is a power struggle between the police and justice officials from the three countries with respect to where a potential Integrated Euregional Police Investigation Team could be based, because the location choice inherently signals which country
is in control. In sum, the three countries are fighting over the control of such a potential team. This leads directly into the next psychological game.

“Yes, but who will be in charge?”

The next question was one of management and leadership. For example, the dialog proceeded as follows in one interview with a Belgian prosecutor:

**Interviewer:** Another idea that has been suggested is a regional joint police bureau with operational police detectives. It would be like a JIT, but more permanent. What do you think about that?

**Interviewee 25:** But a lot of laws have to change, because one country has to be the leader.

This particular quote summarizes the perception that some of the interviewees expressed. Essentially, some police and justice officials are under the impression that one country has to lead a potential Integrated Euregional Police Investigation Team. This perception is, of course, contributing to the deadlock, because every country wants to lead such a team.

**Composition Questions**

The next psychological games played in response to the idea of an Integrated Euregional Police Investigation Team concerned the composition of such a team. Specifically, psychological games were played in relation to questions concerning: (1) the number of investigators to be donated from each country; (2) from where the investigators would be found, considering the current lack of manpower in each of the countries; (3) whether such a position should be a specialty job; and (4) whether such a position should be a secondment or fixed. With some research about what is happening in other countries, these questions could all be easily answered. Instead, because some of the Belgian and German officials are concerned that such a team would exploit their own countries’ resources, a small number of the Belgian and German officials simply chose to block all such discussions. Each of these psychological games is examined below.
“Yes, but how many people from each country?”

Some of the officials chose to play a “numbers game”—a game that could not be solved. For example, consider the discussion that ensued between the researcher and two Belgian police commanders:

Interviewee 36: How many people would go in this new police service?
Interviewer: Ten from each country.
Interviewee 36: And why 10, and not 12, or eight?
Interviewee 35: And, what kinds of investigations go to this team? What kinds of investigations stay here? It is not really a good discussion.

Note how these officials could not be satisfied, and strategically led this discussion to a quick end. Surprisingly, some of the enthusiastic Dutch officials also did the same thing. For example, consider the following exchange that occurred between the researcher and one Dutch police commander:

Interviewer: And… crime analysts and intelligence analysts can be added to EPICC, and for the joint bureau for the police, it’s been suggested by other people to have at least 10 police officers from each of the countries—10 Belgians, 10 Germans, and 10 Dutch. And, for the BES, more prosecutors can be added to help...

Interviewee 26: There are concepts. It is called “Euregio Crime.” It’s very complicated.

It is a very complicated discussion. Unfortunately, however, such statements are discussion-enders, because they indirectly signal that the topic is too complicated to discuss, and/or the interviewees are not interested/willing to discuss the topic. Notably, it was the Belgian officials who used this discussion-ending strategy the most.

“Yes, but where do these officers come from?”

Many of the police officials from Belgium and Germany explained that they do not have extra investigators to donate to such a team. For example, one German police commander stated:

For such a… Euregional crime team, you need manpower. And we have only manpower here in Aachen for [our] police organization... Plus, you

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147 Naturally, cases of serious transnational organized crime would be deferred to this Integrated Euregional Police Investigation Team.
need more people for this investigation team. So, where do we take them from? Where do we get those officers? (German Police Commander, Interviewee 34)

In another interview, however, one Belgian police commander candidly revealed the real reason why some of the Belgian German police officials are hesitant to move forward with the establishment of an Integrated Euregional Police Investigation Team:

> What can be the problem? Let’s talk about [the idea of having] 10 police officers from each country [work on this joint team]. Where do they come from? Does the Federal [Belgian police station] here... where we are sitting now, we have about [65] investigators [across] all the [investigation] units—financial crime, drugs, human smuggling, computer crime [and so on]—[65 total]. Do we have to give 10 of our investigators to this team? Okay, it should be good, when they are doing exactly the same work. When I do my investigation on [serious transnational organized crime] here in [Belgium], or tomorrow I'm sitting in Heerlen, and I do exactly the same work, okay [it doesn't matter]. But, [the critics of the idea] feel, a little bit, that these 10 people that we have to send to Heerlen, [that] they maybe are going to do some work depending on the “Weigh Commission” in Holland. (Belgian Police Commander, Interviewee 10)

This perception was corroborated repeatedly by other interviewees. The interesting point to be made here is that the Dutch “Weigh Commission” is particularly problematic, because it means that the Dutch will only cooperate on cases that are a priority for them. Accordingly, some of the Belgian and German police and justice officials view such an arrangement as very self-serving for the Dutch, which creates a situation wherein Belgian and German resources could be exploited by the Dutch for Dutch purposes. So, it is not such a matter of where the officers come from, but rather, it is more a question of what will be done with the valuable human resources, once they are donated to such a team.

“Yes, but should it be a specialty job, like drugs?”

There was also a question of whether such a team would be composed of specialist investigators. For example, one Belgian police commander asked:

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148 See Chapter 4 above, subsection 4.7.2.2 on “Intraorganizational Politics” for a discussion concerning self-interest that originates from the Organizational Behavior literature.
Should it be a specialty [job], like drugs? (Belgian Police Commander, Interviewee 30)

In a separate interview, another Belgian police commander remarked:

It is impossible to get a team of some investigators that would work on a Euregional level who specialize in all kinds of phenomena. (Belgian Police Commander, Interviewee 22)

It appeared that some of the interviewees were using these types of questions/statements to block further discussions, because on the one hand, specialist investigators are naturally required, but on the other hand, the Belgian and German officials are not willing to donate many people, which appears to preclude the idea of forming multiple specialist teams.

“Yes, but what if the crime-fighting priorities change?”

The possibility that crime-fighting priorities may change was also cited as something that would preclude the establishment of an Integrated Euregional Police Investigation Team. One Belgian police commander explained:

But, priorities can change. You know, criminal police is now organized with specialties. [We] have drug specialists, [we] have specialists [for] human trafficking, [we] have specialists [for] cars. Maybe, one year, drug trafficking will be the priority. Then, next year, it will be [stolen] car trafficking. So what? Your 10 police [officers] there [in a joint police team] will have to change their specialty?... I don't know how you can see it in practice. (Belgian Police Commander, Interviewee 36)

Readers will recall from Chapter 6 above that the crime-fighting priorities for international police and judicial cooperation in the Meuse–Rhine Euregion have stayed the same since the first Annual Strategic Conference for the three countries, which was held in 2008.

“Yes, but should it be secondments or fixed?”

Another question that appeared to stump discussions was whether the police officers working on an Integrated Euregional Police Investigation Team would be seconded or not. One Belgian police commander questioned:

Should we rotate [police officers in and out of the positions every few years] or should it be a fixed bureau? (Belgian Police Commander, Interviewee 30)
This question is particularly interesting since there is a debate among the police and justice officials in the Meuse–Rhine Euregion about whether international police and judicial cooperation should be considered a specialty job. As the data presented in this dissertation has shown, international police and judicial cooperation should definitely be considered a specialty job. In this light, a fixed bureau would be ideal, but due to the nature of police positions, it appears that secondments would be the best arrangement for such an integrated team.

“Yes, but what about the working conditions?” (i.e., work hours and overtime pay)

Some of the interviewees explained that the different working conditions of the three countries also complicate (and in the eyes of some officials, almost preclude) the formation of an Integrated Euregional Police Investigation Team. For example, the following dialog occurred between a Dutch police commander and the researcher:

**Interviewee 28:** Yes, because when we want to work together with the Dutch police forces, Belgian police forces, and German police forces, we have a lot of different [labor conditions]. For instance, when I [as a Dutch police officer] work after five o’clock, I will be paid for those [overtime] hours after five o’clock. The German colleague does not get any money.

**Interviewer:** That’s overtime?

**Interviewee 28:** Yes... But, such things have to be equal for the three forces when we are looking [to establish a] “Euro Crime Squad,” because otherwise, one colleague will say, “I’m sorry—I’m going home,” and the Dutch or Belgian colleague says, “Okay, I am still working, because it will be paid”...

**Interviewer:** What are the different labor conditions?

**Interviewee 28:** For instance, your rates of payment, your travel conditions, because people coming from Belgium have to start at nine o’clock, but because there are travel conditions, they can be here at 10 o’clock, because traffic [i.e., commute] time is counted.

While, we [i.e., the Dutch] have to be here at seven o’clock, and if I stay until half past six, that is no problem, but that’s my own time. Those such things—small things—for a prosecutor’s office or for setting up this “Euregio Crime”—such things have to be managed before you start with “Euregio Crime,” because when we are working together and we are on the same investigation, and we are in Eindhoven for our work, and the Belgian colleague says, “Okay, I stop now because I have to be home at five. I won’t be paid [after five],” and the Dutch colleague says, “No, we stay, because I will be paid,” [then] we have a problem. So, take a train and go home. But, such things have to be cleared before you start something... On the working floor, that will be a problem.
The same sorts of issues were raised by Belgian police commanders. For example, one Belgian police commander stated:

"If a Belgian police officer earns 100 Euros a month, and the Dutch officers earn 110 [Euros a month], and the Germans earn 120 [Euros a month]—for the same job—that is not good. And, if that [Euregional] police will be paid better than the normal police—like what we are doing—then, everybody will want to do that. And, if you don’t go in to that police [team], you don’t earn that. And the next time you look at the situation, you say, “I get 100 Euros, and you get 110 Euros.” You solve the problem.

That is also something to think about. It’s nice to think on paper how to create something, but you also have to see how the social [aspects are affected]. And, I think that is also a big problem. (Belgian Police Commander, Interviewee 44)

It stands to reason that more highly-skilled workers, such as specialists in international police and judicial cooperation, would earn more than their less-skilled colleagues in a particular country. It also stands to reason that since such work would be a secondment, the respective pre-established labor conditions of each agency/country would still apply.

“Yes, but where does the money come from?”

Perhaps one of the sharpest questions was posed by some of the Belgian interviewees. For example, one Belgian police commander asked:

Where does the money come from? (Belgian Police Commander, Interviewee 44)

Recall that other Belgian interviewees asked the same sort of question, for example:

But practical problems come up, [such as]: “Who’s going to pay [for] it?” [and] “How should it be organized?” Everything. And then, it finishes [i.e., the discussion comes to an end]. (Belgian Police Commander, Interviewee 9)

These sorts of questions were surprising to the researcher, because it seems natural that the money would be provided by the relevant European stakeholder organizations. When the researcher posed such an idea to the interviewees, the interviewees generally seemed to abandon the idea, as though it was not possible or realistic, and the conversation was shut down yet again.
Miscellaneous Questions

“Yes, but if we got into an accident with our police cars on foreign land, are we insured?”

The psychological games became remarkable when some of the police and justice officials began asking questions that could easily be answered with some research, yet remained apparently unanswerable. For example, consider the issues identified by one Belgian police commander:

Some questions about international cooperation include, “If we got into an accident with our police cars on foreign land, are we insured?” Another question is, “What if somebody needs to use a gun?” These are big questions with respect to international law enforcement cooperation between Belgium and Germany. International law enforcement cooperation is easier with the Dutch. Sometimes, we are stopped from cooperating with each other because of the law. (Belgian Police Commander, Interviewee 44)

Other interviewees raised the exact same questions, and remarkably, could not answer them. With respect to the first issue of car insurance, this question could be easily answered by inquiring about the car insurance rules of the relevant countries. Some of the treaties also answer this question directly (see Appendix A). With respect to the latter question, Table 2.4 above lists the key legal agreements that address the use of a weapon in the context of international police cooperation (see Chapter 2). So, instead of conducting some basic research—in perfect alignment with the investigative inquiries that these officials conduct everyday—to find the answers to these very answerable questions,

149 Notably, Article 43 of the “Convention Implementing the Schengen Agreement” (1990) speaks to the issue of liability by stating: “[w]here, in accordance with articles 40 and 41 of this Convention, officers of a Contracting Party are operating in the territory of another contracting party, the first Contracting Party shall be liable for any damage caused by them during their operations, in accordance with the law of the Contracting Party in whose territory they are operating” [emphasis added].

Article 19(5) of the “Convention Drawn Up on the Basis of Article K.3 of the Treaty on European Union, on Mutual Assistance and Cooperation between Customs Administrations” (1997) states that: “[the] Member State [wherein the damage took place] will be reimbursed in full by the Member State whose officers have caused the damage…”

Article 16 of the “Convention on Mutual Assistance in Criminal Matters of 2000” speaks to civil liability for damages, and is in consonance with the directives of previous international agreements.

Article 39 of the “Treaty of Senningen” (2004) speaks to the issue of civil liability, and instructs that those who cause damage shall cover the costs of repairing the damage.
some of the officials use these questions to innocuously end the so-called “difficult discussions.”

“Yes, but let’s be realistic”

The psychological game of “Yes, but let’s be realistic” was also used to bring the discussion about a possible Integrated Euregional Police Investigation Team to a quick close. For example, consider the dialog that ensued with two Belgian police commanders:

**Interviewee 36:** This was a great idea, and maybe it will come back—to have a common police—but let’s be realistic. You must not dream of some tools for cross-border cooperation that you do not even have in your own country. In your own country, we have police that is divided into districts, and so on.

**Interviewee 35:** And in Germany, you also have different services. In The Netherlands too.

**Interviewee 36:** Why would you create something on the cross-border level that you don’t even have on the national level?

These Belgian police commanders were referring to the lack of inter-agency cooperation within their own country, and reasoning that on this basis, international police cooperation should not and cannot be properly advanced. This appears to be flawed reasoning.

To this end, one German prosecutor stated in a separate interview:

I think we have to [look at it differently]. [Cooperation between police and prosecution] is still, in the first line, a national problem everywhere. If you look to Germany, yeah, everybody says, “Of course, police and prosecution must work closely together,” but they don’t, and there [is] still some rivalry, and I think, on a national basis in Germany—it has not been solved yet. Everybody is working on it officially, but still, there are some reservations on both sides, and I think this is a big problem. To solve it internationally before you solve it nationally is one step too far. So, [since] the discussions are so long, I would suggest that both items should be taken at the same time—that you force [closer cooperation between police and prosecution] nationally and internationally, not to say, “Let’s wait until it’s solved internationally on every side of the border.” Then, it does not work. But you can’t wait anymore... Both approaches have to be taken at the same time. (German Prosecutor, Interviewee 38)

The threats and demands posed by serious transnational organized crime require advancements in international police cooperation. The police and justice officials should undertake the initiatives necessary to achieve this goal.
“Yes, but each country has its own priorities and philosophy”

The different priorities and philosophies of the three countries were also cited as factors that preclude the establishment of an Integrated Euregional Police Investigation Team. One Belgian police commander explained:

Each country has their own priorities. We have a National Security Plan [in Belgium], and it’s not the same in Belgium, The Netherlands, or Germany. Our priority [in Belgium], is to fight the criminality inside our country. And, it would be marvelous to have a permanent institution, but of course, it’s very difficult—it’s not possible—because each country has its own priorities...

And it’s a question of philosophy too, because in The Netherlands and in Belgium, the philosophy is the same (i.e., the “principle of opportunity”). But in Germany, it’s quite different (i.e., the “principle of legality”). In Germany, it is not possible for the [prosecutor] to choose the opportunity to prosecute. In Germany, [if they] have a fact—a suspect—the prosecutor must prosecute—he has no choice. In Belgium, the prosecutor can decide for each reason, to do a prosecution [or not]. We call it the “opportunity” [principle]. It’s the same for us [between Belgium and The Netherlands], but not in Germany. You can choose whether to act or not to act in Belgium and The Netherlands, but not in Germany. [Emphasis added] (Belgian Police Commander, Interviewee 19)

It is interesting to recall that the three countries have set common priorities for international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion (i.e., drug trafficking, human trafficking, and organized house burglaries). It is also interesting to observe that, despite the differences in philosophy between the three countries, they have still been able to cooperate. Therefore, it seems that these are not very strong reasons to preclude the establishment of an Integrated Euregional Police Investigation Team.

“Yes, but some people are hungry for power”

With time, the real underlying problem preventing further advancement in international police cooperation surfaced in some of the interviews. For example, consider the following dialog that ensued between the researcher and one Dutch prosecutor:

Interviewer: From what I understand, the EU is very supportive of international cooperation and would be very supportive of something like this.
Interviewee 39: Yes. You would get a lot of money for it. But, two things block this, and those things are in human beings: (1) a lack of vision—a lot of people in this region have no vision, or a small vision.

Interviewer: What I found is that they don’t even think about it—they have never thought about it before.

Interviewee 39: Yes.
And (2): hunger for power.

Interviewer: Tell me about it. I saw that.

The power struggle was confirmed in the other countries as well. For example, recall that two Belgian police commanders stated:

Interviewee 44: If [the Dutch] are feeling that they are not going to get that money, they block everything.

Interviewer: For everybody? So, you mean The Netherlands always has to be in charge?

Interviewee 43: [Nod]. They want to have the [leadership] of that sort of thing.

The juxtaposition of these two interview transcript excerpts should make the power struggle between the countries clear to readers.

“Yes, but it is a question of political will”

A number of police and justice officials from all three countries explained that the formation of an Integrated Euregional Police Investigation Team depends on political will. For example, one Belgian police commander stated:

“Yes we can”—Barack Obama—”Yes we can.” But, it’s our bosses. (Belgian Police Commander, Interviewee 44)

In a separate interview, one Belgian prosecutor provided more detail, stating:

Interviewee 2: It is a vision for the future that is very welcomed, but on a political level, it is not possible at the moment.

Interviewer: And when you say political level, is it the Meuse–Rhine Euregion level, or is it higher?

Interviewee 2: Higher—the federal levels—Berlin, Brussels, and The Hague.
Accordingly, these interviewees explained that “It is not for tomorrow,” and that such a development will take time to establish. Indeed, one Dutch prosecutor went into detail and explained that an international treaty would be required to establish such a team:

**Interviewee 39:** This can’t be done on a regional level, because you need international agreements at the level of ministers of governments. This is such an important and sensitive problem. If you would bring police officers of three countries together at one point [in an integrated police team], and let them go around to three countries doing their job, it has to be agreed on—at least agreed on. And maybe [another research question] that would take some scientific and other research, is: can we do that without a treaty? Or, will we get problems in one, or two, or three of the countries if we don’t have a treaty underneath? Can we go with an informal agreement between the three countries, or does it have to be more formal, in the form of a treaty?

I myself, I like to go informal, but I am too much of a lawyer and expert on international law that I think that there has to be a treaty...

I would like to go fast, but you can’t go wrong. To come to a treaty, you will have to have political agreement between the three Ministries.

**Interviewer:** So, how is that going to happen? What is the plan, to get that agreement?

**Interviewee 39:** There’s nothing happening on this now. This is still sensitive in our own region...

Anyway, because of the power and the legal position, and the international position, it has to be brought anyway to the political level of the Ministries... because it is not a small thing that we are talking about.

Undoubtedly, a treaty would be required to establish an Integrated Euregional Police Investigation Team in the Meuse–Rhine Euregion. Unfortunately, however, it does not appear that much is being done in this regard.

“Yes, but the time must be right”

A number of the interviewees concluded the discussion about the possibility of an Integrated Euregional Police Investigation Team by stating, “Yes, but the time must be right.” For example, one German police commander stated:

I think we are waiting for the next step, but the time must be right.

(German Police Commander, Interviewee 34)

Similarly, in a separate interview, one Belgian police commander stated:
But, it is always a little bit... people going [on] about money, people sharing information, laws, and so on. So, that's why our director said his opinion [as being], “Hmmm, not yet.” (Belgian Police Commander, Interviewee 10)

Considering the power struggles between the police and justice officials, and the lack of political involvement at the present moment, it will take some time for such a development to materialize.

Semantics

In speaking about the possibility of an Integrated Euregional Police Investigation Team, the majority of the interviewees across the countries also agreed with taking the idea one step further and creating a “joint police force” for the Meuse–Rhine Euregion. There were, however, a small number of dissenters. Specifically, approximately four Belgian police commanders were very opposed to the idea of creating a “joint police force.”

One Belgian police commander stated:

When you ask this question [i.e., “What is your vision for advancing international police and judicial cooperation?”], I always think about someone who asked me, “Why don’t you have one police [force] or one justice [system] for the Meuse–Rhine Euregion?” I told this person, “That would be, maybe, the worst idea there could be, because we work to open the borders, and not to create new borders. If we have one police service for the Meuse–Rhine Euregion, then we will have to cooperate with the other regions out[side] of the Meuse–Rhine Euregion. What we try to do is to open the border, to The Netherlands and to Germany, so that we can work with our neighbors, even out of the Meuse–Rhine Euregion.” You know what I mean?...

The [joint] police force... maybe [the idea] will come back. This was an idea some years ago, and, we had a problem with it, because justice had this idea [about] a common police service, and we said, “We don’t think it’s the best way.” We would like to create tools, like EPICC, like BES, and so on, to increase the synergy between the services, but we do not have to create... [a joint police force for the Meuse–Rhine Euregion]...

So, we create networks. We work in networks. That is the way that we do it. It is not thinking about a European police force. It is about creating networks, cooperation, agencies like Europol that can connect people—that can connect databases—that can give you some products that you need when you fight against serious crime. That’s the way.

(Belgian Police Commander, Interviewee 36)

In sum, correct word usage is important here. The Integrated Euregional Police Investigation Team cannot be called a Euregional “police force,” because that terminology
alarms some people. As previously stated, the establishment of a true Euregional police force would require new law, and a new police uniform/patch. Perhaps the EU will harmonize the laws and create an EU-wide police force for all of Europe in the future, but such a project is not currently underway. So, the terminology is important. It is partly a matter of semantics, but it makes a difference in allowing people to remain calm and unthreatened by the idea, which is simply meant to help facilitate international police and judicial cooperation for the purpose of public safety.

**Naysayers: Excuses, Arguments, and Perceptions that Prevent the Advancement of International Police Cooperation**

In addition to various psychological games, the data also revealed a long list of excuses, arguments, and perceptions that prevent the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion with respect to the establishment of an Integrated Euregional Police Investigation Team. Interestingly, however, this long list of excuses came from only six Belgian police commanders ($n = 6/44 = 14\%$). As one Dutch police commander—a “Master in Cooperation”—explained:

> If I don’t want this, I look at the problems. When you don’t want to, you always find a reason to not do it. (Dutch Police Commander, Interviewee 26)

This statement captures the essence of what is happening here. Essentially, there are a few Belgian police officials who do not want to see closer international police cooperation in the Meuse–Rhine Euregion, and naturally, have found many reasons to substantiate their position. These excuses and arguments are outlined below.

*It’s a quick enough drive to the key cities in the Euregion if we want to cooperate*

Some of the Belgian police officials argued that side-by-side police cooperation within the context of an Integrated Euregional Police Investigation Team is unnecessary, because it is a quick enough drive to the key cities in the Euregion if cooperation is necessary. For example, one Belgian police commander commented:

> From here to Maastricht, it’s [some] kilometers. From here to Aachen is [some] kilometers. (Belgian Police Commander, Interviewee 35)
For these officials, working side-by-side together under the same roof on an investigation does not appear to have added value.

“We already have the possibilities of Mirror Investigations and JITs”

Other officials cited the already available possibilities for international police cooperation. One Belgian police commander explained:

We have the possibility to do Mirror Investigations. We have the possibility to have Joint Investigation Teams. So, that is enough. Let's use these instruments before creating some other ones. (Belgian Police Commander, Interviewee 36)

Again, it is clear that, among other things, the naysayers do not see the added value of establishing a permanent Integrated Euregional Police Investigation Team composed of specialists who would help control the variables that influence the process of international police and judicial cooperation.

“The police chiefs have a special written agreement that ensures capacity if required”

A recurring issue noted throughout this dissertation concerns the lack of police capacity for international police and judicial cooperation in the Meuse–Rhine Euregion. To address the lack of capacity, the vast majority of the police and justice officials argue that establishing a permanent Integrated Euregional Police Investigation Team would solve the problem. Interestingly, however, one of the officials who expressed opposition to the idea of a permanent Integrated Euregional Police Investigation Team explained that there is a special written agreement between the three countries that ensures police capacity will be provided, if required. To quote:

**Interviewee 36:** And, but we have, and we have it on the police part; I don't know if justice has it already, but we have a written agreement between the police chiefs of criminal police services, that says that they assure that the needed capacity will be given to the cross-border investigations.

**Interviewer:** That's in Belgium?

**Interviewee 35:** No. That's between the three countries.

So, [our] colleagues... in Germany and The Netherlands, they made an agreement [with Belgium]...

**Interviewer:** What is the title of this agreement?
Interviewee 36: Two or three years ago, with the drug problem that we told you [about], we found that the Dutch colleagues did not have enough investigation capacity, and we said that, “We don’t want to have this problem.” So... every police chief in the three countries [was asked] to agree, to make sure, to give his... promise that he will give the needed manpower for cross-border investigations. So, [my colleague] knows that if he has an investigation that goes in the direction of The Netherlands, in one of the strategic priorities (i.e., if it concerns drug trafficking, human trafficking, or house burglaries), he will get, from his Dutch colleague, the capacity to make this investigation.

Interviewee 35: It is all written here.

Interviewer: So, is this is a public document?

Interviewee 35: It’s “police use.” It’s between the police chiefs and the prosecutors—they signed it.

Interviewer: So, is it alright to state in my dissertation that you have a written agreement that allows for this capacity?

Interviewee 36: Yes. Of course. You can put the title and the date.


Interviewee 36: And to me, it is the best way to be sure that you will always have the manpower that you need.

Sometimes, you need to make some written agreements on some things to facilitate cooperation. That was one. But, we do not think that a common police force is needed.

Interviewee 35: [It reads:] “Chiefs are [obliged] to give the manpower that is necessary to make tactical investigations on the demand of the partner from the other country”...

And it is signed by the police heads, and the heads of the... prosecutors. It was presented [at] the Strategic Conference in November 2008.

Interviewee 36: In 2008, it was decided to do so, and in April 2009, [it was signed].

Interviewee 35: We had problems with... there were prosecutors who would not sign it at the beginning. Now, they all signed it.

This information was a slight “game-changer” for the data analysis, because prima facie, it appears to negate the need for an Integrated Euregional Police Investigation Team. Readers are reminded, however, that an Integrated Euregional Police Investigation Team would not only be sufficiently resourced, but it would also be staffed with specialists in international cooperation, who would control the variables that influence the process of cooperation, and thereby help improve international police and judicial cooperation every time the process is engaged. Thus, police capacity is required for international
cooperation, but it is not sufficient. The police officers tasked with such a job should also be highly skilled in international police and judicial cooperation.

“We need to open the borders, not create new ones”

An interesting perception raised by three Belgian police commanders in separate interviews was that the establishment of an Integrated Euregional Police Investigation Team would create “new borders.” In other words, it would be an elite police team, and another hurdle for anyone outside of the police team to go through if they wanted to be involved in international police and judicial cooperation in the Meuse–Rhine Euregion. For example, one Belgian police commander stated:

I think... about opening borders, and not creating new borders. That's the first thing. And, for me, it's very important. (Belgian Police Commander, Interviewee 36)

The type of inclusivity that these Belgian police commanders are striving for is admirable. Considering the data, however, it does not appear to be something that will help advance international police and judicial cooperation. What is needed is a group of specialists to bridge the gaps in the policing of serious transnational organized crime. An Integrated Euregional Police Investigation Team should be established to facilitate the advancement of the enterprise. The borders would be opened in this way, since a specialist team would serve as a bridge/contact point for others. It would be an elite team, but one meant precisely to open/liaise across the borders. Ironically, the naysayers are actually “putting up a wall” and creating a border by refusing to participate in the advancement of international police and judicial cooperation, due to such a perception.

“There would be a division between the local police and the elite Euregional police”

Another concern among some of the Belgian police commanders was that the establishment of an Integrated Euregional Police Investigation Team would create a disjuncture in the process of a criminal investigation, and create animosity/competition/jealousy with the local police, which could negatively impact international police and judicial cooperation. For example, the interview dialog between the researcher and one Belgian police commander proceeded as follows:

Interviewer: The beauty of such a model would be that the police officers could work side-by-side with one another on a permanent basis.
And, they don’t have that right now. So, if we look at it now, that way, is that going to be more acceptable?

**Interviewee 44:** No.

**Interviewer:** Why? It’s good. I want to hear the objections, please.

**Interviewee 44:** When you’re doing that, that’s fine—we need that. But, you are creating a “super [team]”—better police [officers] than... federal [police officers]. Like in America, the “Feds”—the FBI—they are higher [more powerful than local police officers]. And if they are coming somewhere, they say, “Okay, thank you for your [work]. Now, it’s mine [step aside, I’ll take over from here].” And that is what you will create here also [with the idea regarding a joint police team].

And, what [else] you will create is, that the local police will not want to work together with that guy who is coming from the “Euregional Police.” [The local police may say to the Euregional police]: “It’s your job. You do the job.” Then, we are back to... [“square one”].

The police and justice officials should recognize that international police and judicial cooperation is very specialized work, and accordingly, specialists are required to perform such work. If all police officers are educated/knowledgeable about the complex and lengthy process of international cooperation, and specialist police officers (*i.e.*, multilingual, trustworthy, knowledgeable, charismatic) are selected to work on an elite Integrated Euregional Police Investigation Team, international cooperation will likely proceed more smoothly, because the general population of police and justice officials in the Meuse–Rhine Euregion will see the added value that the specialists bring to the job.

The data strongly suggest that specialists are required because international police and judicial cooperation is a highly sensitive process that is influenced by many variables. Just as not everyone is suitable to become a medical doctor, police officer, prosecutor, or judge, and not every police officer is suitable to investigate all forms of crime, not every police officer (or prosecutor) is suitable to be involved in the process of international police and judicial cooperation. Specialists possess special skills, knowledge, experience, and attributes that qualify them for involvement in specialist work. Therefore, international police and judicial cooperation should be recognized as the new specialty area/portfolio/dossier for police and justice officials in the Meuse–Rhine Euregion.

**“It will cause double work”**

Building on the previously-noted concern, some of the interviewees were under the impression that an Integrated Euregional Police Investigation Team would actually cause more work. For example, one Belgian prosecutor stated:
Interviewee 12: I am not in favor of such a solution because of the fact that some of the cases start on a very small/local level—for example, in the case of burglary, etcetera—before you see the international dimension. So, at what stage do you give the case over [i.e., to the specialist team]? So, in these cases, a joint force would not make any use.

Interviewer: So, do most cases start like that?

Interviewee 12: Yes, many...

It makes no sense that such a unit would take over the work and start a new investigation, particularly in cases where somebody is in custody, and there are time pressures. It would make more sense for this to be done at the local level, and bring the others together and arrange things (e.g., MLAs), instead of having a standby permanent unit.

Interviewer: So, you’re saying that the people who are working on a case in the beginning are the ones who should carry it through to the end?

Interviewee 12: Yes, with the help of the others... [Otherwise] it is double-work, partly. And you cannot afford it in cases where there are time constraints.

In many fields, specialty units take over from first responders. For example, paramedics will bring casualties to emergency room doctors for specialty care. In policing, specialty units (e.g., from local homicide investigation units to federal investigation organizations such as the FBI) take over on a routine basis from first responders. Such an arrangement does not cause double-work, but rather, allows for specialists to perform the work better and faster than non-specialists.

“It’s a difficult discussion”

A remark made by one Belgian police commander summarized the entire research study. 150 Consider the following dialog that ensued between the researcher and two Belgian police commanders, which ended with the one statement that both summarized and concluded the discussion at once:

Interviewer: Some people are suggesting an entity where 10 police officers from each country could possibly go and work together on a permanent basis. The interesting thing that I noticed is that you have EPICC, which is for information sharing, and you have BES, which is for

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150 Indeed, this statement was selected for use as the “witty catchphrase” in the present dissertation’s title for its summative (and comical) value. Used in practice by some practitioners in the Meuse–Rhine Euregion to “shut down” the discussion, this remark was deemed perfectly suitable by the researcher to open the present dissertation.
prosecution, but you’re missing something in between—a joint police team.

**Interviewee 36:** No.

**Interviewer:** You’re missing the operational aspect.

**Interviewee 36:** I don’t see it like that. I see it that BES is a service that makes the link between justice between the three countries. And, I see EPICC making the operational link between the police forces.

And, you only have—and we have it—a link between BES and EPICC to make the cooperation between police and justice...

And, that link now exists because there are regular meetings, and they are involved in the work of... but...

**Interviewee 35:** It’s a difficult discussion.151

It is a very difficult discussion indeed because for the most part, the Belgian and German police and justice officials are unwilling to speak openly and directly to their Dutch counterparts about their concerns. This has created a situation where most of the Dutch do not understand why the Belgians and Germans are recalcitrant, and why international police and judicial cooperation cannot be advanced any further at the moment. If the Dutch truly understood the concerns of the Belgians and Germans, the Dutch would have been able to address those concerns by now, and help advance international police and judicial cooperation further, but this has not happened yet. On the contrary, there is currently deadlock in the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion. Needless to say, the discussion also becomes difficult when the interviewees use psychological games to shut down the discussion. When colleagues cannot speak openly and honestly to one another, such a situation impedes the advancement of international police and judicial cooperation.

**The Real Reason for the Resistance from the Belgians and Germans: Fear about the Loss of Control—Power Struggles between Organizations**

The data pointing to a fear about a loss of control/power rose to the forefront in discussions about how to advance international police and judicial cooperation in the Meuse–Rhine Euregion. In response to being asked why this idea for an Integrated Euregional Police Investigation Team has not yet been established, only a very select

151 Considering the complexity of this study, this remark is actually quite comical because it is an understatement.
number of Dutch officials was able to identify the core issue correctly. For example, one Dutch police commander succinctly explained:

Because the German and Belgian police chiefs, and the German and Belgian head prosecutors, are afraid to establish something like that because they think that they will lose control over their own people. (Dutch Police Commander, Interviewee 23)

In a separate interview, another Dutch police commander provided more detail:

But then the difficulty starts—who is responsible for that crime squad?—because [the Belgians and Germans] lose a lot of authority when you put the crime squad, for example... [in Heerlen]. For example, the German prosecutor says, “Oh,” and the German police say, “Oh, I lost 10 people.” But he probably does not realize that those 10 people are working with 20 others—Dutch and Belgian—in an investigation for the German forces. So, it can be easier to give 10 people to the Euro Crime Squad, than [for him to give] 20 [of his own] people... [to do] this investigation [alone].

Also... when the building is built in Aachen, the police forces in The Netherlands think the same. It is not that we are looking to Germany and Belgium. The Dutch are the same. When [the Dutch police forces] have to give 10 people [to be stationed in a foreign country], they don’t realize that they have a lot of profit. We do not give fault to Germany or Belgium.

We [i.e., the Dutch] are also responsible for not [setting] up this Euro Crime Squad, because our crime chief says, “Oh, I lost 10 people.” So, it’s a three-country problem—not just a problem for Germany or Belgium. It is for all the three countries, because when you give people, for instance, when [a German magistrate] and [a Belgian jurist] are sent to BES, then the German and Belgian prosecutors expect something from this BES, because [they think], “Okay, I have sent one of my people to BES, but I want to see some profits for doing this job at BES. When I give you money, I would expect something for that.” (Dutch Police Commander, Interviewee 28)

This fear about the potential loss of control over one’s resources was corroborated in discussions with Belgian and German police and justice officials, as already noted above. Specifically, some of the Belgian and German police and justice officials are concerned that the Dutch would hoard and inappropriately use Belgian and German resources for Dutch purposes if an Integrated Euregional Police Investigation Team is created.

The main conclusion here is that: some of the Belgians and Germans do not trust the Dutch. Two Belgian police commanders candidly provided more insight into the power struggle between the organizations:
Interviewee 10: The Belgian officials and the Germans... feel exactly the same way, because we discussed these things in our working group... the German colleagues are there [in that working group], and the Dutch colleagues of course. And they [i.e., the Dutch] want to make profit of [i.e., capitalize on] the cooperation. But these two countries—Belgium and Germany—are saying, “Okay, we believe in this concept, but what is behind it? Maybe you [i.e., the Dutch] want to get some more people to your Heerlen station?” And the first investigation should be something with German colleagues [Dutch, Belgian, and German colleagues together]. Okay, but after one year, maybe we [i.e., Belgians] are working [only] for Holland, because there is this “Weigh Commission,” that says, “Oh, drugs? No, not now [i.e., it’s not a Dutch priority to fight drugs]. But human smuggling—okay—that is something [that involves] Rotterdam, Heerlen, and a little bit Belgium? Okay, that’s something for the EOT.” That’s a little bit how they see it.

Interviewee 9: Yeah, they don’t trust it. It’s not that they don’t trust it, but they... [are worried it will evolve into a team that is controlled by the Dutch for the Dutch].

Interviewee 10: It is always about money and people. That’s it... They do give something out of their hands [i.e., they lose manpower when they donate staff to such a team]. When the prosecutor in Hasselt is saying, “Okay, I agree with this. There is some team in The Netherlands sitting and investigating Euregional crime, [but] that is something I have to give away, so I don’t have any influence on it anymore.”

In a separate interview, another Belgian police commander simply stated:

Such a crime-fighting unit [should not be] created for solving your own capacity problems. (Belgian Police Commander, Interviewee 43)

Notably, the police and justice officials from the three countries agree that the advancement of international police and judicial cooperation should not be meant to solve any given country’s human resource capacity problems, nor can it. The main purpose of such advancements should be to better facilitate international police and judicial cooperation. If an integrated structure helps solve other problems, such as capacity problems, then it would be ideal.

In sum, there is fear (i.e., perceptions become inaccurate when compared to the facts). For example, it is the researcher’s assessment that the Dutch are not suggesting closer collaboration to increase their own capacity. On the contrary, the researcher believes that the Dutch are advocating/requesting closer collaboration with their Belgian and German colleagues because they understand that the only way to fight serious transnational organized crime in the Euregion is with the assistance of their cross-border
colleagues. It is merely a coincidence that the Dutch are sorely under-resourced. Granted, such a situation does not help the Dutch establish closer cooperation with their Belgian and German colleagues. Ultimately, the very few resistant police and justice officials in Belgium and Germany should be courageous and confident, and see that all of the stakeholders in the Meuse–Rhine Euregion share the same goal, which is advancing international police and judicial cooperation to combat serious transnational organized crime. Very significantly, the vast majority of the interviewees agree that an Integrated Euregional Police Investigation Team should be established.

9.2.2.1.7. Establishing a Common Training Centre for Police Investigators

The last main vision/idea for the advancement of international police cooperation concerned the training of police investigators. One Belgian police commander explained:

And, you may not forget that it is maybe, sometimes, a little frustrating. This work [i.e., building capacity for international cooperation] is a circle; you always have to begin at the beginning, because there are new police [officers] coming, there are new people working here, and there are new leaders. You cannot think that, if you gave some course once, or information once, that it is done. No. A year later, you will have to start at the beginning, because there will be new people, there will be... you have to organize some measures that go on and on and on. And that is surely the case when you think about some information courses on cross-border cooperation. (Belgian Police Commander, Interviewee 36)

This interviewee suggested that the training can occur in the form of seminars, or a structure can be established, such as a joint training centre. Others concurred with these ideas in separate interviews.

9.2.2.2. Visions for Advancing Judicial Cooperation

The interviewees raised a number of ideas with respect to the advancement of judicial cooperation. The ideas were: (1) introducing a common procedural law for the EU, (2) establishing an easier mutual legal assistance process, (3) establishing an Integrated Euregional Prosecutorial Team, (4) adding more prosecutors to the BES, and (5) including Examining Magistrates in discussions. Each of these ideas is discussed below.
9.2.2.2.1. Introducing a Common Procedural Law for the EU

A number of the interviewees stated that it would be helpful for the EU to introduce a common procedural law. For example, in response to being asked “What is your vision for advancing international law enforcement cooperation?” one Belgian prosecutor stated:

**Interviewee 2:** I would introduce a common criminal procedural law for Europe. It would be an enormous step forward.

**Interviewer:** What about a common Criminal Code?

**Interviewee 2:** The substantive criminal law doesn’t differ so much in the EU, except for the measures and different solutions regarding how to execute a punishment (e.g., probation), but those are details. A murder is a murder across the EU.

I would like all the authorities in the Meuse–Rhine Euregion to do their international law enforcement cooperation work in the same way that they do their work on a national basis—without any blockages—to do international cases as though they were national cases.

Considering the law harmonization that has already taken place, and the ever-increasing patchwork of international legal agreements regulating international police and judicial cooperation in Europe, a common procedural law for the EU may come into existence soon.

9.2.2.2.2. Establishing an Easier MLA Process

As exposited in Chapter 7 above, the longest and most sensitive part of the process of international police and judicial cooperation concerns the option of classical mutual legal assistance. Interestingly, however, very few interviewees pointed to this part of the process as being in need of improvement. One of the German prosecutors astutely stated:

**Interviewee 38:** And, a more direct exchange of letters rogatory—not for everything that you would like to have from the other side of the border. [It would be] a new letter rogatory, but also, I use the word “frame”—a frame letter rogatory that you can rely on, the next time you exchange things.

**Interviewer:** Like a template?

**Interviewee 38:** Not a template, in that sense, but a “mother” letter rogatory, so the next time you say, “I sent you [a letter rogatory] a fortnight ago concerning this topic. I just want to have additional information, without sending a new formalized letter.” This would do, I think.
This is the “wide-asking” mutual legal assistance request, which was described in Chapter 7 above. The data suggest that only the “Masters in Cooperation” use this option. Therefore, it is important to educate all of the prosecutors who are involved in international police and judicial cooperation about this option, so that it may be employed to greater facilitate the process of international police and judicial cooperation. Notwithstanding the above, the data for the present study clearly show that the process of mutual legal assistance remains lengthy and subject to many hindering variables, which suggests that the mutual legal assistance option in the process of international police and judicial cooperation is in need of reform.

9.2.2.2.3. Establishing an Integrated Euregional Prosecutorial Team

One way to expedite the mutual legal assistance process would be to develop a tactical office, staffed with specialist prosecutors, who would perform this work. One of the ideas mentioned in this regard was to add prosecutors to EPICC. For example, the following dialog unfolded between the researcher and one Belgian prosecutor:

**Interviewer:** The police said that they want prosecutors in EPICC?

**Interviewee 15:** Yes. They would find it more comfortable. Police officers in EPICC can exchange information, but [on the judicial] level, they won’t be able to use it. They can only exchange it [informally in EPICC], but they won’t be able to use it if it comes to court. So, if magistrates were added to EPICC, then the information could be used in court.

**Interviewer:** So, you are saying that the addition of magistrates to EPICC would make the information exchange more formal?

**Interviewee 15:** Yes. Right now, it is informal. They can exchange information, like license plate numbers, the criminal history of suspects, and if they have a criminal record.

So, adding prosecutors to EPICC would allow the process of international police and judicial cooperation to proceed faster, because the prosecutors would be there to immediately authorize the formal/official release of information from one country to another for court use, which is what the process of mutual legal assistance seeks to achieve via the exchange of letters rogatory between the countries.

Both police officers and prosecutors confirmed that adding prosecutors to EPICC would be a good idea. For example, consider the following sampler of responses:
When all the three prosecutor offices could work together [at EPICC]... it would be perfect... This is a bit of thinking outside the box. (Belgian Police Commander, Interviewee 30)

*   *   *

**Interviewer:** One idea that has been brought forward in interviews so far is that maybe it would be nice to have some prosecutors from the different countries working in EPICC.

**Interviewee 6:** I think EPICC is a good thing. I think it’s a good idea to put police officers from the different countries at the same table to work, and I think that doing the same thing for prosecutors would be a solution. (Belgian Prosecutor, Interviewee 6)

Significantly, there were no dissenters to this idea.

Interestingly, EPICC was not the only possible venue raised for a potential Integrated Euregional Prosecutorial Team. For example, two Belgian police commanders observed that such a team could be based elsewhere. To quote:

**Interviewee 10:** Also, we do have EPICC in Heerlen—that’s for sharing police information. Why shouldn’t we do the same—we already discussed [expanding] the Euregional investigation team—but, I want to go further: why shouldn’t we install a Euregional prosecution office? I don’t know whether they would have to go and sit in Maastricht...

The BES is strategic, but not operational. The BES [makes] strategic decisions.

**Interviewee 9:** The BES [makes] contact [between international colleagues] when there is a problem, because they know each other. But, they [do not have] an operational base of working together.

**Interviewee 10:** Let’s say, when I start an investigation here... today I work with some prosecutor, [who] maybe is not used to making contact with her German or Dutch colleague, because she doesn't know him, or he has changed, or whatever. When you should say, that in the three countries, there is one reference prosecutor—a reference for all the drugs or all the human trafficking problems—and you, as a police officer, you always go to the same reference magistrate, and he or she takes every time—in all files and all investigations—he or she takes one and the same prosecution office in Holland or in Germany, people get used to each other, people get used to the work.

**Interviewee 9:** Like Eurojust, which is for the whole Europe.

**Interviewer:** So, this is what you’re suggesting—that this is what is needed.

**Interviewee 10:** Yes. At this time, the police [are] organized in a Euregional way, but a prosecution office is not.

But I think we need a small group of prosecutors working in the field, in some kinds of investigations.
Other interviewees suggested that additional prosecutors should be added to the BES to do the operational work associated with mutual legal assistance. It appears that the establishment of an Integrated Euregional prosecutorial team would be valuable, regardless of the location of such a team (i.e., whether based in EPICC or not).

9.2.2.2.4. Including the Examining Magistrates in Euregional Discussions

The final idea raised with respect to the advancement of international judicial cooperation was simply to include the examining magistrates in Euregional discussions. Indeed, the data revealed that, despite the role examining magistrates play in the process of international police and judicial cooperation, some of the examining magistrates are not invited/involved in the meetings or conferences held in the Euregion, and thus appear to be left “out of the loop.” For example, consider the discussion that unfolded between the researcher and three Belgian examining magistrates in one interview:

Interviewer: What is your vision for advancing international law enforcement cooperation?

Interviewee 18: It’s a dream. It is important to know other people in the Euregion.

Interviewee 17: It’s also important to educate everybody as to the law of the different countries. If you know the laws, the systems, and the cultures, it is easier to cooperate.

We do not know, really, who our neighbors are. We do not really know how they work. I think it would be much better if we better understood our neighbors—their law and culture. I think we have to meet our colleagues. When you can put a face to a name, it is easier to contact him and to call—even if you don’t speak the same language—because, we have to work together against criminal organizations. There are many criminal organizations in the three countries, [particularly with respect to] drugs and human trafficking. I never thought of this before [laughter].

Interviewer: Is it because you are not invited to the conferences in the Euregion? Is that why you feel you want to get to know other people? If you are invited to the conferences, would it help?

Interviewee 17: Yes.

Interviewer: There is one conference in December in this region. Do you know about it?

Interviewee 16: No, and we don’t have time either. But we are not informed.

Interviewer: You don’t even have the invitation to decide?

Interviewee 16: Never. The judges are never invited. I don’t know why.
Interviewer: Would it be nice to have that invitation? If you have the time, would you go?

Interviewee 16: Yes, and to meet people, and to get to know their problems, and to speak about the problems.

As set out in Chapter 6 above, there is the “Forum Ad Mosam,” but it appears that including the examining magistrates in the more regular discussions/meetings/conferences occurring in the Euregion would help increase their awareness about the problems in international police and judicial cooperation, so that they may do their part to better facilitate the process.

9.2.2.3. Vision for Advancing International Police and Judicial Cooperation

After discussing the various ways in which the different components of the process of international police and judicial cooperation could be improved, the interviewees then explained that the ultimate idea is to put everything (i.e., EPICC, BES, IRC, an Integrated Euregional Police Investigation Team, and the mayors) together under “one roof” to form a “triangle of security” (i.e., the police, the prosecutors, and the mayors). The various perspectives on this matter are presented below.

9.2.2.3.1. Establishing One Common Centre for Euregional Cooperation (i.e., “Euregio Crime”/“JustPol”)

In response to being asked to describe his vision for the advancement of international police and judicial cooperation, one Dutch police commander went into detail:

Interviewee 26: There are a lot of departments that work on international cooperation. I would bring them under one roof—under one umbrella—because now, EPICC is from NeBeDeAgPol, and there are other things that belong to the crime division, and so on. There are too many different chiefs on it. Bring it under one central authority.

Interviewer: You mentioned that there are a lot of different departments that work on international cooperation in the Meuse–Rhine Euregion. Can you please list them for me?

Interviewee 26: For The Netherlands, I can. The Netherlands consists of EPICC, Organized Crime [department], Joint Hit Team, Joint Investigation Team, and Coordinator of International Relations. We have one JIT—together with Belgium. And that [list] is just for Limburg South police. All of these. And the chiefs of these organizations know that they have to cooperate. So, informally, they come together once a month to talk about the work. But formally, we don’t have any connection to each other, which is very strange, but informally, of course, we find each other. That is the good will to cooperate...
And of course, our [Dutch] public prosecution service is also doing things for international police work—BES.

**Interviewer:** So, this is for The Netherlands, Limburg South.

And what are the ones in Germany?

**Interviewee 26:** A lot of the same. [There is] EPICC, Joint Hit Team, and we also have police officers from Aachen. But no JITs...

**Interviewer:** What about for Belgium?

**Interviewee 26:** EPICC of course, CGI, JHT, and JIT...

And that is why we say put them all together, and make them one international division.

**Interviewer:** Exactly. And you can add to it by giving EPICC crime analysts and intelligence analysts. And for the joint bureau for the police, it’s been suggested by other people to have at least 10 police officers from each of the countries—10 Belgians, 10 Germans, and 10 Dutch. And for BES, add more prosecutors to help—with at least two Belgians from each city.

**Interviewee 26:** There are concepts. It is called “Euregio Crime.” It’s very complicated.

**Interviewer:** Yes, so this idea—everybody seems to have the same idea—you all have the same vision here.

**Interviewee 26:** But not enough money.

Readers will recall that this idea first came from Fijnaut and DeRuyver (2008), and was originally known as the “Euregio Crime” model (see Chapter 6 above). Later in 2010, Fijnaut and Spapens wrote:

Leading Belgian and Dutch criminologists recommended establishing a permanent entity for cooperation, run by the authorities responsible for the administration, judiciary, and police in the Belgian, German and Dutch parts the Meuse–Rhine Euregion (Fijnaut & De Ruyver, 2008). This entity has been given the working name of JustPol.

JustPol would integrate the present facilities such as the Bureau Euregionale Samenwerking (Office for Euregional Cooperation), the JHT, and EPICC. The same would apply for a future permanent JIT. These proposals are [presently] at the discussion stage...

The proposals for JustPol may seem radical to some of the parties concerned and even too far-reaching. However, they fit well with the principles articulated in the... Treaty of Lisbon... [emphasis in original] (Fijnaut & Spapens, 2010:120–121).

Like the idea for an Integrated Euregional Police Investigation Team, the idea of one common centre for Euregional cooperation was supported by the vast majority of interviewees. Only a small number of Belgian interviewees diplomatically opposed this
idea by playing psychological games with the researcher in an effort to shut down the
discussion. Notably, these were the same officials who were opposed to the idea of the
Integrated Euregional Police Investigation Team. These data are presented below,
but first, more information is provided about the vision held by the majority of the
interviewees with respect to the possibility of creating one common centre for Euregional
cooperation.

The Value of a Permanent Structure

Many of the interviewees discussed the value of a potential Common Centre
for Euregional Cooperation. Some of the positive comments were as follows:

It’s a very good idea to have everything at the same location…
(Belgian Police Commander, Interviewee 44)

*   *   *

It is very important to work [in person] with each other—that you see
each other in the same [physical] location. (Dutch Police Commander,
Interviewee 32)

*   *   *

From the modern stand[point] of technology, you [no longer] need to
have people working together that are also sitting together. This is
clear. Twenty years ago, you would have needed it more. Today, if you
are working for a big company in the world, you can sit in Shanghai and
do the European work. But, of course, draw the line to what I said about
knowing each other... the people who know each other work better
together. It is, of course, an advantage to also sit together. Therefore,
I would never say, ”It is not needed.” Theoretically, it is not needed to
sit together, because you have the modern technology. But, from the
trust [perspective], from the feeling and working together, sitting
together is the best option. Therefore, I would also be in favor of a
”common house,” locally—not only regionally. (German Prosecutor,
Interviewee 38)

The interviewees noted the logic and necessity behind the idea of pooling resources,
as well as the logic and necessity of controlling the variables that influence the process of
international police and judicial cooperation. These interview data are presented below.

The Logic, Value, and Necessity Behind the Idea of Pooling Resources

It is both logical and necessary to pool resources for Euregional investigations due
to all the variables that hinder the process of international police and judicial cooperation—
especially the lack of manpower. In describing how the process of international police and
judicial cooperation operates in practice, one German prosecutor stated:
Then, we soon reach a “situation,” because mutual legal assistance is a European priority. So, they cannot say: “We have no men to do that” [laughter]...

If it costs them [i.e., the Dutch police] so much personnel [to investigate cases], after a while I can ask, “Wouldn’t it be better if you would work together with us [German officials]?” [laughter]...

The idea [of collaboration] is older than the budget cuts; they started earlier than the financial crisis. But, I think, if the Dutch could make it clear to the other countries that the other countries would save money as well, then they would win the race. (German Prosecutor, Interviewee 11)

The second paragraph of this interview transcript excerpt directly addresses the issue/benefit/value in pooling resources. It also explicitly shows the manner in which the perception that “the Dutch are self-serving” was formed by some of the Belgian and German officials. It has been hard for the Dutch to even begin to break this negative perception, because the reality is that the Dutch police are sorely under-resourced.

The third paragraph of this interview transcript excerpt reveals that a paradigm shift is necessary to win the support of the Belgians and Germans with respect to the advancement of international cooperation. In addition to highlighting the benefits of collaboration, a completely fair/egalitarian/inclusive integrated cooperation structure is also required to win the approval of the Belgian and German colleagues.

The Logic, Value, and Necessity of Controlling the Influential Variables

As noted in subsection 9.1 above, only one wide-thinking interviewee clearly recognized the logic, value, and necessity of controlling the variables that influence the process of international police and judicial cooperation (see subsection 9.1 above for the lengthy interview transcript excerpt from Dutch Prosecutor Interviewee 39). Indeed, the amalgamation of the various international cooperation entities under “one roof” would help streamline the process of cooperation because many of the variables that influence the process of cooperation would be controlled by virtue of the specialists who would be involved, as well as the close proximity of a “one roof” arrangement, which would help expedite the process of cooperation and enhance communication. Logic suggests that time and money would be saved if the influential variables were controlled once and for all, as opposed to having to arrange for the variables to be controlled every time a case of international police and judicial cooperation begins. In this light, it becomes clear how discussions about how to improve the process of international cooperation necessarily
instigate larger discussions about how to improve the enterprise of international police and judicial cooperation in general, and vice versa.

The Scope of Such a Structure

As previously discussed, the interviewees stated their vision for the scope of one Common Centre for Euregional Cooperation (i.e., all of the present structures for international police and judicial cooperation in the Meuse–Rhine Euregion situated under “one roof”). The interviewees also spoke about the need for administrative assistants. Finally, the interviewees explained that no examining magistrates would be a part of the structure, because they are independent. Each of these additional elements of a potential Common Centre for Euregional Cooperation are discussed below.

The Need for Administrative Assistants

Some of the interviewees spoke about the logistical problems that arise in terms of the reimbursement of travel expenses associated with international police and judicial cooperation. For example, two Belgian police commanders lamented:

**Interviewee 9:** When you want to cross a border, and you [accrue] some costs, you have to fill in some forms, to get permission [to be reimbursed by your organization], and so on.

**Interviewee 10:** If you want to eat in Maastricht, and you want your money back, you have to fill out some forms, and international, and... [oh boy].

**Interviewee 9:** And that’s in your own organization. You have to fill in a lot of forms to get permission to cross the border, to eat, to make contacts, to rent a car, to get insurance for the car. Yeah—even the insurance. Our [Belgian] police cars are insured in Belgium by the government. But, how can you go to, for instance, Holland?...

**Interviewee 10:** Sometimes, you have to laugh about it. When we want to [get] gasoline [cross-border], we do have some [agency-issued] Visa cards, but, you can only use them in Belgium. So, when you cross the border, 25 kilometers from here, and in Maastricht, you run out of gasoline, we have no [agency-issued credit] card.

We only have one international Visa card—for the entire police station. When you have to go to a rogatory commission in another country, or whatever, you take this card. So, if you run out of gas, and you’re in Aachen or in Maastricht, what do I do now? I take my personal one, and I ask for [a reimbursement from my agency later].

**Interviewer:** Then you have to go through the forms...

**Interviewee 10:** Yes, that’s bureaucracy. In Belgium, it is rather high. It’s not one of my favorite [things]. I hate it.
We have to do a practical job, and not wait all day to fill in the forms.

**Interviewee 9**: And when you want to pay something, and you pay it from your own [money], and afterwards, you ask them for the money back. But when you [did not obtain] permission before [you made the purchase], they say, “There is a big problem.”

Then, they say, “You have no permission. Why have you done so?” But, that was in the moment. Then, it takes you months and months before you get your money back.

**Interviewee 10**: Sometimes, we go to Holland, and the people in Maastricht say, “Let’s go eat; I’ll pay [for] your dinner—that’s no problem.” And we look—everything goes so easy over there [in Holland]. I think that, for us, it’s good. You have to work like that. So, we can’t complain. Sometimes, yeah, bureaucracy [exists in Belgium]. When they [i.e., the Dutch or the Germans] come to our country, I don’t know their point of view.

**Interviewee 9**: But I think, for them, it’s the same.

One German prosecutor confirmed these problems, stating:

Sometimes—two or three times a year—I am invited to the well-organized famous German law firms... and then, you see. I’m not looking for the big car, and for all the outer things, and I don’t complain about the things that I have now... but if you look at a law firm—the staff, the personnel, the tactical equipment—you don’t have to argue about driving or going by plane somewhere, [and] you don’t have to send in a paper [to get a reimbursement for the company expenses you paid out of pocket]... The people who are regular working at BES, they are [wearing two “hats”]: they are working for BES, as well as for the prosecution office there [in Maastricht]. You have to fill in forms [to get reimbursed]. These are things—we come back to the point of bureaucracy—there are good and bad sides of bureaucracy. This is a bad side—that you have to take care of silly things. If somebody else could do that—somebody more experienced, somebody who does nothing else in an office—then, you have lots of time available for the real work. So, this I would change. But, to be honest, these are minor things. (German Prosecutor, Interviewee 38)

Thus, there is a need to implement a more streamlined process for the reimbursement of company expenses, for example, by hiring one or more administrative assistants to perform that job.

**But, There is No Need to Include Examining Magistrates in the Structure**

The interviewees explained that no examining magistrates would be a part of the Common Centre for Euregional Cooperation, because examining magistrates are
independent. For example, consider the interview dialog that unfolded with two Belgian police commanders about this issue:

**Interviewer:** So, would there need to be judges in this building, or no?

**Interviewee 44:** Then, you’re creating a fourth country. You have now Germany, Holland, and Belgium. So, if you are going to do this Euregional police [team], [and build a] court next to that, you are creating an island.

**Interviewee 43:** Yes.

While examining magistrates play a role in the process of international police and judicial cooperation in the Meuse–Rhine Euregion, their involvement remains separate and independent, due to the nature of their job.

**Possible Location**

In response to the idea of a possible Common Centre for Euregional Cooperation, the same possible locations were raised as what has already been outlined above in relation to the idea of a potential Integrated Euregional Police Investigation Team. Naturally, the same sorts of issues/resistance arose, and no mutually satisfactory location was identified or agreed upon by the police and justice officials for a potential Common Centre for Euregional Cooperation.

**Incorporating Accountability and Control Measures Suitable for International Police and Judicial Cooperation**

A Common Centre for Euregional Cooperation should also include proper accountability and control measures suitable for international police and judicial cooperation. By way of some background, readers will recall from Chapter 6 that Dutch efforts toward international police and judicial cooperation are not recognized or rewarded in The Netherlands, which is very problematic (see subsection 6.2.2.3.1 above). One German police commander explained:

**Interviewee 34:** This is one of the biggest Dutch problems. Their numbers don’t count toward what they are patrolling. The numbers of investigations, arrests, and house searches at the international level in The Netherlands do not count toward the numbers for their Target Agreements... This is one of the biggest Dutch problems. We [in Germany] have other problems—for example, getting the “okay” [to set up a JIT] with the Minister of Justice, but [the Dutch] have the problem that the numbers do not stream in to the general numbers...
Interviewer: So, what would one recommendation be? That the numbers should stream in?

Interviewee 34: When we get a common police department, it must be free from those counting, or those “okays.” It only has to work. Control, yeah, but... every police work has to be controlled, okay, but not in the way that you have to count numbers of arrests and house searches. I think that they have common files, and they have to work on it, and that must be enough.

First, the Dutch components of a potential Common Centre for Euregional Cooperation should be freed/exempt from all the traditional Dutch accountability and control measures, such as the “Weigh Commission” and the “Target Agreements.” Second, international police and judicial cooperation efforts should also be recognized and rewarded. These changes will help “level the playing field,” and make the Dutch police and justice officials more interested in genuinely assisting their Belgian and German colleagues in international cooperation, as opposed to focusing only on satisfying their own “Target Agreements.”

Psychological Games

Again, approximately six interviewees—mostly Belgian interviewees—played psychological games with the researcher in response to the idea of establishing one Common Centre for Euregional Cooperation. The following list of interview transcript excerpts highlights the main psychological games played in this instance:

Yes of course… but I think that is a matter of changing laws… (Dutch Police Commander, Interviewee 26)

* * *

Yeah, but there is less money, and also the [economic] crisis this year, and also the police gets less money, and we have to organize better. So, they also have less money for cross-border cooperation… I think we are waiting for the next step, but the time must be right. (German Police Commander, Interviewee 34)

* * *

Yes, but we are also hopeful, but it takes a lot of time. Don’t forget that if you want to reach something like that, it takes years and years. (Belgian Prosecutor, Interviewee 4)

* * *

It’s a very good idea to have everything at the same location, but for the moment, there is no… [possibility]. (Belgian Police Commander, Interviewee 44)

* * *
Yes, but the problem is, who will pay for the costs of the building, 
etcetera? (Belgian Police Commander, Interviewee 43)

*   *   *

And then, you have the [question regarding] the power [leadership] of it. Who will be... [the leader]? (Belgian Police Commander, Interviewee 44)

Readers will recall that the same sorts of psychological games were played in response to the other ideas regarding the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion.

**Naysayers: More Excuses, Arguments, and Perceptions**

With respect to the idea of establishing a Common Centre for Euregional Cooperation, again, it appears that there are only a handful of naysayers—generally the same six Belgian naysayers quoted previously. Interestingly, even though these officials are based in different cities, some of them were using the exact same excuses/arguments and voiced the same perceptions as one another, which suggests that the psychological phenomenon of “groupthink” could be occurring among these Belgian officials. Each excuse, argument, perception is identified and examined below, which is an important exercise because it seems that this small group of naysayers is holding back the entire group of officials from further advancing international police and judicial cooperation.

**Excuses**

Some excuses were raised by the small number of officials in opposition to the idea of establishing a Common Centre for Euregional Cooperation, such as: (1) “I don’t have the manpower;” and (2) “We need a balance of international cooperation with other countries.” These excuses are examined below.

“I don’t have the manpower to spare”

Recall that in earlier discussions (as noted above), the refrain of “not enough manpower” was used as a psychological game (*i.e.*, some of the officials would provide a glimmer of hope using the word “Yes,” only to offer a discussion-ending statement beginning with the word “but”). In relation to the idea of establishing a Common Centre for Euregional Cooperation, there was no glimmer of hope. Instead, the conversation was
shut down with the excuse of “I don’t have the manpower to spare,” which indicated both a lack of manpower and a concern over the loss of resources. One Belgian police commander explained the situation:

The chiefs of police are aware that they are not losing people, but the local chief—the section chief—he is one man short... For instance, the Chief of Police in Liège, when he has to give two men to the [joint] detective bureau, he would be okay [with the idea]. He would say, “Okay, that is good for [us].” He would see the value of it. But the section chief—where the people come from—that chief would say, “We are one man short”—not the leader of the police, but the small chief—the leader of a section... (Belgian Police Commander, Interviewee 30)

The interesting point to be made here is that, at the end of the day, a section chief should respect the decision of his/her superior.

“I need to balance cooperation with other countries”

Other interviewees explained that it is important to maintain a balance of cooperation with other countries—not just with the Euregional partners. One Belgian police commander reasoned:

My vision is probably... we must be very careful. It’s very important to develop the cooperation in the Meuse–Rhine Euregion, but we must be careful not to create some other borders... There are many other districts in Belgium—in Brussels for instance. I think that we must be careful... If we invest too much in the cooperation between the three countries within the Meuse–Rhine Euregion, I think we will create another border here, because to say, “Okay, we have some agreements between [our city in Belgium], and the three countries in the Meuse–Rhine Euregion, but if you have a case—an investigation coming from Brussels—we can say, “Okay, we have some agreements with the German police, but only for cases that involve some people in [our city in Belgium].” It is a kind of new border, you know what I mean? So, we develop some possibilities for us [in the Meuse–Rhine Euregion], and our colleagues in Brussels, for instance, will not have this kind of possibility.

It is also a question of... your question about a permanent investigation team in the Meuse–Rhine Euregion... if I dedicate 10 investigators for instance and say, “Okay, they go to Heerlen and they will belong to the Euregional team,” I have a lot of other investigations... it is the capacity that I will invest in cooperation here, but I have a lot of investigations related to Brussels and France—we have a lot of cases—and they aren’t available for other investigations. I have to have a balance of cooperation with other [cities and countries]...
Actually, Euregional investigations are a very small part of the investigations that we lead here [in this city]... We have a lot of investigations with Romania, with France, with Great Britain, so it is very important to cooperate with the colleagues from here, but we also need to cooperate with other countries. That’s what I mean. So, we invest some people here... I don’t think that we can do more on a permanent basis...

In addition to the cooperation that we have in the Meuse–Rhine Euregion, we also have cooperation with Luxembourg, Germany and France. We also have cooperation with... Antwerp and The Netherlands. So, if I ask for more people to work in the Meuse–Rhine Euregion, I know that the General Commissioner will say, “I can do [it] here, but you also have to do it for this area, for this area, and for this area.” You know what I mean?...

I think I will never get more people to work [in this city], especially for cooperation in the Meuse–Rhine Euregion. So, I have to do with the personnel that I have. (Belgian Police Commander, Interviewee 22)

Ironically, the fact remains that multiple entities/structures/instruments have been put in place to facilitate the cross-border cooperation in the Meuse–Rhine Euregion, because of the need for such cooperation in this particular Euregion.

**Arguments**

Some of the naysayers also raised arguments (*i.e.*, complete with evidence and a conclusion) to explain why they are against the idea of establishing a Common Centre for Euregional Cooperation. These arguments were: (1) “It needs to be bottom-up”; (2) “It must add value;” and (3) “Things are fine the way they are.” These arguments are examined below.

“*It needs to be bottom-up*”

A number of the Belgian interviewees argued that any further advancements in international police and judicial cooperation should be “bottom-up.” One Belgian prosecutor explained:

If we would have such a team, it would certainly advance cross-border cooperation and investigations, but I don’t know if it is at this point necessary. It is one thing to have a team, but it is another thing to have a team that actually has a lot of work, and a lot of cases, and a lot of files to do. To get a good view of cross-border crime, you also have to have the means to filter out those crimes that are actually cross-border, which means that you have to do a lot of work in the beginning. You have to get the information from the three countries together, to see if there actually is cross-border crime. You can, for instance,
see that we have a lot of breaking and entering in Belgium and The Netherlands, but is it the same criminal organization that is behind those offences? Because if it is not, then why would you work on the work together? If it is an organization that is based in Belgium, or if it’s an organization that is based in The Netherlands, but they don’t commit cross-border crimes, then, you can just leave it to your own countries to tackle that problem...

One of the reasons why that trilateral police team didn’t get off the ground was because our [Belgian] police said that, “It is fine. It is something that we want in the end, and the near future, but isn’t it better if you just start working on a daily basis—on the basis of actual cases? And then, if we see that there are a lot of cases, then we can actually take the next step and create a team that exists out of the three countries.” So, they want something bottom-up, and not from the top down.

So, one of those standards, of course, is that it is supra-regional in The Netherlands, and that takes a lot of work. It takes a lot of information, and a lot of preparation to know if an organization is working in different localities and different local areas. Of course, you need to have police officers to do that work—to do that analysis and information gathering to see if it’s cross-border or cross-regions, or across local areas. That is one of the difficulties that we have in cooperation between Belgium and The Netherlands, because at the moment, we don’t have any cases. We are looking for cases that meet those standards but, at the moment there are none...

In order to know if they have a good case, they need to share information. You have to share information to actually see if it’s cross-border crime. When we are talking about drugs, of course, that is cross-border, but breaking and entering—that can be cross-border—but then we actually have to look at the criminal organization behind it to see if it is the same “animal,” to see if it’s the same modus operandi, and then you can work together. (Belgian Prosecutor, Interviewee 15)

This was the dominant argument put forth by the few Belgian naysayers. The evidence cited is that there have not been many cases warranting international police and judicial cooperation. Consequently, the conclusion is that there is no point to create a further structure for international police and judicial cooperation.

There is a problem, however, with the evidence cited in this particular argument. Specifically, it is difficult to accept that there have not been more suitable cases for cross-border cooperation in the Meuse–Rhine Euregion in the last while, since: (1) there have been many advancements in cooperation in the Euregion over the last decade, and

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152 In follow-up communications with the researcher, some of the interviewees indicated that efforts in international police and judicial cooperation in the Meuse–Rhine Euregion slowed down significantly as of February 2011.
(2) there is a history of serious transnational organized crime in the Euregion (i.e., Maastricht is a center for drug trafficking, Liège is a “hot-spot” for human trafficking and stolen vehicle trafficking, Aachen has its own red-light district, and organized home burglaries are occurring throughout the Euregion). There is a chance that there are suitable cases for cross-border cooperation, but they are not coming to the attention of the senior police officials, for whatever reason(s) (e.g., the small number of naysayers do not support further advancement in cooperation because they fear losing control, so it is in their interest to not bring cross-border cases to their cross-border colleagues for collaboration). The three countries have crime analysts, but the analysts only focus on gathering the statistics for their own country; they do not spend time collaboratively determining the “overlap” (i.e., the cases that concern the three countries simultaneously). Without a query of the police databases, it is difficult to determine the exact situation (i.e., whether there are cross-border cases, and if so, why they are not being brought forward for cross-border collaboration).

One way to begin to examine this problem would be to conduct a search of the police databases, using a simple keyword search (i.e., “Belgium + Netherlands + Germany”) to empirically determine whether or not there have been cases concerning the three countries in the last while that would be suitable for cross-border investigations. It would be very interesting to determine the number of cases that have been recorded that have concerned the three countries. It would also be interesting to determine what types of cases they were. If there have indeed been suitable cases for cross-border cooperation in the last while, then the big question becomes: “Why have those cases not been brought forward for collaboration?” That is, of course, a big question, with significant implications.

“It must add more value than there is now”

A number of the Belgian naysayers also argued that any developments in international police and judicial cooperation in the Meuse–Rhine Euregion “must add more value” over the current arrangements. For example, two Belgian police commanders reasoned:

**Interviewee 44:** It must add more value than there is now [i.e., considering the current arrangements for international police and judicial cooperation in the Meuse–Rhine Euregion], because now we are doing the same thing [already].
Interviewee 43: Yes, we do those sorts of investigations [*i.e.*, “Mirror Investigations”].

Interviewee 44: We police officers do that.

Interviewee 43: For example, the loss of two investigators here... if they investigate cases which have an interest in our country—in our region—then, it is not a loss then.

Interviewee 44: But we already do that [*i.e.*, we work on “Mirror Investigations,” not on JITs]...

The evidence cited is that the current arrangements are equivalent to what could be achieved through a potential Common Centre for Euregional Cooperation. The conclusion among some of the interviewees is that, therefore, such a centre for Euregional cooperation is unnecessary.

Like the previous argument, there is a problem with the evidence cited here. The current arrangements are not equivalent to a potential Common Centre for Euregional Cooperation. These interviewees may participate in “Mirror Investigations,” but “Mirror Investigations” are not the same as JITs. Moreover, JITs (*i.e.*, temporary *ad hoc* investigation teams, wherein everyone typically works from his/her own country) are not the same as a fully-equipped/complete structure for Euregional Cooperation. Again, the real reason for the resistance is revealed in the fourth paragraph of the interview transcript above: the Belgian naysayers do not want to lose control over their manpower, which they fear would be used by the Dutch for Dutch purposes.

*“Things are fine the way they are”*

Some of the naysayers stated that the present *status quo* in the Meuse–Rhine Euregion is acceptable. For example, one Belgian police commander stated:

I think in most cases, the cooperation between the police was so good, but everyone works in his own area. We share some information on a daily basis, but everybody works in his office, and it is okay actually. (Belgian Police Commander, Interviewee 22)

This perception was also found in Germany. In a separate interview, one German prosecutor stated:

The idea is: “police and justice under one roof.” I have nothing against it, but collaboration still continues with or without the roof. It always has been. (German Prosecutor, Interviewee 11)
In this argument, the evidence cited is that international cooperation is working. The conclusion is “do not fix it, if it is not broken,” and therefore, further advancements in international cooperation are unnecessary.

Again, there is a problem with the evidence. To date, there has been no real empirical evaluation of international police and judicial cooperation in the Meuse–Rhine Euregion. To be clear, the present study is not an evaluation of the process of cooperation, but rather an exploratory/descriptive/explanatory study into the process of cooperation, how it is working, what the problems are, and how the enterprise can be improved. The data for this study strongly suggest that the process of international police and judicial cooperation in the Meuse–Rhine Euregion is not working optimally, due to multiple hindering variables, and that the process can be improved by controlling those variables. In other words, until now, the police and justice officials in the Meuse–Rhine Euregion have not had proper evidence to guide them in their cross-border cooperation work, one way or another. The data for the present study suggest that a system breakdown is occurring in the Meuse–Rhine Euregion, as indicated in part by the lack of suitable cross-border cases and the deadlock among the officials in terms of advancing international cooperation.

Rebuttals

In sum, the naysayers’ negative statements (i.e., psychological games, excuses, arguments, perceptions) are interesting, ironic, and surprising because they run completely counter to the advancements in international police and judicial cooperation in the Meuse–Rhine Euregion to date. To further debunk the naysayers’ statements, a few of the factual statements in this regard are presented below.

“Years ago, no one would have believed what is happening now”

Readers will recall from the findings chapters presented above that some of the interviewees remarked that they could not believe the wondrous advancements in the field of international police and judicial cooperation achieved throughout the years. Consider the following sampler of statements made to this end:

I must say that, I think that even nine years ago, no one would have believed that it was possible—what is happening now. (Belgian Prosecutor, Interviewee 13)
I think [that] when we started with cross-border police cooperation, we had no thought about where we [would] stand today. So much has happened in this Euregion, in a really short time. We began in 1995, with the first contracts, and now we are 15 years later, and we have seen so much. (German Police Commander, Interviewee 34)

Indeed, it is a fact that multiple structures and instruments for international police and judicial cooperation have been put into place. Considering this clear legacy, one is left with the impressions that: (1) anything is possible, and (2) advancements in this field will continue.

“The only way is to try”

Despite all of the negative statements made by the naysayers, it became apparent to the researcher during the interviews that all the developments in international police and judicial cooperation in the Meuse–Rhine Euregion were conceptualized and implemented as the officials “went along.” This was confirmed in speaking with the police and justice officials from all three countries. For example, the following dialog ensued between the researcher and two Belgian police commanders:

**Interviewer:** When you started cooperating here in the Meuse–Rhine Euregion, together with your international partners, there was no model, right? You just started doing it, and you figured it out along the way?

**Interviewee 43:** Yes.

**Interviewer:** So, it’s almost like my gut is saying that this is what has to be done with this. That, if the money appears, you should just go with the flow, and see what happens and work things out along the way. It can be done as a trial, and if it’s good, it continues. And if it’s not good, it is dismantled or changed. But, there’s nothing to lose by trying, because otherwise, you’ll never know.

**Interviewee 44:** You’re right.

**Interviewee 43:** It’s true.

**Interviewer:** And, you have already gained so much, by the risks that you’ve already taken in the past.

In a separate interview, one German prosecutor used the concrete example of the BES to illustrate how this structure was developed over time. To quote:

**Interviewee 38:** You see, they established BES in 2004. [The Dutch] asked Germany and Belgium, and nobody reacted, and [the Dutch] just said, “[Okay], we will do our own international clearinghouse, as a Dutch invention, as a Dutch idea, and at this very moment, only presented by
Dutch people,” and it worked. And then, they continued asking—presenting themselves in Germany and Belgium—saying, “You could work in [the BES] too.” And, in the end, Belgium lent [a Belgian jurist] on a half-way/part-time basis [to the BES] in 2005, and then, Germany reacted in 2008, and sent [a German magistrate/prosecutor to the BES].

**Interviewer:** So, it takes a long time for them [i.e., Belgium and Germany] to “warm up.”

**Interviewee 38:** Yeah. In the beginning, nobody was really interested from abroad. But the Dutch sometimes make funny—but also sometimes serious—jokes about that. But, this time, to give a compliment [to the Dutch], they tried and tried—they didn’t give up—and now, they reached the first, I think, the first aim—to get three people from three different countries [at] the table, and make it workable.

The developments in international cooperation in the Meuse–Rhine Euregion have followed a natural progression, because they have emerged bottom-up. The odds are that the field will continue evolving in this manner, step-by-step. Naturally, there will be naysayers, as there were in the past, and are in the present. Ultimately, however it is important to remember that the police and justice officials in the Meuse–Rhine Euregion have been taking risks all along, with every idea/initiative they have implemented. The only way that they have been able to test their ideas is by keeping a positive/courageous attitude, and simply trying. Logic dictates then that the same approach can/should be taken with respect to the development of a Common Centre for Euregional Cooperation.

**The Crux of the Issue: Control and Ownership are Signified By Virtue of Location**

Diving deep through all the layers/dimensions of the discussion, the core issue can be found. Essentially, the police and justice officials in the Meuse–Rhine Euregion cannot come to an agreement with respect to where the Common Centre for Euregional Cooperation should be based, since the location of this structure will imply ownership and control. For example, if the structure is based in The Netherlands, the perception among the Belgian and German officials is that the structure will be owned by the Dutch and used for Dutch purposes. Conversely, equivalent perceptions apply if this entity is based in Belgium and Germany. One Dutch police commander articulated the issue clearly:
Interviewer: ...will [it] be based in The Netherlands?

Interviewee 28: That is a problem. Where would it be based? The Germans want it in Germany, the Belgians want it in Belgium, and the Dutch want it in The Netherlands.

Interviewer: So, all of them want this?

Interviewee 28: Yes, generally, they want this...

This power struggle is the core issue blocking advancements in international police and judicial cooperation in the Meuse–Rhine Euregion. Accordingly, this core issue explains all of the excuses, arguments, and psychological game playing engaged in by some of the Belgian and German police and justice officials, who simply engage in those discussion-ending/stalling tactics because they fear losing control over their resources if such an entity is based outside of their own country.

9.2.2.4. Organizational Resistance to Change

As indicated by the psychological game playing, excuses, and arguments offered by some of the police and justice officials who are creating deadlock with respect to further developments in international police and judicial cooperation in the Meuse–Rhine Euregion, there is clearly some “organizational resistance to change.” To be clear, this organizational resistance to change is dysfunctional because it is impeding progress (see Robbins, 2003:253). In anticipation of such a situation, the researcher explicitly considered factors that contribute/perpetuate resistance to change in terms of the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion. The interview questioning was open-ended, which allowed inductive variables to emerge. Interestingly, the exercise of matching the inductive data to the deductive conceptual framework set out in Chapter 4 above was straightforward (i.e., the data fit the general framework provided by the organizational behavior literature). Data suggesting both individual-level and organizational-level factors in resistance to change were gathered (see More et al., 2006:346, 358; Robbins, 2003:253–255; Rollinson & Broadfield, 2002:659–662; Swanson et al., 2005:782). These data are presented below according to this binary demarcation (micro/macro), and in consonance with the deductive framework delineated in Chapter 4 above.
9.2.2.4.1. Micro/Individual-level Resistance to Change

As stated in Chapter 4 above, the organizational behavior literature suggests that the individual-level variables that would create organizational resistance to change include: habits, perceptions, values/ideals, job security, status/power, income, and overall stability (More et al., 2006:358–359; Robbins, 2003:253–254). The data gathered for the present study confirmed these variables as operative within the context of international police and judicial cooperation in the Meuse–Rhine Euregion.\(^{153}\)

**Habits**

The items that could be classified as habits in organizational resistance to change that emerged from the present data included language and commuting. The supporting data and rationale for these classifications are provided below.

**Language**

As has been established in the findings chapters above, language is a contentious issue in the Meuse–Rhine Euregion. Generally speaking, the Belgians wish to speak their own language(s), the Germans wish to speak their own language, and the Dutch are the most flexible in this regard because they typically speak all of the languages. In response to being asked to identify individual-level factors that may contribute to organizational resistance to change, one Belgian police commander simply stated:

> Also, the language is a problem. (Belgian Police Commander, Interviewee 19)

Recall that some of the interviewees explained that the inflexibility of some of the police and justice officials with respect to language choice can be attributed to chauvinism, the decision of which is a habit. Language choice can definitely be changed, but due to history, tradition, and cultural divides, the routine of demonstrating inflexibility has prevented a more collaborative/compromising approach to interorganizational communication. Recall also that it appears, on the basis of the holistic analysis of the data, that language is being used as a way to wield power over the others. In this light,

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\(^{153}\) For the purpose of concise data presentation, the variable of job security was subsumed under the larger variable of status/power.
the habit of language choice can be a major factor in organizational resistance to change with respect to international police and judicial cooperation in the Meuse–Rhine Euregion.

**The Commute**

An employee’s commute to/from work was noted as another routine of habit that could cause organizational resistance to change in the implementation of a possible Common Centre for Euregional Cooperation. For example, one Belgian police commander stated:

> The moving—the commute—to go to work can be a problem for a permanent team. (Belgian Police Commander, Interviewee 20)

Other interviewees voiced the same concern. Essentially, if a Common Centre for Euregional Cooperation is established in one of the Euregional cities, such as Maastricht, then police and justice officials from all over the Euregion would be commuting from their respective home city to Maastricht every workday. This prospect is unattractive to some people, because it threatens the status quo of their personal lives, lifestyles, and quality of life. The problem can be solved by recognizing that international police and judicial cooperation is a specialist’s job, and thus requires specialists who possess the necessary skills and attributes. The volunteer nature of this specialist’s job will likely diminish the negative effects of a commute because the specialists involved are pleased to be involved in the first place, and with that comes the flexibility to move commutes wherever they are required to perform this job. So, with the right people, this type of organizational resistance to change would probably dissipate.

**Perceptions**

Among other things, this was a study of perceptions. One perception that emerged as potentially problematic with respect to the prospect of organizational change was the perception that nothing needs to be changed because “it is still floating.” One Belgian police commander explained:

> Every level, every chief, will be conservative—“Don’t change a thing”—because at the moment, it is going... it is still floating. But this process would be a process of years. You can’t do anything with obligation [i.e., force] in this Euregion—in this area—because then, they [i.e., the international partners] reject it. We always have to ask for cooperation.
If it does not grow from the base—from the systems \(i.e.,\) ground—
they will reject it... (Belgian Police Commander, Interviewee 30)

This conservative approach is not helpful. To say that the system is “still floating” is equivalent to an ostrich putting its head in the sand. Among other things, this research has shown that a system breakdown is occurring, as indicated by: (1) the lack of “suitable cases” for international police and judicial cooperation, (2) the multiple variables that hinder the process of cooperation, and (3) the deadlock with respect to the advancement of the enterprise.

**Values/Ideals**

The variable of values/ideals relates to visions for advancements in international police and judicial cooperation. The data clearly show that not all of the police and justice officials share the same vision. In fact, many of the police and justice officials had no vision with respect to the advancement of international police and judicial cooperation \(e.g.,\) see the datum provided for the psychological game of “Yes, but some people are hungry for power,” found under subsection 9.2.2.1.6 above, which speaks to the lack of vision). It was only after much prompting, and questioning about certain ideas, such as the possibility of a joint database and the potential Integrated Euregional Police Investigation Team, that some of the interviewees would then comment. The lack of vision/initiative among some of the police and justice officials can contribute to resistance in organizational change, because they are simply not thinking about the future, and therefore are not engaged in improving the current situation.

**Status/Power**

The data also suggested that people with status who are in positions of power may also contribute to organizational resistance to change, precisely because these people may be concerned that changes may threaten their status/power. Two Belgian police commanders observed:

**Interviewee 44:** Police officers and prosecutors follow the law. It’s always the same. We police [officers] are always open to change—every time. We already do that now. But, we have to do it, at this moment, [while paying respect to] the Belgian laws for the Belgian police, the Dutch laws for the Dutch police, and the German laws for the German police. And we \(i.e.,\) in Belgium] are able to change, but the other partners [in the Euregion]—are they willing to change?
We as police [officers] are willing to change. But our bosses—in Brussels—are they willing to change?

**Interviewee 43:** The prosecutors—not the prosecutors in [our Belgian district], but they also have bosses in Brussels.

**Interviewee 44:** Is Brussels willing to change and give away some of their power?

**Interviewee 43:** Because, creating such a team, it is also [concerning] the prosecutor in Brussels—the federal prosecutor—it is a part of his job as well. It could be... he could see it as a threat for his job. There needs to be six prosecutors, at least. For him, some of [the federal prosecutor's] power will be taken by the two Belgian prosecutors in that [new] unit.

So, I think that the resistance... it’s... the people who feel that they will lose power—that could be a problem. But, people working in the team, I do not think that there would be resistance, because they are volunteers. So, and the rules are, if you know the rules before, then I do not think that there will be a lot of resistance in the team.

Interestingly, the people who are concerned that they will lose power and control obviously do not operate according to a utilitarian approach. Their approach, unfortunately, prevents their own growth, the growth of their colleagues, and the expansion of the enterprise of international police and judicial cooperation. Arguably, intensified cooperation as manifest in the form of a Common Centre for Euregional Cooperation would be empowering and prestigious for everyone involved, because of the added value and opportunities for growth.

**Income**

A number of the interviewees explained that disparities in terms of wages for the same work between/among the police and justice officials in the three countries would be quite pronounced if the colleagues were to work together side-by-side in one Common Centre for Euregional Cooperation. According to these interviewees, wage disparities would represent a significant enough of a problem so as to contribute to organizational resistance to change. For example, two Belgian police commanders stated:

**Interviewee 19:** And the money—the salary—the wage.

**Interviewer:** I heard about this—that it is not equal in the three countries.

**Interviewee 19:** You can have, in the same office, two police [officers] who do the same job, and the German earns more money than the Belgian.

**Interviewee 20:** It is already a problem in our country.
Interviewee 19: In Belgium, 10 years ago, we had a big reform of the police. So, we know this kind of problem, because we’ve met this kind of problem [already] between the three [and now two] kinds of police in Belgium.

Clearly, there are inequalities between the three countries on different levels, and these inequalities are preventing closer collaboration and advancement in international police and judicial cooperation.

9.2.2.4.2. Macro/Organizational-level Resistance to Change

As stated in Chapter 4 above, the main causes of organizational resistance to change include: “structural inertia” (i.e., organizational structures that perpetuate steadiness), “limited focus of changes” (i.e., the fact that changes are usually limited in scope, which makes it difficult for the change to affect the entire organization), “group inertia” (e.g., union rules), “threat to expertise” (e.g., outsourcing), “threat[s] to established power relationships,” and “threat[s] to established resource allocations” (More et al., 2006:359–360; Hall, 1987:29 as cited in Robbins, 2003:254–255; Katz & Kahn, 1978 as cited in Rollinson & Broadfield, 2002:660). Organizations may also resist change because of: “sunk costs” (i.e., the time and money already invested into programs), lack of understanding concerning the proposed changes, and “group norms” (Kerr & Kerr, 1972:4–6 as cited in Roberg, 1979:287–288). In terms of the present dataset, the four main factors that emerged as potentially causing resistance to change in international police and judicial cooperation in the Meuse–Rhine Euregion include: (1) structural inertia; (2) threats to established power relationships; (3) threats to established resource allocations; and (4) a lack of understanding concerning the proposed changes. The supporting data and concomitant explanations are provided below.

Structural Inertia

Structural inertia (i.e., organizational structures that perpetuate steadiness) contributes to organizational resistance to change in the realm of international police and judicial cooperation. The items that represent structural inertia in this context were identified by the interviewees as: (1) national sovereignty, (2) the law, and (3) political will. Each of these hindering factors in organizational change is discussed next.
National Sovereignty

Many of the interviewees cited national sovereignty as a major impeding factor with respect to organizational change. For example, when asked, “What are the obstacles to change?” one German prosecutor stated:

[T]he judiciary and the police [are] the last walls of nationality. So, in Europe, they gave up every national identity: their own currency, the languages, the borders open, [etc.]. And, you find out that the judiciary and the police—nearly all the states say, “Yes, this is something we don’t give up.” So, this is, of course... something blocking our daily work.

Sometimes, [you think] it could be done better, and you get the answer, “Well, this can’t be done better in our [own] country [i.e., let alone internationally].” And, you don’t find it in Germany alone; you also find it in The Netherlands and you also find it in Belgium—that the politicians say, “Working together—cooperation—to a certain degree [is okay], but not to the very end. We don’t give up [our national] judiciary and police.”

Perhaps, it may happen in 20 or 30 or 50 years from now, but not at the moment. So, it’s a “loose” working together. They won’t come to the point that they institutionalize it, too much. It is already institutionalizing... (German Prosecutor, Interviewee 38)

The fact remains that there are already some examples that demonstrate the institutionalization of international police and judicial cooperation to some degree. In the Meuse–Rhine Euregion, these structures include: EPICC, the Joint Hit Team, NeBeDeAgPol, and the BES. There are also numerous international legal instruments that oblige signatories to cooperate with one another. Thus, advancements in international police and judicial cooperation are happening despite national sovereignty. Nevertheless, national sovereignty remains the “catch all” excuse upon which to hinge resistance in organizational change, and some officials continue to argue that due to national sovereignty, their country cannot be forced to do anything.154

The Law

The law was also identified as a factor that contributes to organizational resistance to change. One Belgian police commander explained:

154 In light of the legal analysis presented in Chapter 2 above, and considering the obligatory nature of the legal framework, this is clearly a false notion.
Each country has different statutes: financial, social, and so on. [So, when] it [is] difficult to find the balance—the common ground—then we can have a problem with resistance to change... the statutes [are] a problem. (Belgian Police Commander, Interviewee 20)

Several interviewees confirmed the negative influence of this variable with respect to organizational change. In one interview, however, a Dutch police commander took a more positive approach, and stated:

Yes, of course, there are differences in national laws, but I think that is a matter of changing laws. And when there is a will to change the law, they change. You see that every year. The "Treaty of Lisbon" makes this concept possible—absolutely. If you know the "Treaty of Lisbon," then you know it is possible to tell countries to change their laws. The EU [office(s)] in Brussels can tell Germany to change [their law]. (Dutch Police Commander, Interviewee 26)

Law harmonization can ease the process of organizational change in the context of international police and judicial cooperation. This naturally leads into a discussion of political will.

**Political Will**

The interviewees cited political will as a major obstruction to organizational change. For example, one Belgian police commander stated:

The main problem [regarding organizational resistance to change] concerns political will. It has to change. Otherwise, it [i.e., our ideas on how to improve cooperation] is a stillborn child. (Belgian Police Commander, Interviewee 10)

Readers will recall that some of the interviewees even used this variable to play psychological games with the researcher, which is perhaps a testament as to the power of the obstructing effect of this variable on the advancement of international police and judicial cooperation.

**Threats to Established Power Relationships**

One of the main conclusions of this study is that there is a major power struggle between the police and justice officials in the Meuse–Rhine Euregion due to the unfair/unequal distribution of power between them, which is preventing the organizational
change required to facilitate advancements in international police and judicial cooperation. Consider how one Dutch police commander put it:

...the German and Belgian police chiefs, and the German and Belgian head prosecutors, are afraid to establish something like that because they think that they will lose control over their own people. So, when you try to arrange this, you have to first take care of an agreement within the police chiefs and the prosecutor chiefs in the area. When you have that, and people are willing to give up a sort of power, then it will come. (Dutch Police Officer, Interviewee 23)

As will be argued in the subsequent chapters of this dissertation, no one has to give up any power to find the “happy medium” required to satisfy every stakeholder, which would allow organizational change and advancements in international police and judicial cooperation. Nevertheless, as long as threats to power relationships between the three countries remain, then organizational change will be difficult to achieve.

**Threats to Established Resource Allocations**

Closely connected with the previously discussed variable are threats to established resource allocations. The data that emerged here were two-dimensional. Specifically, on the one hand, the interviewees explained that the present lack of manpower across the organizations to dedicate to international police and judicial cooperation contributes to resistance in organizational change. On the other hand, the concern about the loss of resources also contributes to resistance in organizational change. Both of these hindering factors are discussed below.

**The Lack of Manpower**

Many of the interviewees complained that there is a lack of manpower in both the police and justice realms, and therefore, advancements in international police and judicial cooperation cannot be achieved. One German police commander stated:

If you are a chief officer, and you have manpower—for example, you have 50 officers, and every one of them has a duty he has to fulfill—so, if there is a new duty for cross-border cooperation, you need manpower. And you don't get this manpower from the Ministry. They say, “Do it with the officers you have.” So you have to think about it: “Where can I get those officers to let them work in this new duty?” And this is the resistance within an organization. (German Police Commander, Interviewee 34)
This was the dominant observation made by the interviewees in this regard. Strikingly, the police and justice officials in the Meuse–Rhine Euregion appear to be thinking “inside the box.” What is needed here is some thinking “outside the box.” Accordingly, some creative solutions in overcoming this resistance to organizational change will be provided in Chapter 11 of this dissertation.

**Concern about the Loss of Resources**

The interviewees also explained that their concern about the loss of resources is also contributing to the resistance in achieving organizational change and advancement in international police and judicial cooperation. An excerpt from an interview with a Belgian police commander, already presented above, is worthy of reproduction here. Recall that this Belgian police commander stated:

One investigator here in Belgium has on average... when I look at the chart, he leads, at the same time, about eight, nine, or ten inquiries—at the same time. And if I send an investigator... or two investigators... to Heerlen, I know that they are lost for two, or three, or four months...

I think it would be good to send perhaps two investigators from [Belgium], but for a very, very short time, when it's very needed, for two or three months, and then okay, if we have some results, okay, then they have to [return] to [their home organization]... (Belgian Police Commander, Interviewee 22)

In a separate interview, another Belgian police commander candidly expressed the concern some officials have with respect to donating staff to Euregional projects:

Let’s say Hasselt, Tongeren, Eupen, Verviers, and Liège—if they send two people each, that would cost those agencies [because] they are gone—they are working for Holland. They are not thinking, “They are working for us in Holland”... because when I was [working for international police cooperation]... I belonged to my old police station... [and] my old boss, every time he saw me, [he would say to me], “When are you officially coming back, because, you’re costing me money.” My old boss had to pay me [wages while I participate in international cooperation]... every police officer is paid by his old employer in his country, but as long as I was not officially assigned to [indiscernible], they couldn’t replace me at my old station. So, they were one man short, and they are saying, “You are working for the rest of Belgium, you are working for the German part, you have to work for us. You are costing me money...” (Belgian Police Commander, Interviewee 30)

Considering the perception held by some of the Belgian and German officials that the Dutch are only interested in advancing international police and judicial cooperation so that
they can get more resources to satisfy Dutch purposes, it is easy to see how concerns over the present lack of manpower, as well as the concerns about the loss of resources, are contributing to resistance in organizational change. This is an example of how perceptions can color the facts.

Lack of Understanding Concerning the Proposed Changes

A lack of understanding concerning the proposed changes was also confirmed as an influential factor in the resistance to change present among some of the police and justice officials in the Meuse–Rhine Euregion with respect to advancing international police and judicial cooperation. Specifically, it appears that the lack of understanding among some of the officials is rooted in more focus on their own organization. In the words of one Dutch police commander:

But you know, the police chiefs are very… thinking in their own force, let me say it like that, and not thinking with an open mind. (Dutch Police Officer, Interviewee 23)

It is understandable that some people/organizations silently ask themselves the question of “What’s in it for me?” when considering change. If proposals for change can satisfy every stakeholder by showing that there is something for everyone to gain as a result of the change, then the resistance may dissipate. This leads into the next dataset, which concerns overcoming resistance to organizational change.

9.2.2.5. Reducing Organizational Resistance to Change

Recall that the literature states that organizational resistance to change can be overcome by: communicating the rationale for the change, encouraging participative decision-making among all employees, providing support/training, and encouraging/rewarding those who accept the change (Robbins, 2003:255–256; Roberg, 1979:288–289; Swanson et al., 2005:774–778, 782). Moreover, techniques such as negotiation, manipulation, and coercion can also be helpful in overcoming organizational resistance to change (Kotter et al., 1986 as cited in Rollinson & Broadfield, 2002:663). Considering these findings from the literature review, interview data were also collected with respect to how resistance to organizational change may be reduced in the context of international police and judicial cooperation in the Meuse–Rhine Euregion. These data generally fit into the conceptual framework noted here regarding how organizational resistance to change may be reduced. Curiously, however, the techniques that the interviewees
did not mention were: (1) manipulation, and (2) operant conditioning, as advanced by Luthans, Kreitner, and Stajkovic’s “Organizational Behavior Modification” approach (see Chapter 4 above). Therefore, the foregoing discussion presents the ideas collected, with acknowledgement that organizational resistance to change can be more easily reduced if favorable behaviors are reinforced.

### 9.2.2.5.1. Communication

A select number of the “Masters in Cooperation” confirmed that communicating the rationale for organizational change is important when trying to reduce organizational resistance to change. One German police commander stated:

> You have to say to the chief, “It is a win-win situation for all members.”

(German Police Commander, Interviewee 27)

As stated above, and confirmed here, it is also important to satisfy all the stakeholders by explaining that everyone can benefit from the change.

### 9.2.2.5.2. Participatory Decision-Making

Through much trial and error, the police and justice officials in the Meuse–Rhine Euregion have learned that participatory decision-making is necessary to reduce organizational resistance to change. Recall that one German prosecutor stated:

> For instance, I was surprised, but everybody from the police side said it—all the police chiefs who were there last week said, “We felt that the prosecution in the Euregion try to do something by themselves, without asking us.” And this is the biggest fault you can make. So, I hope that now, this will be a continuous development. The basic idea [behind “Euregio Crime”] is a good one, but it has to be discussed... I am behind the idea that they should be careful in the development. [Emphasis added] (German Prosecutor, Interviewee 5)

The idea of participatory decision-making was raised in virtually every interview, and touted as essential in advancing international police and judicial cooperation.

### 9.2.2.5.3. Support

Considering the lack of funding/manpower currently experienced in all three countries under study, a number of the police and justice officials explained that proper support (i.e., money and materials) is necessary to advance the enterprise of international police and judicial cooperation. One Dutch police commander stated:
Interviewee 26: I would invest people and material, because the goodwill is there.

Interviewer: So, basically, this is just a matter of money?

Interviewee 26: Yes, in fact, because the goodwill is there. Everyone in the Meuse–Rhine Euregion—every police officer—wants to cooperate. That is absolute—no problem.

As the present study has shown, it is not just a question of money and materials. Other issues have been halting the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion. Therefore, it is accurate to say that money and materials are necessary, but not sufficient in advancing international police and judicial cooperation.

9.2.2.5.4. Negotiation

The interviewees did not speak much to the matter of negotiation with respect to the advancement of international police and judicial cooperation. Only one interviewee commented on this technique as a way to reduce organizational resistance to change. Readers will recall that this Dutch police commander stated:

...the German and Belgian police chiefs, and the German and Belgian head prosecutors, are afraid to establish something like that because they think that they will lose control over their own people. So, when you try to arrange this, you have to first take care of an agreement within the police chiefs and the prosecutor chiefs in the area. When you have that, and people are willing to give up a sort of power, then it will come. [Emphasis added] (Dutch Police Commander, Interviewee 27)

This interview transcript excerpt is relevant here because it illustrates the prevailing (but false) assumption that the key stakeholders in the region must relinquish power to advance international police and judicial cooperation. As stated above, this is a false assumption. No stakeholder has to give up power to advance international police and judicial cooperation. Indeed, the power between the three stakeholders should be completely equalized through the process of negotiation in order to achieve change.

9.2.2.5.5. Coercion

A number of the interviewees explained that further advancements in international police and judicial cooperation depend completely on political will. Specifically, some of the interviewees argued that, considering the current circumstances in the Meuse–Rhine
Euregion (i.e., deadlock among the key stakeholders), change should be imposed from the “top-down.” The following interview dialog between the researcher and one Belgian police commander summarizes the dominant viewpoint in this regard:

**Interviewer:** So, this is a matter of getting the organizations to realize that they are not losing people—advancements in cooperation are actually adding value for a given police department because you’re helping to fight the crime that is draining all of the resources the department has to address to begin with. One way to get them to see this is not just through reasoning, but through force. So, who can make that decision in government that says to the police chiefs, “Look, you’re going to have to donate two guys to work for this joint police team.”

**Interviewee 30:** For Belgium, it would be the Minister of the Interior.

**Interviewer:** And for the other countries?

**Interviewee 30:** For Holland, it would also be the Minister of the Interior. For Germany, it would be the Minister of North Rhine-Westphalia, because every Bundeslande has its own ministry—its own government.

Recall that the psychological game of “Yes, but it is a question of political will” was played by some of the interviewees, which suggests that it may be quite difficult to use the technique of coercion to reduce organizational resistance to change. The research findings of the present study overwhelmingly indicate that there is much that the police and justice officials in the Meuse–Rhine Euregion can do themselves to both improve the process of international police and judicial cooperation and advance the enterprise. Indeed, the researcher firmly believes that if the police and justice officials follow the recommendations set out in Chapter 11 below, the current deadlock in advancing international police and judicial cooperation in the Meuse–Rhine Euregion can be overcome without having to use the technique of “top-down” coercion.

### 9.2.2.5.6. Summary Strategy for the Meuse–Rhine Euregion

Recall that resistance to change varies by nationality. Specifically, research suggests that the Belgians are likely the most resistant to change, followed by the Germans, and the Dutch, who would be the most willing to change (see Harzing & Hofstede, 1996:315, 316, 327 as cited in Francesco & Gold, 2005:283). Figure 9.1 below presents this information pictorially.
It is quite favorable that the Dutch are very amenable to change, since it is the Dutch who should make the most change to overcome the deadlock in advancing international police and judicial cooperation in the Meuse–Rhine Euregion. The literature suggests that organizational change can be achieved in The Netherlands simply through the strategies of consultation and participation (see Harzing & Hofstede, 1996:327 as cited in Francesco & Gold, 2005:283).


Considering the time required for the completion of this dissertation, the researcher made an effort to stay in contact with her interviewees, so as to keep abreast of any developments in international police and judicial cooperation in the Meuse–Rhine Euregion since the conduct of the field interviews, which took place in March/April 2010. Accordingly, the researcher emailed her interviewees periodically, and requested brief status updates in this regard. These updates are presented in chronological order below.

9.3.1. June 2010 to December 2010: Belgian Presidency of the EU

During the conduct of the interviews, many of the interviewees across the three countries explained that they were looking forward to the Belgian presidency of the EU—slated for June 2010 to December 2010—because it would afford Belgium the opportunity to highlight international police and judicial cooperation as an area in need of the EU’s
attention and support. When asked in a follow-up communication whether the Belgian presidency of the EU helped improve international police and judicial cooperation efforts in the Meuse–Rhine Euregion, one Belgian prosecutor stated:

The [Meuse–Rhine Euregion] and cross-border cooperation in general was one of the themes of the Belgian EU-presidency. It was the theme of the EJN-plenary meeting... and it was also discussed during the JAI (Justice and Home Affairs Council of the EU) on the 8 and 9th of November [2010] (if [my] memory serves me well)... The conclusion in general was that [these] forms of cooperation should [develop] from the bottom-up, but that they should be supported by the EU. (Belgian Prosecutor, Interviewee 15)

It is unfortunate that not more came of this opportunity to showcase the developments in international police and judicial cooperation in the Meuse–Rhine Euregion. Nevertheless, the general support for the enterprise is, of course, a positive development.

9.3.2. November 2010: EJN Meeting Results—There is Only One BES in All of Europe

During the Belgian presidency of the EU (i.e., the latter half of 2010), the European Judicial Network (EJN) held a plenary meeting on the subject of cross-border cooperation. For this meeting, some of the justice officials from the Meuse–Rhine Euregion endeavoured to determine the extent to which international police and judicial cooperation efforts are organized throughout Europe’s other Euregions. In a follow-up communication, one German prosecutor reported:

In November [2010]... the annual EJN-meeting [was held] during the Belgian presidency in the EU [which] took place in Kortrijk/Belgium and dealt with “International cooperation in the border regions within Europe”... It was obvious and absolutely flattering for [us] that there is no other region in Europe to be compared to the [Meuse–Rhine Euregion] concerning [the] fighting [of] cross-border criminality. (German Prosecutor, Interviewee 38)

Thus, despite the current deadlock in advancing international police and judicial cooperation in the Meuse–Rhine Euregion, it appears that the police and justice officials in the Meuse–Rhine Euregion remain the leaders in international police and judicial cooperation in Europe. The officials, however, should keep pushing the enterprise forward to deal with new challenges as they arise.
9.3.3. December 2010: Results of the November 2010 Annual Strategic Conference Hosted by the BES

Knowing that the Annual Strategic Conference hosted by the BES occurs at the end of each year, the researcher requested an update in this regard. Speaking in general, one Belgian prosecutor stated:

During the last strategic conference, we agreed on the content of the Euregio Crime project. Although there was some discussion concerning the idea of placing everyone under the same roof, for now, this idea has sort of been abandoned (in the long run, it’s still desirable; finances also come into play).

As for implementing the new project [i.e., CES], we decided to work in steps. First on the agenda is what is called the EBO\textsuperscript{155}... in essence, it’s a group of justice [officials] and police chiefs—[one] for each country—that decides... which investigations will be done on a Euregional level. Preparations are underway for the first meeting.

All the other steps will be implemented gradually. (Belgian Prosecutor, Interviewee 15)

Other interviewees provided more detailed information as to what happened during this conference. This information is provided below.

9.3.3.1. The “Euregio Crime” Concept is Now Called the “Centre for Euregional Cooperation” Concept

A number of the interviewees reported that the “Euregio Crime” concept was renamed due to the negative connotations and repeated false starts associated with the original name. The concept was renamed as the “Centre for Euregional Cooperation,” and is now considered the new major project in the Euregio. One German prosecutor provided more information:

The Dutch have given up the idea of “Euregio Crime” (i.e., [the] bringing together [of] prosecution and police in the Euregio under one roof, [both] locally and in a broader sense).

The Chief Prosecutor in Maastricht has instead developed the idea of a “Centre for Euregional Co-operation” (in Dutch: “Centrum voor Euregionale Samenwerking”—CES) to be more operative than BES. Although Belgium and Germany (i.e., [the] State of North Rhine-Westphalia) are still reluctant toward this idea, the chief prosecutors and heads of police in the Euregio have already started to choose some significant cross-border cases for operative cooperation in 2011.

I personally think that this idea is “music of the future,” and when I look at the reaction of my superiors, they seem to show the same attitude. (German Prosecutor, Interviewee 38)

With the birth of the “Centre for Euregional Cooperation” concept also came the birth of the EBO, which is discussed next.

9.3.3.2. The EBO

The EBO is an executive decision-making board composed of senior police and justice officials from the Euregion, who meet every six to eight weeks156 to collectively decide which cases of serious transnational organized crime will be subjected to the process of international police and judicial cooperation (i.e., with an eye to establishing tri-national JITs in particular). One Belgian prosecutor explained the general process envisioned for the EBO:

The police will draw up a proposal (summary of the case, how long the investigation will take, how many investigators are needed and so on). The police chiefs and the chief prosecutors [of the EBO] will then decide... which investigations will be done. This implies that the police will make sure that there is enough capacity to do the investigation. (Belgian Prosecutor, Interviewee 25)

This sub-process of decision-making by the EBO would occur during the meeting phase of the larger process of international police and judicial cooperation (i.e., “Step 3”), as set out in Chapter 7 above.

In addition to describing the mandate and procedure of the EBO, some interviewees commented on the rationale behind the establishment of this decision-making board, and also provided some commentary with respect to this board’s utility. For example, one Belgian police commander stated:

During the last Euregional strategic conference that [was] held in Valkenburg in November 2010, the participants came to the conclusion that there is [insufficient] support for developing JITs in the Euregio. So, they decided to create a special commission with members of the three countries (i.e., one prosecutor and one chief of police representing each country) [i.e., for a total of six members].

Every investigator or prosecutor of the [Meuse–Rhine Euregion] who wants to request another country to create a JIT has to submit the case

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156 While the idea for the EBO was borne at the end of 2010, the EBO did not hold its first meeting until the last week of March 2011.
to this commission. If the members of the commission are convinced of the added value of a JIT, they will theoretically guarantee that the requested country will invest (i.e., means and manpower) in the JIT.

To be honest, I personally think this is a good idea (we haven’t to lose any time to find someone from the other side of the border who will help us), but it must be said that there has [only been one] meeting of the commission since [they] began [in] 2011, and [there was] no request to create a JIT. (Belgian Police Commander, Interviewee 22)

A similar perspective was offered by a German prosecutor, who candidly explained:

As it seemed to be legally impossible to force the police of the three countries to do cross-border investigations together (especially [since] the Dutch have a chronic lack of personnel), new plans to stimulate such investigations [have been] made: police and prosecutors of the three countries can suggest proactive and active (cross-border) investigations. [These] suggestions are checked [reviewed] and worked out by a special tri-national police workgroup [i.e., the “Facharbeitskreis,” which belongs to the NeBeDeAgPol, and whose members are the chiefs of the police investigators]. Only this group may present the suggestions, with [suggestions and estimates of] how much time, money and [manpower are] needed, to a [newly] formed “Executive Board” consisting of six members (the heads of police of the three countries and the chief prosecutors of each country). The Board can only decide anonymously... Until now, there was only one meeting without a decision. The next meeting will be in May and the police [have] promised to present potential cross-border cases. (German Prosecutor, Interviewee 11)

In a follow-up communication, the same German prosecutor explained that while the police promised to present potential cross-border cases at the May 2011 meeting, no such cases were presented. This interviewee then remarked:

[The establishment of the EBO] was a suggestion of the police. They wanted to implement a new toy as a test case and to end the discussion about Euregio Crime and CES...

Maybe you already have realized that the system the [EBO] is working with [implies] that the prosecutors depend on the goodwill of the police. If [the police] see no need for cross-border investigations, [then] there is no concept and no decision! (German Prosecutor, Interviewee 11)

Very few cases have been selected for cross-border cooperation in the Meuse–Rhine Euregion in the past few years.
9.3.3.3. Minimum Number of Three International Cooperation Cases Set as an Annual Target for the Euregion

Perhaps what makes this situation especially interesting is that, at the Annual Strategic Conference hosted by the BES at the end of 2010, it was also decided that a minimum quota of three cross-border cases shall be selected for international police and judicial cooperation in the Meuse–Rhine Euregion every year. One Belgian police commander explained:

Interviewee 20: There is a development in international cooperation in our Euregio. The three countries decided to promote each year, at least three common investigations, maybe between two of the three countries, or... three. The priorities remain the same ones: narcotics, [human trafficking] and [organized home burglaries]. For the rest, we are always busy with conferences between the three [countries].

Interviewer: When you say “common investigations,” are you referring to formal JITs, mirror investigations, or something else?

Interviewee 20: That can be one or the other, the objective being especially to develop collaboration through investigations [that concern] at least two of the three countries. This collaboration exist[s] already, but the authorities... wish to formalize this collaboration by imposing a minimum number of investigations.

As one may suspect, the police and justice officials in the Meuse–Rhine Euregion have been falling short of this goal.

9.3.4. March 2011: Common Patrols between the Eupen Police and Aachen Police

Integrated patrols between Belgium and Germany were also reported as an update. One Belgian police commander stated:

[Another] development is an agreement on common patrols between the local police of Eupen and the police of Aachen in Germany. (Belgian Police Commander, Interviewee 36)

This development is quite special, because it indicates closer collaboration between the countries in a side-by-side manner. The implications are that: (1) there are needs for closer side-by-side cooperation, and (2) with this development comes more precedent for such side-by-side collaboration in the Euregion.
9.3.5. **March 2011: A Project to Implement a Police Intranet for the Euregion**

Another step toward closer collaboration in the Euregion is the development of a common police Intranet. As one Belgian police commander stated:

> We also work on a project to implement a police Intranet for the [Meuse–Rhine Euregion]. (Belgian Police Commander, Interviewee 36)

Throughout the interviews, many of the police and justice officials stressed the need for the developments in the Euregion to grow “bottom-up.” This is clearly one such development, which has grown because of the need for enhanced cross-border communication and information sharing.

9.3.6. **March 2011: A Network of Services within the Police for Victim Assistance**

Cross-border cooperation is also developing in the area of victim assistance. One Belgian police commander remarked:

> Further, we will launch a network of services within [the] police dealing with victim assistance. (Belgian Police Commander, Interviewee 36)

It is interesting to observe that international police and judicial cooperation is expanding in such a wide-reaching manner in the Euregion.

9.3.7. **April 2011: Tri-lateral Cost-sharing of the BES**

One of the most interesting developments was that the officials from the three countries finally agreed that the BES should be co-funded. Recall that, up until this point, the BES was funded solely by the Dutch. Significantly, however, negotiations and compromises were required to reach this agreement. One German prosecutor candidly explained:

> After a long series of discussions, workgroups, and conferences, the Dutch finally gave up their plans to develop [the] BES—with [the] financial support of the others—[into the] “Euregio Crime” [concept] (i.e., with police, justice, and other facilities in a [common] centre).

In return, the Germans have, and the Belgians will, agree in sharing the costs of [the] BES.
[A few] German condition[s] for the [cost]-sharing [were] that:

1. BES will remain BES;
2. the Dutch will accept that there is actually [neither] room nor money for their idea of “one house” for BES, EPICC, and a Euregional Police Force (this was the original “Euregio Crime”/CES concept); [and]
3. plans for [the] development of BES [into the] CES [concept] can only be discussed with all three of the partners—no more “walk alones” [by] the Dutch. (German Prosecutor, Interviewee 11)

Clearly, the behind-the-scenes negotiations and agreements are significant developments as well. The data presented throughout this dissertation, when considered as part of the “story” of international police and judicial cooperation in the Meuse–Rhine Euregion, overwhelmingly confirm that some of the Belgian and German police and justice officials perceive the Dutch as self-serving, and because of this, the Belgians and Germans have been unwilling to support the more far-reaching Dutch plans. Nevertheless, the Dutch won their plea for the tri-lateral cost-sharing of the BES, which indicates that the Belgian and German police and justice officials support cross-border collaboration, to a point.


EPICC is also benefiting from the integration of an additional organization. Specifically, one Dutch police commander stated:

There is just one positive development. The German national police-force joined the EPICC effectively with one function on [a] daily basis. (Dutch Police Commander, Interviewee 26)

Clearly, the integrated policing model appears to be taking hold in the Meuse–Rhine Euregion in different forms, as manifest via the joint patrols, the Joint Hit Team, and EPICC, which in turn, is creating indisputable precedent for further developments in this regard.


By the summer of 2011, some of the interviewees reported that no suitable cases for cross-border cooperation had been identified in recent months. One German prosecutor explained:
In the second half of June [2011], there were meetings of the heads of the prosecution offices and the liaison magistrates of the BES. On both occasions, there were long discussions about... why there [hasn’t been a] suitable case for cross-border investigation since February [2011], but the answer of the police chiefs [was always]: “We don’t have one, and we can’t make up one.” Well, nobody “buys” this, but the prosecutors have to accept this because they can’t do anything without the police. The true reason [is] that, at the moment, there is a great lack of capacity in all countries, and the [police] chiefs already have difficulties “[keeping] their trousers up.” (German Prosecutor, Interviewee 11)

The next question becomes, “Are there indeed suitable cases for international police and judicial cooperation, but they are just not being brought forward for collaboration?” The researcher explored this question with the same German prosecutor who provided the initial information presented above. The dialog unfolded as follows:

**Interviewer:** Can the police files of one or more of the three countries be accessed for social science research purposes, in order to search them using key words (i.e., “Belgium + Netherlands + Germany”) to empirically determine whether or not there have been suitable cross-border cases in the last seven months? It would be very interesting if such a search would show that there have indeed been suitable cases, because the next questions would become: “What types of cases are they?” and, “Why aren’t those cases coming to the attention of the senior police officials?” The second question, of course, is a very big question, with significant implications.

**Interviewee 11:** Your idea is very good, but... as far as I know, police files are not open for such social science purposes. In Europe, data protection is a very hot item. Police files are only open if they have led to investigations and [have been sent] further to the prosecutor’s office. All other files they have to delete. So, we have no instruments to control whether they have told us everything. The only thing I can do is to check every incoming rogatory letter for mutual legal assistance, [to see] if I can [identify] a case [that] seems suitable for me.

Well, I have to admit [that] this is a little bit disappointing. But in December [2011], there will be the next meeting of the heads of the prosecution offices, where police will have to report their progress in working together, and I bet they will present a case in time. And we must not forget that cross-border investigation is expensive and [demands capacity]. As you know, we are running out of money now in Europe. Cuts are made everywhere. The Dutch police in our region has to send home about 250 police [officers]. The Belgians [have been] without [a] government [for the past] 18 months now. So, they all try to keep up appearances and do what has to be done. Cross-border investigation in such [a] situation is [a] luxury. And because the situation in each country is similar, I don’t think one of the countries is obstructing.
Notably, this interviewee did not directly answer the question of whether there are indeed suitable cases for cooperation that are not being brought forward. Instead, this interviewee explained why suitable cases for collaboration may not be brought forward.

Considering the long-standing international police and judicial cooperation in this Euregion, as evidenced by the numerous advancements in cooperation over the last decade, and the history of serious transnational organized crime (i.e., Maastricht as a hotspot for drug trafficking, Liège as a hotspot for stolen vehicle trafficking and human trafficking, and Aachen as a hotspot for organized home burglaries, human trafficking, and stolen vehicle trafficking), it seems untenable that there would be “no suitable cases” for international police and judicial cooperation. So, the researcher posed the same questions to an astute Belgian police commander. By this point, discussions had already been occurring in the Euregion about possibly establishing a tri-lateral JIT to combat the trafficking of expensive cars. The response received from this interviewee was very well thought out, and explained how numerous variables influence the process by which a case is identified for cross-border collaboration. To quote:

I understand that you find that little and you are right. Now, if there is only one case which is currently proposed, it is perhaps because we arrive at [the] limit [of] collaboration (it is my personal point of view). There are indeed other files which could be approached by the three parts, but other factors slow down this collaboration.

Each country is subjected to a criminal policy of its government; even of its district. The priorities of a country are not necessarily that of the others, which has effects on the files to treat together. With regard to [the] Euregio, The Netherlands have only one district, but Germany has… several, and Belgium five!

For the discussions which took place recently, about the common file relating to the [trafficking] of luxury vehicles for example, The Netherlands [is] interested, as well as Germany, but there are few objective [factual case ties] with Belgium. The Belgian districts thus do not have, logically… [a] desire for investing… capacity in this file which, moreover, does not constitute a Belgian priority!

[The] Dutch wished to set up a [Joint Investigation Team]… in the [aforementioned] circumstances… you will understand that the Belgian colleagues see of an evil eye—i.e., the fact of placing several [investigators] at the disposal [of the Dutch] in a [Joint Investigation Team], for one limited duration—if we are concerned neither by the file, nor by the criminal phenomenon.

A last parameter to be taken into account, is the independence of the examining magistrates. In certain files currently treated in my district… the [factual case ties] exist with The Netherlands or Germany.
Unfortunately, even if the police officers wish to continue the file abroad, it is perhaps not the vision of the examining magistrate in [control] of the file. Alas, it is always a question of will and individuals.

[With respect to]... your [queries that] you would wish to make in the Belgian police data banks, I do not believe that you will obtain all the awaited answers. To put the question in our Belgian data banks, for example, will not necessarily make it possible to say if such or such investigation [has factual ties with countries] abroad. If you want the knowledge, it will be necessary to push [your] research very far, and that is likely to take much time... (Belgian Police Commander, Interviewee 20)

So, in sum, this interviewee suggested that the identification of suitable cases for cross-border collaboration is dampered by various hindering variables, such as different crime-fighting priorities, and the perception that the Dutch only want to establish a JIT for the purpose of gaining resources for themselves (as evidenced by their request to establish a JIT with Belgium, even when the crime type in question is not a crime-fighting priority for Belgium). In this light, it is clear to see why some of the Belgian officials are concerned that their investigators will ultimately be working for The Netherlands, and not for Belgium.

It should be noted that another possible reason why so few cases have been brought forward by the police for cross-border collaboration in recent years may be because the police in the three countries are generally dissatisfied with the CES concept, which, among other things, proposes that the prosecutors in each of the three countries shall oversee police activities in international police and judicial cooperation. The situation becomes all the more ironic when one recalls that the law in each of the three countries directs that prosecutors shall lead criminal investigations (i.e., the prosecutor is “the boss” of the police) (see Chapter 6 above, a few subheadings below Subsection 6.2.2.3). Thus, the governance structure of the proposed CES concept is absolutely correct, but some members of the respective police forces do not prefer it, which may also possibly explain why some of the officials may be trying to stop the entire process of advancement by not bringing forward suitable cases for international cooperation, and then arguing that cooperation should grow from the “bottom-up.”
9.3.10. **Summer 2011: Approximately 250 Dutch Police Officers Were Laid Off Due to Budget Cuts**

Interestingly, it was one of the German interviewees who reported that a number of the Dutch police officers were laid off in the summer of 2011 due to budget cuts in The Netherlands. Recall that this German prosecutor stated:

> As you know, we are running out of money now in Europe. Cuts are made everywhere. The Dutch police in our region [have] to send home about 250 police [officers]. (German Prosecutor, Interviewee 11)

Naturally, such a situation is not positive for international police and judicial cooperation, which is already suffering from a lack of police capacity, especially in The Netherlands.

9.3.11. **Summer 2011 to November 2011: Efforts to Establish a Tri-National JIT for the Trafficking of Expensive Cars**

In the summer of 2011, the Dutch police officials asked their Belgian and German counterparts whether they would be interested in establishing a Joint Investigation Team for a tri-lateral case concerning the trafficking of expensive cars. One German police commander explained:

> We are just busy [to try to establish] a Joint Investigation Team. The Dutch side gave this offer a month ago [i.e., September 2011]. They will give eight to 10 investigators to this case. The German [side] was asked for two investigators, but after inspection of the investigation, they will give more. I have no idea how [many] investigators will come from the Belgian side. It’s about a group of suspects, busy with car thefts, truck and cargo thefts, drugs of course, about all the three countries. When the Department of Justice will agree, this JIT will start in January [2012]. (German Police Commander, Interviewee 34)

As the chronology set out below will show, it took longer than January 2012 to establish this particular Joint Investigation Team.

9.3.12. **October 2011: Discussions about Establishing a “Common Operational Police Team”**

There were also reports that the police and justice officials are putting “new spins” on “old ideas.” For example, one German police commander explained:
Interviewee 34: Just a week ago, I heard of a consideration [by] the German police command for a common operational team with five officers per country—a team for combating cross-border crime on [the] street. But today, this is just a consideration, not even a plan. But never say never.

Interviewer: I’m wondering: is this the same idea that has been around for the past few years (i.e., the idea to create a true “Euregional Investigation Team,” and to possibly base it in the new “Centre for Euregional Cooperation” that the Dutch are suggesting)?

Or, is this idea for a 15 person tri-national team somehow different than the ideas that have been raised in the past?

For example, is this new/current idea different from previous ideas, because now, the idea is being raised by the German police (instead of the Dutch police), and the Germans wish for this team to be based out of Germany?

I’m interested to learn about how the idea for a tri-national investigation team has been evolving in recent months.

Interviewee 34: The idea of a common operational team is not the same like the idea of Fijnaut about a common criminal investigation team. The German police administration has the idea to force the Dutch side to combat cross-border crime at the German–Dutch borderline again. At this moment, the JHT is used wrongly only for Dutch aims. The team with the German liaison-officer is only working in Maastricht at the borderline to Belgium. Actions with reference to Germany don’t [take] place. But in this moment it is only a thought to offer five officers and to [re-establish] a common team at the borderline.

Again, the common theme is that there is a power struggle between the countries with respect to the origin of ideas, the implementation of ideas, and the extent to which ideas will serve each individual country. In this case, because the German police officials believe that the Joint Hit Team is not properly serving Germany (i.e., considering that the German member of this team was stationed at the Belgian border line as opposed to the German border line), the Germans were then the ones to make a suggestion about how the situation could be rectified and made fair. Ultimately, it appears that fairness and equality between the three countries are required before any further developments in international police and judicial cooperation can or will take place. Without fairness and equality between three countries, further developments will probably be unlikely.
9.3.13. **November 2011: Efforts toward Establishing the JIT for the Trafficking of Expensive Cars were Failing**

Returning to the efforts to establish a JIT for the trafficking of expensive cars, it was reported in November 2011 that the project was not proceeding very well. In the words of one German prosecutor:

Any news of cross-border investigations? Yes... and no. Well, with the annual meeting of the heads of prosecution in December [2011] coming up, the Dutch police suggested to do an investigation for car thefts in the Euregio.

[By way of explanation], [a] lot of expensive cars [are] stolen in the German part by home-jacking (because the cars are better secured than the homes, they break [into] the houses only for stealing the car keys and drive away with the car). The cars are brought to The Netherlands where gangs are specialized in giving them a new identity with the use of documents provided (i.e., stolen) by a Belgian gang...

Okay, everybody praised the idea, and the Dutch accepted the task of working [with] a master plan and the papers for creating a JIT until end of October.

Well, they are not ready yet!

This week, a meeting was planned where they should present the documents, but [the Dutch] didn’t show up. The Belgians—who had [waited for] one hour and a half for nothing in [a] traffic jam—were so furious about that behavior [on the part of the Dutch] that they announced to stop cooperating...

[T]here are some good ideas about cooperation, as well as a lot of talking but... [we] are not able to make things really happen... I am very curious about what will happen next... (German Prosecutor, Interviewee 11)

Readers will recall that the idea to establish this JIT was originally put forth by the Dutch. It is interesting to observe that the Dutch are always very eager to engage in international cooperation, yet they appear to have difficulty executing their part of the commitment in practice, probably due to the lack of resources that partially fuels their desire to cooperate in the first place. This behavior on the part of some of the Dutch officials clearly aggravates some of the Belgian and German police and justice officials, which does not help the process or the enterprise of international police and judicial cooperation.
9.3.14. December 2011: The Annual Strategic Conference Hosted by the BES was Cancelled

By the end of 2011, a more somber tone was detected in the status updates provided by some of the interviewees. For example, it was reported that the annual strategic conference hosted by the BES was canceled. One German prosecutor explained:

Well, there is no hope of getting any solutions or progress at the strategic conference, which was supposed to take place on December 13th... the conference is cancelled. [The] [o]fficial reason is that there is no change in the “spear points” of Euregional prosecuting [i.e., drug trafficking, human trafficking, and home burglaries]. Unofficially, I have heard that the chiefs of police don’t want to get beaten for their poor efforts.

As far as I understood, the Belgians don’t want [to] cooperate at all. But I think it was meant “as a shot before the bow” towards the Dutch. We shall see. Again, no good news about cross-border investigation[s].

(German Prosecutor, Interviewee 11)

To confirm whether the Belgians truly “don’t want to cooperate at all,” the researcher contacted one Belgian police commander. The exchange proceeded as follows:

Interviewer: I heard that the annual strategic conference hosted by the BES was canceled in December 2011. I also heard that the plans for the JIT concerning the expensive vehicles are not going so well, and that the Belgians don’t want to participate... I am wondering (and please forgive me if this is a sensitive question): are the Belgians declining the opportunity to collaborate just for that one potential JIT concerning the expensive vehicles, or are the Belgians refusing to cooperate on all cross-border projects from now on, in general? (I would just like to know if there is complete “deadlock” at this point, or not).

Interviewee 20: ...We are not against [a] JIT for the future, but only if the JIT concern[s] a case which [speaks to] our priorities...

This Belgian police commander raised a very important point. It is interesting to see that the Dutch are suggesting a JIT to combat stolen vehicle trafficking, which does not happen to be one of the three crime-fighting priorities of the Meuse–Rhine Euregion (i.e., drug trafficking, human trafficking, and home burglaries). Moreover, the combating of stolen vehicle trafficking is not a crime-fighting priority of Belgium either. From this perspective, it is easy to see how some of the Belgian and German police and justice officials may become frustrated with the behavior of some of the Dutch officials in matters concerning international police and judicial cooperation in the Meuse–Rhine Euregion.
9.3.15. January 2012: Dutch Police Reorganization

It was noted that, at the beginning of 2012, the Dutch police underwent a reorganization. In the words of one German police commander:

Sure, there are developments. The biggest one is on the Dutch side. The Dutch police organization [will] change on Jan. 1, 2012. The two authorities Limburg-Zuid (Maastricht) and Limburg-Nord (Roermond) [will] become one police authority: Limburg... They are just busy to organize this new construction. (German Police Commander, Interviewee 34)

Notably, this re-organization did not appear to have an effect on international police and judicial cooperation in the Meuse–Rhine Euregion.

9.3.16. April 2012: The JIT was Established

After the official requests to establish a JIT were sent up the chain of command by prosecutors in each of the three countries, the official responses were received many weeks later. After the responses were received, the police and justice officials met again in March 2012, wherein they re-wrote the draft JIT contract for this particular investigation. One Belgian prosecutor reported:

We are going to start our first tri-national Joint Investigation Team in the Euregio. Maastricht, Aachen, Liège, and Eupen are going to take part in a JIT to combat car theft. So, we’ll see how that goes. I hope [it will be] up and running at the beginning of April. [We] just have to change some details in the JIT-agreement (i.e., translate it, and have it signed, and then we’ll be ready to go). (Belgian Prosecutor, Interviewee 15)

Readers will recall that the idea for this JIT was first borne in September 2011. Thus, after approximately eight months of discussions, negotiations, and permission-seeking, this JIT was finally established in April 2012. Formidably, it involved all of the key cities in the Euregion (i.e., Hasselt, Tongeren, Liège, Verviers, Eupen, Maastricht, and Aachen).


As was noted in the findings chapters above, the police organizations in the Meuse–Rhine Euregion engage in joint actions from time to time. One such action was
organized in September 2012 to target forced prostitution and sexual exploitation. To this end, one Belgian police commander reported:

[In September 2012], all 14 Euregional police units... participated in a well-organized border-crossing “Euregiprotect” police action on the red-light theme (i.e., prostitution and sexual exploitation)... it was a very successful action, speaking in terms of international cooperation and information exchange, trans-boundary support, cohesion, and results... (Belgian Police Commander, Interviewee 10)

While such targeted police controls (i.e., raids) do not factor into the process of international police and judicial cooperation proper, they nevertheless represent an aspect of international police cooperation.

9.3.18. February 2013: The Three Ministers of Justice Made Some Agreements

It was also reported that the three Ministers of Justice made some agreements to help improve international police and judicial cooperation in the Meuse–Rhine Euregion. In the words of one Belgian police commander:

On February 18, 2013, the three Ministers of Justice (i.e., Belgium, The Netherlands, and Germany) joined in a specific Euregion-meeting in the City of Maastricht. They made some agreements about:

(1) ordering an international study at a Euregion-university, to [learn] the effects of the so-called “wietpas” (i.e., passport for legal marijuana-buyers in The Netherlands) at the [Belgian/Dutch/German] border;

(2) [improving and intensifying] Euregional cooperation. Once a year, the three national Ministers of Justice will evaluate the combating of drug crimes, and five other [crime-fighting] priorities within the Euregion... By doing this they want to pull up the Euregional approach to the higher European agenda; [and]

(3) [digitizing] international legal assistance within the Euregion... via safe private networks (between the prosecution offices). (Belgian Police Commander, Interviewee 10)

The most interesting of these agreements concerns the possible digitization of the mutual legal assistance process, since, as shown in Chapter 7 above, it is the most lengthy and problematic part of the process of international police and judicial cooperation. When asked about the potential of this possibility, one German prosecutor responded:
Nobody has heard anything yet about plans to [digitize] the MLA process. I can’t see that this will make the process any faster. The delay isn’t caused by the Postal Office, but by the police who [have] to execute the request. So, for me it makes no difference whether the request is laying as a letter on the desk of a [police officer] or as an e-mail in his computer. [Moreover], a request has to always be signed by an authorized person. So, the only thing you can do is make up a formal letter, sign it, and send it as an attachment to [an e-mail]. Gosh, what progress. (German Prosecutor, Interviewee 11)

This German prosecutor’s assessment is completely correct.

9.3.19. **May 2013: “Crossing Borders” Euregional Seminar Organized by the BES**

One of the final major developments reported in international police and judicial cooperation in the Meuse–Rhine Euregion concerned a large-scale seminar organized by the BES on the topic of “crossing borders.” In the words of one Belgian police commander:

On May 13th & 14th of 2013, a large-scale Euregio-seminar under the title “Crossing Borders” is going to be organized by BES in the City of Recklinghausen (Germany). At least 120 police officers, prosecutors, judges, and politicians of the three supporting countries will take part [in] this event. It’s the very first [Euregional] seminar on this scale. The participants will have discussions about: border-crossing investigations and information exchange, legal assistance, Joint Investigation Teams, border-crossing confiscations, [etc.]... (Belgian Police Commander, Interviewee 10)

When asked in a follow-up communication about the results of the seminar, this Belgian police commander stated:

The Euregio seminar in Recklinghausen (Germany) went very well. About 120 participants were invited, but at the last moment a few [invitees] cancelled because of some duty reasons. Seventy-eight police officers, magistrates, prosecutors, Europol members, and members of the Ministry of Internal affairs of the three countries [participated]...

The seminar was opened by the Minister of Justice of [North Rhine–Westphalia, Germany]. We were given some interesting presentations...

Because of the duration of the seminar (two days, one night), we all had the opportunity to [get] to know each other a little bit better. The atmosphere was very open and friendly. (Belgian Police Commander, Interviewee 10)
By way of comparison, this particular seminar was quite large, considering that approximately 50 to 60 people usually attend the Annual Strategic Conference hosted by the BES.

Once the researcher realized that this was actually a training session, a follow-up question was posed to this particular interviewee. The exchange unfolded as follows:

**Interviewer:** Was the May 2013 seminar designed to train more police, prosecutors and judges to participate in international cooperation? If yes, are they just opening it up to people who volunteer? Or are they looking for people with special qualifications? (multilingual, etc.)

**Interviewee 10:** The seminar was indeed designed to train more police (from top to bottom, to the level of the fieldworkers), prosecutors and judges to participate in international cooperation. And, of course, all participants took part voluntarily. No special qualifications were needed because the organization had provided three permanent translators, and the costs for residence and food were all paid [for] by [the] BES. One of the objectives was to keep the seminar accessible for everyone who is involved in Euregional cooperation in every way.

As has been argued throughout this dissertation, international police and judicial cooperation is a specialist’s job, and as such, police and justice officials with the necessary skills and attributes—not everyone—should be recruited for involvement in this field.

**9.3.20. May 2013: Some Meetings, and No Meetings...**

A number of the interviewees reported that the cross-border meetings for international cooperation have become less frequent among the “Contact Prosecutors,” the EBO, and the BES. For example, one German prosecutor succinctly explained:

Well, there [is] very [little] news about BES activities. The [EBO] hasn't come together since [the summer of 2012]. Nor has a regular meeting of the BES members taken place...

The only new thing is the formation of a tri-national workgroup which will meet... for the first time to discuss an agenda. [The] purpose of the club is to [identify] the problems of cross-border investigation and how to solve them. [This is just] the discussion... [that has taken place] in the BES for years. So, nothing new at all. (German Prosecutor, Interviewee 11)

The decreasing pace of the cross-border meetings is another indication of the increasing deadlock in international police and judicial cooperation, both in terms of collaboration.
on specific cases, as well as with respect to discussions for the advancement of the enterprise.

9.3.21. “No new developments”

Very interestingly, despite the long list of developments presented above, a total of ten Dutch and Belgian interviewees reported that there have been no new developments in international police and judicial cooperation in the Meuse–Rhine Euregio since April 2010. Consider the following sampler of responses:

No, no new developments. (Dutch Police Commander, Interviewee 3)

* * *

Since spring 2010, there are no new developments in international law enforcement cooperation in the Meuse–Rhine Euregion. (Belgian Police Commander, Interviewee 30)

* * *

I can inform you that there are no new developments in the international law enforcement cooperation in the Meuse–Rhine, besides the installation of the Euregionaal Beslisgremium Opsporingen (EBO). (Belgian Prosecutor, Interviewee 25)

Such responses suggest that these interviewees view the minor “developments” listed above as amounting to nothing more than “lip service”—not real and true progress toward advancing either the process or enterprise of international police and judicial cooperation. Indeed, a quick review of the “developments” listed above will probably have readers agreeing with this assessment. Indeed, to this end, others reported that not much has been happening with respect to cooperation on specific cases. Ultimately, the wide array of responses presented above once again reveals that widely varying perceptions are present among this group of cross-border colleagues with respect to the same issue, which is in consonance with the findings of Chapter 6 above.

9.4. Summary

This chapter identified and explored some of the main ideas emerging among police and justice officials with respect to improving international police and judicial cooperation in the Meuse–Rhine Euregion. Improvements in this regard should be
considered in two separate ways: (1) how to improve the process of cooperation, and (2) how to improve the enterprise of international cooperation as a whole.

With respect to improving the process of cooperation, the data overwhelmingly showed that numerous hindering variables operate to slow down, complicate, and sometimes completely obstruct the process of international police and judicial cooperation (see Chapter 7 above). When the police and justice officials were asked what could be done to improve the process of cooperation, most simply stated that the hindering variables should be controlled such that they become positive and facilitative (see the table in Appendix J below). Since most of the influential variables are located at the individual-level, logic dictates that international police and judicial cooperation is indisputably a specialist’s job. Therefore, Research Question #4 is answered in part by recognizing that the process of international police and judicial cooperation can be made faster, easier, and more successful if specialists in cooperation are involved.

With respect to improving the enterprise of international cooperation as a whole, the police and justice officials shared many ideas, which included utopic visions (i.e., “one country,” and “no crime”), as well as realistic/concrete visions. Naturally, this chapter focused on the exploration of the more realistic visions for improvement. Among other things, the data revealed that, while most of the police and justice officials are very supportive of improving international police and judicial cooperation in the Meuse–Rhine Euregion, there are a handful of opponents to this idea—mostly from Belgium and Germany—who play psychological games (e.g., “Yes, but…”) with their cross-border colleagues in The Netherlands to ensure that no progress is made with respect to the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion. Further analysis revealed that the main reason why there is psychological game playing and consequent deadlock in advancing international police and judicial cooperation is because of the currently unequal/unfair division of power between the three countries in the Euregion with respect to the governance/ownership structure of international police and judicial cooperation in the Meuse–Rhine Euregion. Therefore, Research Question #4 is fully answered by acknowledging that the tri-national power struggle can be surmounted by designing and implementing an equal/fair structure for international police and judicial cooperation going forward.
9.4.1. **Looking Ahead**

The final three chapters are relatively short, and bring this dissertation to a close. The denouement begins with Chapter 10, which presents a discussion of the research findings. Specifically, the discussion features the researcher’s interpretations and opinions of the research findings in relation to the published literature, as well as some implications and recommendations for the literature. In keeping with the tradition of social science research, Chapter 10 also presents some ideas for future research directions. Then, Chapter 11 presents some specific implications and recommendations for policy and practice, to advise how the enterprise of international police and judicial cooperation may be advanced in the Meuse–Rhine Euregion, on the basis of all the evidence gathered and analyzed for the present study (*i.e.*, literature, legal framework, interview data). Finally, Chapter 12 concludes this dissertation.
10. Discussion

All knowledge that is about human society, and not about the natural world, is historical knowledge, and therefore rests upon judgment and interpretation. This is not to say that facts or data are nonexistent, but that facts get their importance from what is made of them in interpretation... for interpretations depend very much on who the interpreter is, who he or she is addressing, what his or her purpose is, [and] at what historical moment the interpretation takes place. ~ Edward W. Said

In this chapter, the research findings are critically analyzed from various angles to achieve greater understanding and reveal deeper meaning. By way of explanation, the discussion chapter in a doctoral dissertation is expected to provide answers to a certain set of standard questions. Accordingly, this chapter is divided into seven main parts, and the key questions are clearly itemized in subheadings, to ensure that all the key questions receive attention. In keeping with social science tradition, the first two parts of this chapter consist of brief summaries of the research method and findings, respectively, to refresh readers’ memories. Next, the researcher considers the alignment between the expected and observed research findings. Then, the researcher conducts a systematic critical analysis of the main research findings, by providing answers to the questions of: (1) “So what?” (i.e., “What is the contribution to knowledge?” or in other words, “What are the implications of the finding for the literature?”); (2) “Why is that so?” (i.e., “What may possibly explain the finding?”); (3) “What are some Rival Plausible Explanations?”; and (4) “How does this finding contribute to the thesis statement?” Essentially, the critical analysis of the research findings is a thorough exercise that offers explanations/interpretations/speculations in relation to the data, which explains why it constitutes the bulk of the chapter. Then, the researcher presents a number of arguments to defend the research findings, and explain why they are acceptable. Finally, some recommendations for the literature are posed, in terms of possible future research directions. Ultimately, this discussion chapter prepares readers for Chapter 11 below, which may be viewed as an extension of the present chapter, since it delineates the implications and recommendations for policy and practice that stem from the following discussion of the research findings in relation to the literature.
10.1. Summary of the Research Method

One way to start the discussion chapter of a dissertation is to revisit the research method, so as to refresh readers' memories (Bloomberg & Volpe, 2008:135). Although summaries of this study's research method already appear in several places in this dissertation (e.g., the Abstract, the Executive Summary, Chapter 1, and Chapter 5 above), the research method is summarized again here for ease of reference. Accordingly, summaries of this study's research questions, objectives, purposes, and design are presented below.

10.1.1. Research Questions

Recall that the literature review identified the main question in need of research as being: “How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion be improved?” To answer this question, a number of preliminary questions had to be answered first. Therefore, the four main research questions guiding the present study were:

1. What is the status quo with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?
2. How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice, according to police and justice officials?
3. What variables affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?
4. How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion be improved?

The data gathered in response to each research question were rich and overwhelming. Consequently, a separate chapter was dedicated to answering each of these four main research questions (see Chapters 6 through 9 above, respectively).
10.1.2. Research Objectives/Purposes

Recall that the objectives of this dissertation were to conduct exploratory, descriptive, and explanatory research into the process of, and the variables that affect, international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. The purposes of this research were to: (1) extend the knowledge-base in this area; (2) identify the variables that affect (facilitate/impede) the process of international police and judicial cooperation; and (3) determine how international police and judicial cooperation in the Meuse–Rhine Euregion may be improved, so as to increase justice and decrease the opportunity for offenders to commit serious transnational organized crime.

10.1.3. Research Design

Readers will also recall that a qualitative mixed method research design was used to answer the four main research questions guiding the present study (see Table 5.1, Chapter 5 above). Specifically, in addition to including reviews of the relevant published research studies, OB literature, and legal framework regulating international police and judicial cooperation in Europe and the Meuse–Rhine Euregion, this study featured a multi-site case study of 21 police and justice organizations in the Meuse–Rhine Euregion. A total of 30 semi-structured in-depth personal interviews were conducted with 44 police officers, prosecutors, and examining magistrates from Belgium, The Netherlands, and Germany who specialize in the field of international police and judicial cooperation aimed at combating serious transnational organized crime. The researcher employed the data analysis techniques of document analysis, comparative cross-sectional qualitative analysis, and holistic qualitative analysis to analyze the data gathered for this study.

10.2. Summary of the Research Findings

It is also courteous for researchers to provide a summary of the main research findings and thesis statements (i.e., arguments supported by evidence) at the beginning of the discussion chapter. While summaries of the main research findings were presented above in Chapter 1, as well as at the end of Chapters 6 to 9, this information is presented again immediately below for readers’ ease of reference, since it is on the basis of these findings and resulting thesis statements that the discussion will ensue.
10.2.1. **Research Question #1 (The Status Quo) and Thesis Statement**

In response to being asked, “What is the status quo with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?” the interviewees began by recounting the history of international cooperation in their Euregion. In addition, the data clearly revealed widely varying perceptions among the officials with respect to the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion, with the “short answer” responses to this question ranging all the way from “very advanced” to “not satisfactory.” The most common views among the officials in this regard were: (1) “Huge improvements have been made,” (2) “Good, but we must keep improving,” and (3) “Good, but there is room for improvement.” Therefore, the researcher argues that: despite the huge advancements that have been made in the area of international police and judicial cooperation in the Meuse–Rhine Euregion, there is still room for improvement, and efforts in this regard should continue.

10.2.2. **Research Question #2 (The Process) and Thesis Statement**

In responding to the second research question of, “How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice?” the interviewees generally only spoke about their own specific part in the process of cooperation. So, the researcher pieced the process of cooperation together like a jigsaw puzzle on the basis of the analysis. The researcher argues that: the process of international police and judicial cooperation proceeds in a sequential, step-by-step manner, with one or more variables influencing each step. Moreover, although most interviewees reported using the most complicated, difficult, and time-consuming approach for operational execution in the context of international police and judicial cooperation (i.e., classical mutual legal assistance), the “Masters in Cooperation” reported using the “fast channels,” which remain open to them at the key points in the process of cooperation. These findings strongly suggest that the practical process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion is longer and harder than necessary.
10.2.3. **Research Question #3 (The Variables) and Thesis Statement**

In answering the third research question of, “What variables affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?” the interviewees explained that an overwhelming number of individual, interpersonal, and organizational-level variables (both deductive and inductive) influence (facilitate/impede) the process of international police and judicial cooperation in the Meuse–Rhine Euregion (see Appendix I below). Generally speaking, the points of convergence between the three countries help facilitate international police and judicial cooperation, whereas the points of divergence complicate/impede international police and judicial cooperation. Therefore, the researcher argues that: although the extensive and complex international legal framework may leave some people with the impression that the process of international police and judicial cooperation should occur smoothly and predictably within a “vacuum” that is immune to outside influences, the present research suggests that an overwhelming number of individual-, interpersonal-, and organizational-level variables affect (facilitate/impede) the process of international police and judicial cooperation in the Meuse–Rhine Euregion.

10.2.4. **Research Question #4 (How to Improve) and Thesis Statement**

The data revealed that improving international police and judicial cooperation in the Meuse–Rhine Euregion should be approached in two separate ways. First, one should consider how to improve the process of cooperation. Second, one should consider how to improve the enterprise of international cooperation as a whole. Although these tasks are inter-related, they should be contemplated separately, since such exercises yield different but complementary results.

With respect to the initial task of improving the process of cooperation, the data overwhelmingly showed that numerous hindering variables operate to slow down, complicate, and sometimes completely obstruct the process of international police and judicial cooperation in the Meuse–Rhine Euregion (see Chapter 7 above). The data also revealed that most of the influential variables are located at the individual-level, which strongly suggests that international police and judicial cooperation is a specialist’s job. Therefore, the researcher argues that: the process of international police and judicial
cooperation in the Meuse–Rhine Euregion can be improved by recognizing international cooperation as a specialty job, and accordingly allocating such work to the qualified specialists, so as to control the influential micro-level variables.

With respect to improving the enterprise of international cooperation as a whole, the data revealed that, while most of the police and justice officials are very supportive of improving international police and judicial cooperation in the Meuse–Rhine Euregion, there are a very small number of opponents to this idea—mostly from Belgium and Germany—who play psychological games (e.g., “Yes, but...”) with their cross-border colleagues in The Netherlands to block progress with respect to the advancement of the enterprise because of the currently unequal/unfair division of power between the three countries, as manifest in the current and proposed governance/ownership structures for international police and judicial cooperation in the Meuse–Rhine Euregion. Therefore, the researcher argues that: the tri-national power struggle can be surmounted by designing and implementing an equal/fair governance/ownership structure for international police and judicial cooperation in the Meuse–Rhine Euregion going forward.

10.3. Considering the Alignment between the Expected and Observed Research Findings

Significantly, this was both an exploratory and qualitative study—the first of its kind. As stated in Chapter 3 above, none of the 21 published research studies reviewed for this dissertation were grounded in any theoretical/conceptual framework. More specifically, no study on international police and judicial cooperation has ever before applied the OB approach. Furthermore, none of the 21 reviewed studies set out to examine the practical process of international police and judicial cooperation, so as to identify the variables that influence the process, and ultimately determine how cooperation may be improved. As such, the researcher embarked upon this study without knowing what the findings would be.\(^{157}\) To be clear, this was not a quantitative study, so there were no hypotheses, nor was there an expectation that hypotheses even be formulated. Rather, the goal was

\(^{157}\) In retrospect, the researcher was surprised by the overwhelming amount of data collected, the complexity of the required analyses, and the findings themselves. Ultimately, it is a pity that the findings could not have been more profound for a study of this magnitude, but it is acknowledged that the findings were entirely dependent upon the research questions, which were identified via the literature review as being important and necessary to answer.
to conduct this exploratory research to describe and explain what is happening with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, and in so doing, make an original contribution to the published literature.

Notwithstanding the above, the organizational behavior literature authoritatively identified a long list of deductive variables that operate to influence organizational behavior among corporations (see Chapter 4 above). Accordingly, one would expect that the same deductive variables operating in the corporate world would also likely be operative in the police and justice realms. Prima facie, this study’s findings are in consonance with the organizational behavior literature. Indeed, the present study confirmed that the deductive variables identified by the organizational behavior literature are operative in the context of international police and judicial cooperation in the Meuse–Rhine Euregion.

To be particular, however, the present study found more than expected. Specifically, in addition to confirming the presence/influence of the deductive variables, this study identified a long list of inductive variables as also being operative/influential within the context of international police and judicial cooperation in the Meuse–Rhine Euregion. Therefore, the expected and observed findings are—at once—the same and different from one another.

Future researchers in this field may appreciate some speculation as to why the expected and observed findings are in consonance (to some extent) with respect to the organizational behavior literature (in general). One reason may be because police and justice organizations are no different than corporate organizations in terms of organizational behavior. This explanation, however, may not be true, as indicated by the present study’s contrasting findings (i.e., the long list of inductive variables revealed to be operative within the context of international police and judicial cooperation in the Meuse–Rhine Euregion specifically). Another possible reason why the expected and observed findings are in consonance may be because the deductive variables identified by the organizational behavior literature are so universal/generic in relation to organizational behavior that they will, of course, naturally be operative in most organizations staffed with human beings. This explanation, however, may also not be true, because the present study applied the OB approach to the study of international police and judicial cooperation in the Meuse–Rhine Euregion, which means that the findings regarding both the deductive
and inductive variables are very specific to international police and judicial cooperation in the Meuse–Rhine Euregion.

Future researchers may also appreciate some possible explanations as to why the expected and observed findings are different to some degree—in that the present research extends the literature by virtue of the inductive variables. One reason why the findings differ in this regard may be because police and justice organizations are inherently different than corporate organizations (e.g., non-profit vs. profit-driven). This is perhaps the best-suited and most obvious explanation as to why the present study’s findings differ from (i.e., extend) the organizational behavior literature (i.e., with the long list of inductive variables). In this vein, some Rival Plausible Explanations (RPEs) as to why the expected and observed findings differ may be because: (1) this study’s exploratory research design allowed more variables to surface than usual; or (2) these findings are specific to the European police and justice situation, whereas the organizational behavior literature is generally based on “Corporate America” research; or (3) there is a possibility that the findings are different simply due to chance.

10.4. Critical Analysis of the Research Findings

In this subsection, the researcher engages in a systematic process to critically analyze, interpret, speculate, and explain why the data revealed what they revealed with respect to each of the four main research findings. In providing direction to scholars as to how this task may be approached, Bloomberg and Volpe (2008:127–129) stated:

You are seeking ways to understand what you have found by comparing your findings both within and across groups, and by comparing your study’s findings with those of other studies...

Question each of your findings… by asking “Why?” and “Why not?” over and over again… brainstorm and exhaust all the possibilities that might explain that finding… This process is essentially “problem-posing”—an inductive questioning process rooted in the works of Lindeman, Dewey, and Piaget, who were advocates of an experiential and dialogical education (Bloomberg & Volpe, 2008:127–129).

Essentially, the following exercise explaining “Why” and “Why not” amounts to exploratory analytic induction, which is the suitable method for determining RPEs in case studies (see Palys, 1997:305). The systematic process of critically analyzing the findings begins...
in relation to the relevant bodies of literature, which includes the legal framework, the published studies, and the conceptual framework. In comparing the findings to these bodies of literature to determine if the present study contradicts, confirms, and/or extends the literature, this study’s contributions to knowledge are revealed, and insodoing, the question of “So what?” is answered (for example, see Maykut & Morehouse, 2002:143–144). As well, possible explanations are offered for the main research findings, and links are drawn back to the thesis statements. For reference, this exercise is summarized in Appendix K.

10.4.1. Research Question #1: The Status Quo

Recall that Research Question #1 was: “What is the status quo with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?” From this research question came three main findings, namely: (1) international police and judicial cooperation in the Meuse–Rhine Euregion has a long history; (2) there are widely varying perceptions of the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion among the officials; and (3) the dominant viewpoint is that the status quo of international police and judicial cooperation is “Good, but there is room for improvement.” These main findings are critically examined below.

10.4.1.1. Main Finding #1: International Cooperation is a “Long Story”

In response to Research Question #1, one of the first main findings gleaned was that the evolution of international police and judicial cooperation in the Meuse–Rhine Euregion is a “long story,” as evidenced by the development of both an extensive legal framework and multiple structures/institutions designed to help regulate and facilitate the enterprise. Indeed, Chapter 6 above (180 pages in length) was dedicated to expositing the developments in international police and judicial cooperation in the Meuse–Rhine Euregion.

10.4.1.1.1. So what? (i.e., What is the contribution to knowledge?)

Significantly, this particular finding extends the literature in a major way, since this is the first research study to document the “story” of international police and judicial cooperation in the Meuse–Rhine Euregion in such detail. The documentation of this enterprise’s evolution is important and necessary because it ensures that future scholars
in this field will have a rich literature to draw upon as they set out to understand new developments, and the events/rationales that led to those developments. Equipped with a solid understanding and appreciation of this fundamental background knowledge concerning international police and judicial cooperation in the Meuse–Rhine Euregion, future scholars will be well-positioned to push research in this field further.

As revealed in Chapter 3 above, unfortunately, only a small number of studies have been published on the subject of international police and judicial cooperation in Europe and/or the Meuse–Rhine Euregion specifically (i.e., 21 total to date). Nevertheless, the present study confirmed some of the findings from this literature, as they relate to the long story of international police and judicial cooperation in the Meuse–Rhine Euregion. For example, readers will recall that Van Daele andvangeebergen (2009) observed that there are similarities and differences between Belgium, The Netherlands, and Germany in terms of their respective criminal justice systems and national laws. This finding was confirmed by the present study. As well, Spapens (2010) identified drug trafficking, stolen vehicle trafficking, and organized burglaries as major problems in the Meuse–Rhine Euregion. The present study confirmed these facts, and also revealed human trafficking to be another crime type of concern. Finally, Van Daele (2010) stated that a mosaic of international laws compose the legal framework regulating mutual legal assistance. The present study found evidence for this finding as well (see the legal framework analyses in Chapters 2 and 6 above).

10.4.1.1.2. Why is that so? (i.e., What may possibly explain this finding?)

Different perceptions due to different levels of knowledge, experience, and roles/vantage points in the system of international police and judicial cooperation may explain the long story received in response to Research Question #1 (see Luthans, 1985:166–167). Indeed, this explanation is, perhaps, the best-suited, most obvious, and parsimonious explanation for this finding. It also fits with the piece-meal data collected for this study.

10.4.1.1.3. What are some “Rival Plausible Explanations” (RPEs)?

A Rival Plausible Explanation (RPE) for this finding may be pride in certain developments. Indeed, pride may make some interviewees more likely to report certain developments as significant in the long story of international police and judicial
cooperation in the Meuse–Rhine Euregion. In contrast, embarrassment or shame with respect to certain failures in cooperation along the way may make some interviewees less likely to report them as part of the story of cooperation. More research is needed to “rule out” this potential RPE. Nevertheless, a large amount of data was gathered regarding the developments in international police and judicial cooperation in the Meuse–Rhine Euregion that corroborates the literature, and is complete with both positive and negative reviews/events/statements. For these reasons, pride and/or embarrassment/shame can likely be ruled out as RPEs, since negative events/reviews were reported.

At this point, it is customary for a researcher to cite contradictions in the literature with respect to the aforementioned research finding, probable explanation, and RPE(s), and then try to explain the contradictions. Regrettably, however, the literature on this subject is not developed enough for the purpose of such an analytical exercise (i.e., the present study extends the literature by such an extent that there is no literature that speculates or tries to explain the present study’s findings). Therefore, this particular type of critical analysis exercise has been both considered and “ruled out” as an analytical option from this point forward.

10.4.1.1.4. How does this finding contribute to the thesis statement in response to Research Question #1?

In response to Research Question #1, the researcher argues that: despite the huge advancements that have been made in the area of international police and judicial cooperation in the Meuse–Rhine Euregion, there is still room for improvement, and efforts in this regard should continue. The first main finding contributes to this thesis statement by detailing the “huge advancements” that have been made in the form of a story, which also identifies the areas for improvement.

10.4.1.2. Main Finding #2: Widely Varying Perceptions about the Status Quo

Another main finding in response to Research Question #1 was that there were widely varying perceptions among the interviewees regarding the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion, ranging from “Very advanced” to “Not satisfactory.” This dataset was thoroughly examined above and will not be reproduced here (see Chapter 6 above).
10.4.1.2.1. So what? (i.e., What is the contribution to knowledge?)

This finding also extends the literature. Again, this is the first research study to describe the relatively current state of affairs in the Meuse–Rhine Euregion with respect to international police and judicial cooperation. This is an important exercise, because the Meuse–Rhine Euregion has been a long-standing epicentre for advanced and intense international police and judicial cooperation, with the implication being that international scholars in this field of study are interested to learn about what is happening there. Moreover, without baseline data on the status quo of international cooperation in this Euregion, deeper research into this topic would be unanchored and basically impossible, due to inadequate background research, which would make any subsequent findings difficult to interpret. This particular finding is extremely valuable for the present study because it immediately shows at the forefront that: (1) the police and justice officials are viewing the exact same issue differently, which means that they are not seeing eye-to-eye; and (2) there is room for improvement with respect to international police and judicial cooperation in the Meuse–Rhine Euregion. Therefore, this finding not only provides a foundation for the present study to build upon, but it also provides future scholars in this field with a baseline dataset to consider/compare with their own future datasets.

10.4.1.2.2. Why is that so? (i.e., What may possibly explain this finding?)

The explanation of different perceptions can also be used to explain this second main finding of Research Question #1. Again, it appears to be the most obvious, parsimonious, and best-fitting explanation, since a wide variety of responses were given to describe the very same thing: the status quo. For example, Belgian examining magistrates may have very different views than Dutch police commanders, simply because of their role in the system of cooperation. As well, support for this potential explanation can be found in the literature. Specifically, recall that the organizational behavior literature on the subject of perceptions explains that two people may see the exact same stimulus differently due to different perceptual selectivity filters (Luthans, 2011:135; Milton, 1981:22, 46; More et al., 2006:99; Robbins, 2003:23; Sims, 2002:29).
10.4.1.2.3. What are some “Rival Plausible Explanations” (RPEs)?

An interesting RPE may be different personal standards as to what the interviewees find to be acceptable (see Robbins, 2003:75). This explanation, however, ties into the explanation provided above, since different personal standards may form part of one’s perceptual filter that is ultimately used in forming perceptions.

Another interesting RPE could be the degree of sincerity toward truly wanting advancements in international cooperation (i.e., with the sincere supporters stating that the status quo “needs improvement” and the insincere psychological game-players stating that the enterprise is “already very advanced,” as a way to try and prevent further progress). This RPE is definitely plausible, especially considering the findings gleaned in response to Research Question #4. Upon checking the data, however, with an eye toward the specific interviewees who were later quoted as playing psychological games to halt progress, this RPE does not stand, leaving the initial explanation identified above (i.e., different perceptions) as the most viable.

10.4.1.2.4. How does this finding contribute to the thesis statement in response to Research Question #1?

This finding contributes to the first thesis statement by corroborating the major advancements in international police and judicial cooperation, while also underscoring the need for improvements. The divergence of viewpoints in this regard is also a testament as to the room available for improvement in this field.

10.4.1.3. Main Finding #3: “The status quo is good, but there is room for improvement”

In terms of the summative/short-answer responses to Research Question #3, most of the interviewees responded by stating either that: (1) “Huge improvements have been made in the area of international police and judicial cooperation in the Meuse–Rhine Euregion,” or (2) “The status quo is good, but there is room for improvement and we must keep improving.” These statements were coded and analyzed separately due to their different meanings. Nevertheless, these statements are closely related, in that they both acknowledge the advancements that have been made in international police and judicial cooperation in the Meuse–Rhine Euregion.
10.4.1.3.1. **So what? (i.e., What is the contribution to knowledge?)**

This finding confirms the literature in general. Without citing any work in particular, because there would be too much to cite, a holistic overview of the foregoing literature review and legal framework analysis presented in Chapters 2 and 3 above documented multiple developments in international police and judicial cooperation in Europe and the Meuse–Rhine Euregion, as well as called attention to the need for further improvements. This contribution to knowledge is important because it lends credence to the present study, and it also reveals a general trend in this field of study that has remained constant over the years (i.e., there is a need for advancement, the advancements continue, and the need for advancement also continues).

10.4.1.3.2. **Why is that so? (i.e., What may possibly explain this finding?)**

When considered in light of the literature review, legal framework analysis, and the data collected in response to Research Question #1, these statements appear to accurately summarize the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion. In other words, this finding may simply represent the objective truth of the matter. Indeed, both the overwhelming amount of literature reviewed and the original data gathered for this study are consistent—pointing to the same conclusion.

10.4.1.3.3. **What are some “Rival Plausible Explanations” (RPEs)?**

Unfortunately, RPEs are not readily apparent in relation to this particular finding. Moreover, the literature does not contradict the present findings, nor does the literature offer any explanations for its findings, let alone RPEs. Therefore, the plausible explanation offered above is probably correct.

10.4.1.3.4. **How does this finding contribute to the thesis statement in response to Research Question #1?**

Significantly, this finding was selected as the thesis statement in response to Research Question #1. The reason for this was twofold. First, this finding offers a comprehensive yet summative answer to Research Question #1. Second, this finding is supported by an overwhelming amount of data, as documented in Chapter 6. Since a thesis statement is an argument supported by evidence, it was obvious that this finding was the most suitable to fulfill that role in relation to Research Question #1.
10.4.2. Research Question #2: The Process of Cooperation

For reference, Research Question #2 was: “How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregionoperate in practice, according to police and justice officials?” Three main findings emerged in response to this research question, specifically: (1) the process of international police and judicial cooperation in the Meuse–Rhine Euregion proceeds in a sequential step-by-step manner, with one or more variables influencing each step; (2) the most common choice for operational execution in international police and judicial cooperation in the Meuse–Rhine Euregion is mutual legal assistance, which is also the most complicated, difficult, and time-consuming option; and (3) the “Masters in Cooperation” reported using the “fast tracks” in international cooperation, which are open to them at key points in the cooperation process. The following discussion critically examines these findings from various angles, as per the systematic process of inquiry delineated above.

10.4.2.1. Main Finding #1: The Process is Sequential, and Subject to Variables

In response to Research Question #2, the most obvious research finding was that the process of international police and judicial cooperation in the Meuse–Rhine Euregion proceeds in a sequential step-by-step manner. Very interestingly and significantly, the present study also revealed that one or more variables influence(s) each step in the process of cooperation. The long process of international cooperation, as well as the variables that operate to influence (facilitate/hinder) each step of the process, were presented diagrammatically in Chapter 7, through a series of flowcharts.

10.4.2.1.1. So what? (i.e., What is the contribution to knowledge?)

The literature concerning the subject of international police and judicial cooperation is vast, yet remarkably, up until now, this body of literature was missing an adequately detailed description about its main subject—the process of cooperation in practice. Indeed, no other researcher has ever undertaken such an endeavour before. The exposition of the process of international police and judicial cooperation makes a significant contribution to knowledge by extending the literature. Specifically, the plotting, description, and analysis of the process of international police and judicial cooperation in the Meuse–Rhine Euregion is essential for its study. As established in Chapter 5 above, international police and judicial cooperation is defined in this dissertation...
as the process by which cases of serious transnational organized crime are addressed by the police of different countries, and subsequently put through one country’s legal system for judicial case processing with the goal of achieving criminal convictions. It is amazing that previous studies have attempted to examine international cooperation without adequately establishing—through thick description—what is being studied in the first place. A description of the process in practice not only educates readers outside the elite practitioner circle as to what is being discussed, but it also allows for an in-depth/systematic examination into where the problems in cooperation may be located, and what the possible problems may be. For example, the only real way to determine the causes of “slippage” between the macro- and micro-levels is to establish what is happening in practice at the micro-level, and then tie the process back to its origins at the macro-level. Through critical analysis, the areas of “slippage” are revealed (i.e., the hindering variables) (see Chapters 7 and 8 above).

10.4.2.1.2. Why is that so? (i.e., What may possibly explain this finding?)

Naturally, criminal cases are prosecuted in accordance with a set procedure, which includes prescriptions on how to gather and handle evidence. The international treaties regulating international police and judicial cooperation also outline the basic process of mutual legal assistance to some extent, with the expectation being that each signatory country should transpose/entrench the agreed upon international law into their national law, in such a way so as not to oppose national law—which may mean changing national law to accommodate the agreed upon international law. These rules and regulations help explain the long process of international police and judicial cooperation that has been established in the Meuse–Rhine Euregion.

In addition, the data revealed that many variables influence the process of international police and judicial cooperation in the Meuse–Rhine Euregion. As explained above, this was expected since cooperation does not occur in a vacuum. Rather, international police and judicial cooperation occurs between organizations, and is carried out by individual police and justice officials—all of which/whom are subject to the influence of various variables, as predicted by the organizational behavior literature.
10.4.2.1.3. What are some “Rival Plausible Explanations” (RPEs)?

Despite critical consideration, the researcher regrettably cannot identify any rival plausible explanations in relation to this particular finding. Considering the extensive support for this explanation as provided by the literature, the legal framework, the organizational behavior literature, and the findings of the present study, it appears that the two-fold explanation for this finding, as outlined above, is probably accurate.

10.4.2.1.4. How does this finding contribute to the thesis statement in response to Research Question #2?

In response to Research Question #2, the researcher argues that: while only some of the police and justice officials involved in international police and judicial cooperation in the Meuse–Rhine Euregion can be called “Masters in Cooperation,” the practical process of cooperation proceeds in a sequential, step-by-step manner, with one or more variables influencing each step, and the “fast channels” remain open to the “Masters in Cooperation” at key points in the process of cooperation. Clearly, this finding directly helps answer Research Question #2. As well, since overwhelming evidence was collected in this regard, this finding also established the first part of the above-noted thesis statement.

10.4.2.2. Main Finding #2: The “Long/Hard Way” in MLA is the Most Common Choice for Operational Execution in International Cooperation

The second main finding in relation to Research Question #2 was that the most common choice for operational execution in international police and judicial cooperation in the Meuse–Rhine Euregion is the “long/hard way” in mutual legal assistance. Unfortunately, this also happens to be the most problem-prone, difficult, and time-consuming option. The evidence revealing this finding was presented in Chapter 7 above, by virtue of the \( n \) notations made in Figures 7.21 to 7.29 (see Chapter 7 above).

10.4.2.2.1. So what? (i.e., What is the contribution to knowledge?)

This finding extends the literature by revealing that: (1) there are two options in mutual legal assistance (i.e., the “long/hard way” and the “fast/easy way”); and (2) most of the police and justice officials in the Meuse–Rhine Euregion are choosing the “long/hard way” in mutual legal assistance. This finding is interesting, considering that the present research also extends the literature by revealing that faster/easier options in
operational execution exist, such as the “fast/easy way” in MLA or the establishment of a JIT.

These findings are important, because slowness was identified as a major problem in international cooperation. Recall that one Belgian police commander observed:

But the problem is that it goes slowly. Sometimes, it takes too much time. (Belgian Police Commander, Interviewee 20)

With knowledge of the “fast/easy” way in MLA, steps can be taken to create an awareness among practitioners about these options, so that time can be saved in the process of international police and judicial cooperation.

10.4.2.2.2. Why is that so? (i.e., What may possibly explain this finding?)

The data suggest that many different variables may possibly explain this finding. The two variables that were explicitly identified as likely triggering some prosecutors to choose this difficult option in MLA were: (1) perceptions regarding treaty interpretation (i.e., strict interpretations of treaties) and/or (2) personalities who demand the long/hard way of MLA (see Figure 7.21, Chapter 7 above). Although they were coded separately, these two variables may actually represent the very same thing, since demanding personalities will likely interpret treaties in strict/limiting ways.

10.4.2.2.3. What are some “Rival Plausible Explanations” (RPEs)?

There are various RPEs that may explain why most of the interviewees reported the “long/hard way” in MLA. Many of these RPEs were listed in Figure 7.21 above (see Chapter 7). Specifically, hindering variables such as non-urgent cases, no trust, language barriers, no personal contacts, a lack of knowledge of faster approaches, and no creative thinking were all identified as possible reasons why the “long/hard way” in MLA may be triggered, since the respective opposites of these variables were identified by the “Masters in Cooperation” as leading to the “fast/easy way” in MLA.

Another RPE in this case could be complacency—i.e., blind satisfaction with the current situation, without questioning how it could be improved. Recall that the majority of the interviewees actually seemed content with the length/speed of the “long/hard way” process (see Chapter 8 above). The detailed exposition and examination of the process of cooperation in Chapter 7, however, strongly suggests a different situation. It appears
that the contentment among most interviewees in this regard is relative to what the situation once was. Comparing the past to the present reveals the huge advancements in international police and judicial cooperation that have left many interviewees relatively pleased with the current situation (see Chapter 7 above). This may explain why many of the officials reported using the "long/hard way" in MLA. Alternatively, a lack of risk-taking may also explain such an outcome.

**10.4.2.2.4. How does this finding contribute to the thesis statement in response to Research Question #2?**

This finding contributes to the thesis statement for Research Question #2 by establishing that the MLA process features a "long/hard way" that is commonly used by the police and justice officials in international cooperation in the Meuse–Rhine Euregion. This foreshadows the second part of the thesis statement, which argues that the "fast channels" remain open to the "Masters in Cooperation" at key points in the process of cooperation.

**10.4.2.3. Main Finding #3: The “Masters in Cooperation” Use the “Fast Tracks”**

The third main finding in relation to Research Question #2 was that the "Masters in Cooperation" reported using the "fast tracks" in international cooperation, which are open to them at key points in the international cooperation process. The three "fast tracks" in international cooperation that emerged in the data were: (1) the pre-call by the police to their cross-border counterparts during the police information exchange sub-process to determine the capacity for an investigation in their neighboring country (see Figure 7.5, Step 1(d), Chapter 7 above); (2) the prosecutorial decision to send a "wide-reaching" MLA request (see Figure 7.20, Step 4(4)(a), Chapter 7 above); and (3) the prosecutorial decision to choose the "fast/easy way" in MLA (see Figure 7.30, Step 4(4)(b), Chapter 7 above).

**10.4.2.3.1. So what? (i.e., What is the contribution to knowledge?)**

This finding extends the literature in important ways, by: (1) identifying what some officials reportedly do in practice, (2) revealing that the process of international police and judicial cooperation in the Meuse–Rhine Euregion consists of "slow tracks" and "fast tracks," and (3) revealing that "Masters in Cooperation" exist, and are best-positioned to achieve successful results in cooperation due to their specialist knowledge/experience/expertise. These contributions are significant, because before
the present research, no other research study had documented the process of international police and judicial cooperation as it operates in practice, according to the police and justice officials. Moreover, the literature did not identify or distinguish between any “slow tracks” or “fast tracks” in the process of international cooperation, nor did the literature identify or illustrate the important role that “Masters in Cooperation” play in the process of international police and judicial cooperation. With this evidence, researchers, scholars, and practitioners alike are afforded a “window” into what actually happens in international cooperation, and are also better-positioned to identify how the process of international cooperation may be improved.

10.4.2.3.2. Why is that so? (i.e., What may possibly explain this finding?)

Only the “Masters in Cooperation” reported the “fast tracks” in international police and judicial cooperation. Therefore, this finding is probably best explained by knowledge/experience/expertise in international cooperation, since those are the main variables that distinguish “Masters in Cooperation” from non-masters. Indeed, it strongly appears that with a mastery of the process of international cooperation comes the ability to anticipate/manipulate the variables to make the process run smoother and faster.

10.4.2.3.3. What are some “Rival Plausible Explanations” (RPEs)?

The variables influencing one’s choice to use a “fast track” in cooperation only arose in relation to the third “fast track” identified above, namely the decision to use the “fast/easy way” in MLA (see Figure 7.30, Step 4(4)(b), Chapter 7 above). Indeed, the officials who reported the existence of the “fast/easy way” in MLA readily identified various variables that could influence a prosecutor to choose this option. These variables were revealed in Figure 7.30 above, and represent various RPEs for this finding (see Chapter 7). For ease of reference, these variables were: urgency, trust, common language/multilingualism, personal contacts, creativity/thinking outside-the-box, and perceptions regarding treaty interpretation. In addition, a prosecutor’s bravery/willingness to take a risk and use unorthodox procedures may also trigger this option in MLA.

As for the other two “fast tracks” in cooperation, no triggering variables were identified in the data. With respect to these “fast tracks,” however, one may speculate that some RPEs to knowledge/experience/expertise in international cooperation could be many of the same RPEs identified above in relation to the first “fast track” in cooperation.
(i.e., urgency, trust, common language/multilingual, personal contacts, creativity/thinking outside-the-box). Also, the need to save time may also play a role in an official’s decision to select these “fast tracks” in cooperation.

10.4.2.3.4. How does this finding contribute to the thesis statement in response to Research Question #2?

This finding establishes the second part of the thesis statement that was developed in response to Research Question #2. This finding was incorporated into the thesis statement to help make an important point that will be made later below, namely that international police and judicial cooperation is a specialist’s job.

10.4.3. Research Question #3: The Influential Variables

Recall that Research Question #3 was: “What variables affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?” Three main findings emerged in response to this research question, specifically: (1) many variables at the individual, interpersonal, and organizational-levels influence the process of international police and judicial cooperation in the Meuse–Rhine Euregion; (2) the points of convergence/divergence between the three countries respectively facilitate/hinder international police and judicial cooperation; and (3) the hindering variables have the capacity to complicate and stop international police and judicial cooperation, even despite the legal obligations of the signatory countries to cooperate! The following discussion critically examines these findings.

10.4.3.1. Main Finding #1: Many Variables Influence the Cooperation Process

The first main finding in relation to Research Question #3 was that an overwhelming number of variables (i.e., deductive/inductive) at the individual, interpersonal, and organizational-levels influence (i.e., facilitate/impede) the process of international police and judicial cooperation in the Meuse–Rhine Euregion. Many of these variables were first identified in Chapter 7. Further evidence for the existence of these variables, as well as additional variables, was provided in Chapter 8 above (197 pages in length).
10.4.3.1.1. So what? (i.e., What is the contribution to knowledge?)

Readers will recall from Chapters 2 and 3 above that a number of published research studies began to “scratch the surface” with respect to identifying some of the variables that influence the process of international police and judicial cooperation (Aromaa et al., 2001; Bain, 2004:138; Benyon, 1997:120; Brammertz, 1999; Dandurand et al., 2007:288; Das & Kratcoski, 1999:225–227; Den Boer & Spapens, 2002; Hufnagel, 2009:2; Kumar, 1998:156, 157; More et al., 2006:372–375, 385; Roth, 2005:240; Tak, 2000:343; Thibault, Lynch, & McBride, 2007:475; Vermeulen et al., 2005:11; Williams, 2001:58). For the sake of brevity and clarity, the exact ways in which the present study corroborates/confirms this particular body of literature are simply noted in Appendix L (see below).

Significantly, however, as readers will clearly see upon reviewing Appendix L, the present study also hugely extends the literature by virtue of this finding. Although this study is exploratory, it nevertheless went far beyond simply “scratching the surface” with respect to identifying the influential variables. Informed by the Organizational Behavior approach, the present study followed a systematic and thorough process of inquiry to reveal an overwhelming\(^{158}\) number of influential deductive and inductive variables. Recall that the researcher distinguished between the deductive and inductive variables in Chapter 8, to help readers see how the present study both confirms (i.e., deductive variables) and extends (i.e., inductive variables) the literature on international police and judicial cooperation and organizational behavior, respectively.

This finding’s contributions to knowledge are important for several reasons. First, knowledge of the influential variables allows practitioners to manipulate and control the variables, to help improve the process of international police and judicial cooperation. Second, this finding is a testament of how fresh, fruitful, and revealing the study of international police and judicial cooperation can be when approached from a social science perspective, particularly with the application of the Organizational Behavior approach. Third, this finding extends the organizational behavior literature in new ways, namely by revealing that: (1) the Organizational Behavior approach (i.e., deductive variables) can be applied to the study of international police and judicial cooperation—

\(^{158}\) It is uncertain, however, whether the list of influential variables identified in this dissertation is exhaustive or not, due to the exploratory nature of the present study.
and the approach both fits and works; and (2) many inductive variables influence the process of international police and judicial cooperation, with the implication being that some of those variables may also influence organizational behavior in general.

10.4.3.1.2. Why is that so? (i.e., What may possibly explain this finding?)

International police and judicial cooperation is a “real-life” process—it does not occur in a bubble. So, naturally, multiple variables will affect the process. Yet, these variables likely would not have been identified in the present study if it were not for the application of the Organizational Behavior approach. Indeed, certain tools yield certain results. In this case, the correct tool (i.e., the Organizational Behavior approach) was used to obtain the sought-after results.

10.4.3.1.3. What are some “Rival Plausible Explanations” (RPEs)?

The knowledge/experience of the interviewees may also explain why they were able to identify the many variables that influence the process of international cooperation. To illustrate, some of the interviewees could not readily answer Research Question #3 because they did not have the required knowledge/experience.

10.4.3.1.4. How does this finding contribute to the thesis statement in response to Research Question #3?

In response to Research Question #3, the researcher argues that: although the extensive and complex international legal framework may leave some people with the impression that the process of international police and judicial cooperation should occur smoothly and predictably within a “vacuum” that is immune to outside influences, the present research suggests that an overwhelming number of individual, interpersonal, and organizational-level variables affect (facilitate/impede) the process of international police and judicial cooperation in the Meuse–Rhine Euregion. Therefore, this finding establishes the aforementioned thesis statement, due to the overwhelming evidence that directly answers Research Question #3.

10.4.3.2. Main Finding #2: The Points of Convergence/Divergence between the Three Countries Respectively Facilitate/Hinder International Cooperation

In response to Research Question #2, the second main finding was that the points of convergence between the three countries facilitate international police and judicial cooperation, whereas the points of divergence complicate/impede international police and
judicial cooperation. For example, recall that one of the interviewees—a German police commander—explained:

If these are the possibilities of the Dutch police, and these are the possibilities of the German police, you only can work together where they overlap. And if you realize that, you always find a compromise. (German Police Commander, Interviewee 34)

This finding was illustrated by virtue of certain variables in particular, whose values were dichotomous in terms of generally being either convergent or divergent, namely: culture, training in international cooperation, trust, interorganizational politics, language, personal contacts, organizational structure, organizational culture, proximity, criminal justice systems, national laws, the legal framework, resources, and national crime-fighting policies/priorities, as discussed in Chapters 7 and 8 above (see Appendix M).

10.4.3.2.1. So what? (i.e., What is the contribution to knowledge?)

This particular finding both confirms and extends the literature (see Appendix M). With respect to this finding’s confirmation of the literature, it should be noted that the literature on international police and judicial cooperation focused more on identifying the problems caused by divergence between countries, as opposed to the benefits gained due to convergence between countries. Specifically, the literature recognized that international police and judicial cooperation is hindered due to divergence among the following variables: culture, training in international cooperation, trust, interorganizational politics, language, criminal justice systems, national laws, and national crime-fighting priorities (Benyon, 1997:120; Dandurand et al., 2007:288; Das & Kratcoski, 1999:225–227; Hufnagel, 2009:2; Kumar, 1998:156, 157; More et al., 2006:372–375, 385; Roth, 2005:240; Tak, 2000:343; Thibault, Lynch & McBride, 2007:475; Vermeulen et al., 2005:11; Williams, 2001:58). The present study confirmed these findings (see Chapter 8 above; see also Appendix M).

The literature also established that personal contacts help facilitate international police and judicial cooperation (Aromaa et al., 2001; Bain, 2004:138; Brammertz, 1999; Den Boer & Spapens, 2002). This finding is about connections/convergence, as opposed

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159 This is to be contrasted with other variables whose values were dichotomous in terms of being either positive or negative (e.g., personalities, perceptions).
to disconnections/divergence, and thus is appropriate to discuss here. The present study confirmed this finding as well (see Chapter 8 above; see also Appendix M).

Finally, this finding extends the literature by providing evidence to show: (1) the converse for each of the above-noted variables (e.g., convergence in culture facilitates international police and judicial cooperation); and (2) this finding applies to the following variables as well: organizational structure, organizational culture, proximity, and resources (see Chapter 8 above; see also Appendix M\textsuperscript{160}). In sum, this finding is important because the more harmonization is introduced between the countries on different levels, the easier international cooperation should become. This may be regarded as a key finding, since this study is ultimately about how to improve international police and judicial cooperation.

10.4.3.2.2. Why is that so? (i.e., What may possibly explain this finding?)

Naturally, points of convergence will be facilitative, whereas points of divergence will be unhelpful, because international police and judicial cooperation depends on the participants’ ability to find areas of commonality—mutual trust, mutual interest, the same priorities, the same language, and so on. This explanation fits with the data collected for this study.

10.4.3.2.3. What are some “Rival Plausible Explanations” (RPEs)?

Motives may offer an interesting RPE. Specifically, the points of divergence may be intentionally used by some police and justice officials to halt/stall/complicate cooperation if they do not want to cooperate. This may explain why the hindering variables appear and pose problems in the process of international police and judicial cooperation. Ultimately, as one Dutch police commander explained:

\textsuperscript{160} Note that Appendix M is based on Appendix L because the exact same variables are being discussed in relation to this finding, since those were the only ones identified by the literature. Also note that Appendix M extends Appendix L by virtue of the first column on the left, which notes the ways in which the literature is confirmed and/or extended by the present study, in terms of the convergence/divergence of the variables. Specifically, confirmations of the literature are noted by virtue of the citations provided in the far right column of the table. Extensions of the literature are noted by virtue of every other cell, which is actually the majority of the table.
If I don’t want this, I look at the problems. When you don’t want to, you always find a reason to not do it. (Dutch Police Commander, Interviewee 26)

It appears that, considering the large number of influential variables, there will always be reasons to cite in favor of cooperation, and conversely, there will always be reasons to cite in opposition of cooperation. As the present study has shown, some of the hindering variables are being used as excuses not to cooperate (see Chapters 7, 8, and 9 above).

10.4.3.2.4. How does this finding contribute to the thesis statement in response to Research Question #3?

As aforementioned, the thesis statement developed in response to Research Question #3 was based directly on the first finding discussed immediately above. In contrast, the present finding elaborates upon the previous finding by showing that part of the facilitative/hindering influence for the variables listed in subsection 10.4.3.2 above may be due to the convergence/divergence of variable values. Thus, the present finding reveals a general theme in the data, and offers greater explanatory power to the corresponding thesis statement.

10.4.3.3. Main Finding #3: The Hindering Variables Complicate and Sometimes Stop the Process of International Cooperation

The third main finding that emerged in response to Research Question #3 was that although the international legal framework obligates international police and judicial cooperation among its signatories, the process of cooperation does not always proceed smoothly because of the various hindering variables. Moreover, there are points in the process of cooperation where the process can come to a complete stop. The evidence for these two points were presented in Chapters 7 and 8 above. Specifically, many of the figures documenting the step-by-step process of cooperation revealed: (1) hindering variables (i.e., highlighted in pink); and (2) a total of 16 critical points in the process of international police and judicial cooperation where the process would likely be stopped due to various hindering variables and decisions (i.e., as indicated with red octagonal “Stop” signs) (see Chapter 7 above, Figures 7.5, 7.7, 7.8, 7.13, 7.18, 7.19, 7.23, 7.26, 7.31, 7.35, 7.36, 7.37, 7.38, 7.39, and 7.40; see also Appendix N below). Chapter 8 also presented data to reveal the hindering effects of various variables on the process of cooperation.
10.4.3.3.1. So what? (i.e., What is the contribution to knowledge?)

This finding extends the literature in a significant way, since this is the first research study to document the step-by-step process of international police and judicial cooperation in the Meuse–Rhine Euregion, and identify the variables that influence the various steps in the process. First, this finding shows the exact points in the process of cooperation that are susceptible to problems. This is a huge step forward, because knowledge of the problem-spots may allow practitioners to anticipate and avoid potential problems. Second, an awareness of the 16 critical points where the process of cooperation may come to a complete stop also arms practitioners with the ability to review these points at the beginning of the process, and weigh the potential of each of these points to break the process, before the process begins. Third, this finding strongly suggests that there is “slippage” between the macro/legal-level (i.e., the international legal framework) and the micro/individual-level. Indeed, although the legal framework obligates international police and judicial cooperation in cases of serious transnational organized crime, the findings of the present study illustrate that cooperation is sometimes hindered and stopped in practice due to various variables, some of which are practitioner decisions. Finally, the existence of some of the hindering variables, as well as some of the stopping points, suggests that some of the practitioners who are presently involved in international cooperation in the Meuse–Rhine Euregion should not be involved because, unfortunately, they are part of the problem (e.g., some practitioners have: insufficient language skills, an inability to forge trust with their cross-border colleagues, no personal contacts, a lack of knowledge of the “fast tracks” in cooperation).

10.4.3.3.2. Why is that so? (i.e., What may possibly explain this finding?)

Several findings in the present study strongly indicate that international police and judicial cooperation is a specialist’s job. This is one such finding. Indeed, most161 of the influential variables are located at the individual-level, which is a strong explanation as to why international police and judicial cooperation can be hindered and even stopped, despite legal obligations for the signatory countries to cooperate! This explanation fits with the data collected for this study. For example, readers will recall that most (i.e., 30/39 = 77%) of the influential variables are located at the individual-level.

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161 See Appendix L below, which shows that 30/39 (77%) of all variables are located at the individual level. Similarly, Appendix N below shows that 13/16 (81%) of the critical stoppage points (variables or steps) in the cooperation process can be categorized at the individual level.
(see Appendix L), and the cooperation process proceeds relatively smoother and faster for “Masters in Cooperation,” as opposed to non-masters, which strongly indicates that international police and judicial cooperation is a specialist’s job (see Chapters 7 and 8; see also Figure 7.30 above). Moreover, 13 of the 16 critical stop points are due to decisions made by the practitioners themselves to stop the cooperation process, which is to be compared to a total of three critical stop points that are due to organizational-level variables (i.e., a lack of police capacity or different priorities) (see Appendix N). In sum, the fragile\textsuperscript{162} nature of international police and judicial cooperation means that the process’ success depends on practitioners who have an excellent knowledge/mastery of the process to anticipate/manipulate the variables as necessary.

\textbf{10.4.3.3.3. What are some “Rival Plausible Explanations” (RPEs)?}

Organizational-level variables also play a role in complicating and even stopping international police and judicial cooperation, albeit to a lesser extent. To quantify the extent, one cannot simply count the number of steps in the cooperation process and the number of hindering variables noted on the flow-chart, because such a strategy would not yield the complete picture as to what is happening. Indeed, Chapter 8 identified and discussed the roles of many additional variables that were not listed in the flowchart, but are nevertheless operative in the process of cooperation. Therefore, perhaps the best way to quantify the extent to which individual-level variables influence the cooperation process, as opposed to organizational-level variables, would simply be to count them as listed in Appendix I. Such an exercise shows that, of the 39 deductive/inductive variables identified in this study, 30 are situated at the individual-level, and nine are located at the organizational-level. Clearly, such a finding triangulates/supports the first explanation provided immediately above. Nevertheless, the point is that individual-level variables are not always to blame for problems in international police and judicial cooperation, because organizational-level variables can also thwart the process of cooperation, even despite legal obligations for the signatories to continue.

\textsuperscript{162} Fragile is defined as “easily broken or damaged” and/or “delicate and vulnerable” (Soanes, 2002:324). The process of international police and judicial cooperation in the Meuse–Rhine Euregion is indeed fragile, as indicated by the many influential variables, and the multiple points at which the process may come to a complete stop (see Chapters 7 and 8 above).
10.4.3.3.4. How does this finding contribute to the thesis statement in response to Research Question #3?

Like the finding examined immediately above, this particular finding also builds upon the first finding gleaned in response to Research Question #3. Specifically, this finding supports the thesis statement by revealing that the hindering variables are powerful enough to complicate and even stop the process of cooperation. Therefore, this finding strongly suggests that attention should be paid to the influential variables, their effects on the process of cooperation, as well as the critical breakdown points in the process of cooperation. This clear implication leads to the next thesis statement, which is that: the process of cooperation can be improved by recognizing international cooperation as a specialty job, and accordingly allocating such work to the qualified specialists, so as to control the influential micro-level variables.

10.4.4. Research Question #4: How to Improve Cooperation

Recall that Research Question #4 was: “How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion be improved?” The answer to this question is twofold. First, with respect to improving the process of international police and judicial cooperation in the Meuse–Rhine Euregion, the data clearly show that the police and justice officials can control many of the influential variables themselves. The implication is that the process of international police and judicial cooperation can be improved by recognizing it as a specialty job, and accordingly, allocating such work to the qualified specialists, to control the influential micro-level variables.

Second, with respect to discussions on advancing international cooperation, remarkably, the data showed that some of the Belgian and German police and justice officials play the psychological game of “Yes, but…” with their Dutch counterparts to halt the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion. A holistic review of the data reveals that the main reason why there is psychological game playing and consequent deadlock in advancing international police and judicial cooperation is because of the currently unequal/unfair division of power between the three countries in the Euregion with respect to the governance/ownership structure of international police and judicial cooperation in the Meuse–Rhine Euregion. The implication is that the enterprise of international police and judicial cooperation
in the Meuse–Rhine Euregion can be improved by recognizing that a tri-national power struggle is currently preventing advancements, and this power struggle can be surmounted by implementing an equal/fair governance/ownership structure for international police and judicial cooperation in the Meuse–Rhine Euregion going forward. The following discussion offers a critical examination of these two main findings.

10.4.4.1. Main Finding #1: The Police and Justice Officials Can Control Many of the Influential Variables Themselves

In response to Research Question #4, the first main finding was that many of the variables that influence the process of cooperation can be controlled by the police and justice officials themselves. Chapters 7 and 8 above detailed the many variables that influence the process of cooperation, and a summary analysis of these data revealed that most of the influential variables are located at the individual-level (see Appendices L and N below).

10.4.4.1.1. So what? (i.e., What is the contribution to knowledge?)

This finding both confirms and extends the international cooperation and organizational behavior literatures. Significantly, no other researcher has approached the study of international police and judicial cooperation in the same way as the present author. Determining how to improve cooperation by using the Organizational Behavior approach/Contingency Theory, establishing the status quo, and then plotting the process of cooperation in practice while concomitantly identifying the influential variables yields a surprisingly simple discovery: the power to achieve change is within the hands of the police and justice officials themselves.

This is a significant finding for two reasons. First, it confirms Contingency Theory as a viable theory in the study of international police and judicial cooperation (see Indik, 1968:56–57 as cited in Roberg, 1979:37; Luthans, 1985:561; Milton, 1981:11; More et al., 2006:13; Roberg, 1979:viii, 15, 23, 43; Rollinson & Broadfield, 2002:20; Sims, 2002:8; Swanson et al., 2008:208). Indeed, the contingency approach worked well for this study, by leaving open the possibility of influential inductive variables, which the data revealed were present.
Second, the data explicitly identify the exact variables that influence international police and judicial cooperation, and as such, this information positions managers to control the variables. This may be considered to be a revelation of sorts because up until now the literature and the officials themselves have mostly attributed the problems in international cooperation to organizational-level variables (e.g., different national laws/sovereignty, different national crime-fighting priorities, criminal justice system differences, a lack of police capacity in The Netherlands, shortcomings/gaps in the international legal framework) (for a summary, see Appendix B below; specifically, see Dandurand et al., 2007:288; Das & Kratcoski, 1999:225–227; Hufnagel, 2009:2; More et al., 2006:372–375, 385; Roth, 2005:240; Vermeulen et al., 2005:11; Williams, 2001:58; see also Chapters 7 and 8 above). The present study, however, showed that these few variables are only the “tip of the iceberg.” Indeed, most of the variables that influence the process of international police and judicial cooperation are located at the individual-level (see Appendix L, which shows that 30/39 (77%) of all variables are at the individual-level). This means that widely-held perceptions—among academicians and practitioners alike—about the capacity for these officials to achieve change have been inaccurate. Until now, it appears that the officials have had an external locus of control, meaning that many thought that positive improvements are dependent on forces beyond them, such as political will. The present study strongly indicates that the officials should adopt an internal locus of control, and realize that a great deal of positive improvements can come from the individual-level.

Recall that researchers study organizational behavior to explain, predict, and control organizational behavior (Luthans, 1985:7, 21; Milton, 1981:1, 13; Robbins, 2000:2, 5–6; Robbins, 2003:5; Thompson, 2003:2). Therefore, the other implication of this finding is that the process of international police and judicial cooperation in the Meuse–Rhine Euregion can be improved by recognizing international cooperation as a specialty job, and accordingly allocating such work to the qualified specialists to control the influential micro-level variables.

10.4.4.1.2. Why is that so? (i.e., What may possibly explain this finding?)

As aforementioned, most (i.e., 30/39 = 77%) of the influential variables in the process of cooperation are located at the individual-level (see Appendix L). This fact,
which was supported by an overwhelming amount of data (see Chapters 7 and 8 above), offers a strong explanation for this first main finding in response to Research Question #4.

10.4.4.1.3. What are some “Rival Plausible Explanations” (RPEs)?

No RPEs were identified with respect to this first main finding gleaned in response to Research Question #4. Therefore, it strongly appears that the explanation provided immediately above in subsection 10.4.4.1.2 is true.

10.4.4.1.4. How does this finding contribute to the thesis statement in response to Research Question #4?

This particular finding establishes the basis of the fourth thesis statement. Recognition of the controllable nature of the variables implies that such action will require special skills and knowledge, which naturally leads to the conclusion that international police and judicial cooperation is a specialist’s job.

10.4.4.2. Main Finding #2: Some Officials Play the Psychological Game of “Yes, but…” with their Cross-Border Counterparts to Halt Advancements in International Cooperation

In response to Research Question #4, the second main finding was that some of the Belgian and German police and justice officials play the “Yes, but…” psychological game with their Dutch colleagues to halt the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion. The data revealing this main finding were presented in Chapter 9 above, and a summary list of the specific psychological games played can be found by perusing the Table of Contents for that chapter.

10.4.4.2.1. So what? (i.e., What is the contribution to knowledge?)

This finding extends the literature in two important ways. First, it shows that this aspect of organizational behavior (i.e., the interpersonal level variable of conflict/psychological game playing) is present in the context of international police and judicial cooperation in the Meuse–Rhine Euregion. As stated in Chapter 4 above, the organizational behavior literature relating to police organizations is scarce. Moreover, the Organizational Behavior approach has never before been applied to the study of international police and judicial cooperation. Therefore, this finding provides further support for the idea that the Organizational Behavior approach is suitable for the study of
international police and judicial cooperation, which thereby extends the organizational behavior literature.

Second, this finding fills a gap in the literature by explaining why advancements in international police and judicial cooperation in the Meuse–Rhine Euregion have slowed down to a halt in recent years. As revealed in Chapter 2 above, the literatures on international police and judicial cooperation in Europe, and in the Meuse–Rhine Euregion specifically, are lacking. To address these paucities in the literature, a thick description of the current state of affairs in the Meuse–Rhine Euregion was required. Then, after extensive analysis, it became apparent that the data strongly suggest that the reason why some of the Belgian and German police and justice officials play the “Yes, but…” psychological game with their Dutch colleagues is because the current and proposed structures for international cooperation are unequal and unfair to the Belgians and Germans, which makes the Belgians and Germans inclined toward halting advancements in cooperation. The huge implication of this finding is that the tri-national power struggle can be surmounted by designing and implementing an equal/fair structure for international police and judicial cooperation going forward. In sum, the thick descriptions of the status quo and process of cooperation, as well as the evidence-based explanations for why the current system of cooperation is functioning in the current manner, go far in extending the literature on international police and judicial cooperation.

10.4.4.2.2. Why is that so? (i.e., What may possibly explain this finding?)

As mentioned above, it appears that the main reason why there is psychological game playing and consequent deadlock in advancing international police and judicial cooperation is because of the currently unequal/unfair division of power between the three countries in the Euregion with respect to the governance/ownership structure of international police and judicial cooperation in the Meuse–Rhine Euregion. In other words, there is a tri-national power struggle. Recall that the data revealed that, generally speaking, some of the Belgian and German officials perceive the Dutch ideas/proposals as self-serving. So, from this perspective, the view would be that some of the Belgian and German officials have been playing psychological games with their Dutch colleagues to politely (and politically) shut-down discussions that could lead to further empowering the Dutch. Naturally, wanting less is a way for people to regain control in a relationship (e.g., that they feel is moving too fast and in ways that are unfair to them) (Dr. Alina Wydra,
Yet, remarkably, the Dutch interviewees did not appear to recognize these organizational dynamics in this situation.

Obviously, international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion is a serious and politically-sensitive topic. Music, however, can add some much-needed levity to this discussion and offer additional explanatory power with respect to the “tug-of-war” style organizational dynamics currently in effect. Specifically, three well-known songs can be cited to generally illustrate how the police and justice officials from each country view each other and the current situation of international police and judicial cooperation in the Meuse–Rhine Euregion. This summative exercise—based on the holistic analysis of the data presented in the chapters above—playfully and accurately explains why the police and justice officials from these countries are not seeing eye-to-eye, and why advancements in international cooperation are not being made.

To begin, it occurred to the researcher that the Dutch perspective is captured in one verse of the song “Habanera,” from Bizet’s (1875) opera Carmen. The original French verse is presented on the left below (measures 28 – 36), with an English translation on the right:

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163 In discussion, the example that Dr. Wydra used to elaborate this point was as follows. If someone wants to be your friend, and wants to see you every day, but you do not want to see that person as often, then the way for you to regain control in the relationship is to want less than your friend wants. So, instead of seeing that person every day, you can slow down the pace of the relationship by only making yourself available once a month. The person who wants less in the relationship sets the pace of the relationship, and is therefore in control of the relationship. So, if you are only available once a month, then you are in control, because that is all that your friend will get to see of you.

164 The researcher is also a musician. So, the opportunity to use the power of music to explain the situation, as she sees it on the basis of the data, was happily seized.

165 Readers may find it interesting to know that the songs began “popping” into the researcher’s head during the long walks she took as breaks when she was analyzing the data. Further analysis of the songs proved that they are consistent with the data, and therefore offer explanatory power in a fresh and moving medium.

166 Bizet, G. (1875/1958). “Habanera,” Act I, Song No. 5, Measures 28 to 36 in Carmen: Opera in Four Acts. New York: G. Schirmer. http://www.dlib.indiana.edu/variations/scores/aaz2552/index.html. The researcher’s favorite rendition of this song can be found on www.youtube.com by searching for the performance by Julia Migenes with the following key words: “Carmen Habanera English Subtitles Julia Migenes.” As a matter of fact, this song (and opera as a whole) has been one of the researcher’s favorites since childhood. So, it is wondrous to cite it in this dissertation.
L’amour est enfant de Bohême,  
Love is the child of a Gypsy,

Il n’a jamais jamais connu de loi.  
It never, never knew a law.

Si tu ne m’aimes pas, je t’aime.  
If you do not love me, then
I will love you.

Si je t’aime, prends garde à toi!  
And if I love you, watch out!

By way of explanation, recall that the data suggested that the Dutch can be both cavalier and difficult when it comes to international cooperation with their cross-border colleagues. For example, recall the story of the Dutch police crossing the border into Belgium without announcing their plan in advance, only to be found by the Belgian police in response to their call for help after they got stuck in the mud in the forest (see line 2 of the verse above). Recall also that the Dutch do not appear to understand why the Belgians and Germans do not want to take cooperation further (see line 3 of the verse above). Yet despite these problems, the Dutch are very eager to continue and build cooperation with their cross-border colleagues, according to Dutch terms (see lines 1 and 4 of the verse above). In sum, the Dutch “love”\(^{167}\) their colleagues, but view the love as ambivalent (\(i.e.,\) “hot and cold”) throwing their hands in the air with a lack of understanding as to why the professional working relationship is not warmer and more successful with their Belgian and German colleagues.

Next, the Belgian perspective is captured by Aretha Franklin’s (1967) powerful song “Respect.”\(^{168}\) The verse of interest (measures 5 – 11) is presented below:

What you want,
Baby I’ve got it.

What you need,
You know I’ve got it.

All I’m asking
Is for a little respect!

\(^{167}\) The word “love” is used here not in a romantic way, but rather, to illustrate the nature of their relationship with their cross-border colleagues, in consonance with the song verse cited above.

Recall that the Belgian police and justice officials cited various examples of disrespect/“upperscuts” by the Dutch toward the Belgians, from trespassing on Belgian territory to the use of the German language at tri-lateral meetings (see Chapters 6 to 9). These mistakes have caused a bitterness on the part of some of the Belgian police and justice officials that does not appear to have impacted the process of international cooperation, but has been enough to make these officials recalcitrant with respect to further advancing the enterprise.

Finally, the German perspective is captured by Bobby McFerrin (1988) in the simple yet classic song “Don’t Worry, Be Happy.” A particularly troublesome scenario is presented in one verse (measures 57 – 64):

The landlord says the rent is late
We may have to litigate
Don’t worry
Be happy

This song accurately captures the German perspective about the subject of international police and judicial cooperation in the Meuse–Rhine Euregion, as readers may have noticed in reading the data, and as the researcher definitely witnessed while conducting the interviews. Specifically, during the interviews with the German officials, the researcher often observed that the German officials would—in a very relaxed/detached manner—recount the long “laundry list” of problems in international cooperation, and then calmly end their statement with a smile and/or laughter. In sum, the Germans appear to have been able to maintain a sense of lightheartedness and calm despite the serious problems and complications in international police and judicial cooperation in the Meuse–Rhine Euregion.

Essentially, the bottom-line “take home message” distilled from the holistic analysis of the four findings chapters is that there is a political “tug-of-war” between the three countries, in terms of how to improve international police and judicial cooperation in the Meuse–Rhine Euregion. The Dutch police and justice officials are advancing their ideas, which are Dutch-centric and self-serving, and naturally, these ideas are being rejected

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by the Belgian and German police and justice officials in such a diplomatic *(i.e., psychological game playing)* way that the Dutch do not even understand what is happening or why! Unfortunately, nobody is winning. In fact, they are all losing because consequently, international police and judicial cooperation is not developing to the extent that it should. Status update emails from the research participants to the researcher revealed that there has been deadlock in terms of advancing cooperation since the researcher’s visit to the Euregion in the spring of 2010. Considering the clarity and overwhelming nature of the evidence provided in this dissertation, it appears that the deadlock will likely continue *indefinitely* if matters proceed in the same manner. In other words, the current system/arrangement for international cooperation is not working, considering the reality/true demands. So, changes are definitely in order. Specific recommendations for policy and practice are provided in the next chapter.

10.4.4.2.3. What are some “Rival Plausible Explanations” (RPEs)?

It is a possibility that perhaps the Belgian and German police and justice officials who respond with “*Yes, but…*” with respect to international cooperation advancement ideas may not be intending to play psychological games, but rather, are delivering the honest truth, according to their perceptions. Regardless of the intent (or lack of intent) behind this response, these two words *(i.e., “*Yes, but…”*) are effectively preventing advancement in international cooperation. A holistic analysis of the data, however, suggests that the “*Yes, but…”* response is indeed a psychological game that is *intended* to stop advancement, since the data quite convincingly revealed that the current and proposed plans for advancing international cooperation are indeed unequal and unfair to the Belgians and Germans, favoring the Dutch instead.

It is also a possibility that, it is the Belgian and German naysayers who should change, more than the Dutch *(i.e., the Belgian and German naysayers should stop playing psychological games, and simply comply with the Dutch-centric requests/plans for advancing international cooperation)*. The data suggest, however, that such a scenario would be unfair to the Belgians and Germans.

10.4.4.2.4. How does this finding contribute to the thesis statement in response to Research Question #4?

This finding contributes to the fifth thesis statement by providing the evidence *(i.e., the “*Yes, but…”* data) to show that discussions about advancing international
cooperation are being stopped by some Belgian and German officials. Having established this point, the researcher was able to go further by observing that there is a power struggle between the three countries, which ultimately leads to the fifth thesis statement, namely that the tri-national power struggle can be surmounted by designing and implementing an equal/fair governance/ownership structure for international police and judicial cooperation in the Meuse–Rhine Euregion going forward.

10.5. Defence of the Research Findings

This subsection is divided into two main parts. First, the researcher explains why this study’s findings are acceptable by citing multiple key reasons, which are recognized as standard research quality assessment benchmarks by qualitative researchers. Second, in further defence of this work, the researcher “switches gears” from the defensive to the offensive, by anticipating potential criticisms readers may have of this study, and accordingly providing concomitant rebuttals.

10.5.1. The Reasons Why this Study’s Findings are Acceptable

To begin, the researcher argues in defence of the research findings by: (a) drawing upon the “Research Plumb Line”; (b) inspecting the evidence; (c) reflecting on the process of critical analysis completed above; and (d) ruling out Rival Plausible Explanations (RPEs). The “Research Plumb Line” is considered first.

10.5.1.1. The “Research Plumb Line”: Aligned and Tight

Recall that the “Research Plumb Line” is a tool that qualitative researchers use to ensure congruence between the data analyses, data collected, and research questions (see Table 5.1 in Chapter 5 above). Without sketching the key aspects of a research design in this manner, it becomes very difficult (if not impossible) for researchers to ensure that their research study answers the research questions. Indeed, as the literature review in Chapter 3 revealed, some studies embarrassingly yield conclusions that do not match the research questions (see Appendix B below); somewhere along the way, a misalignment between the research questions, data collected, and data analyses occurred—usually due to “re-framing” the research questions through subtle changes in wording, while keeping the intended data collection and data analyses the same.
These problems were avoided entirely in the present study because the researcher exercised due diligence in completing a “Research Plumb Line” for this study at the research proposal stage, and reviewed the “Research Plumb Line” throughout the execution of the study to ensure that the congruence between the research questions, data collected, and data analyses was maintained.

10.5.1.2. The Evidence: Overwhelming and Strong

The researcher gathered and presented multiple types of evidence for the purpose of this dissertation. To lay a solid foundation for this work, literature review findings from the international cooperation and organizational behavior literatures were cited in the initial chapters of this dissertation. In addition, findings from the legal analysis were also cited. Finally, original qualitative interview data derived from the comparative cross-sectional qualitative case study analyses were cited, and juxtaposed against the literature review findings where possible. Considering the overwhelming amount of data found and cited, as well as the triangulation of the data in multiple forms as stated above, the evidence is clearly very strong. Accordingly, the evidence sufficiently justifies the thesis statements, as demonstrated by virtue of the critical analysis process engaged in above.

10.5.1.3. The Critical Analysis Process: Methodical, Thorough, and Complete

As stated at the beginning of this chapter, qualitative researchers are expected to answer a number of standard questions in the discussion chapter of their doctoral dissertations. The researcher identified these questions as being:

1. So what? (i.e., What is the contribution to knowledge?)
2. Why is that so? (i.e., What may possibly explain the finding?)
3. What are some “Rival Plausible Explanations” (RPEs)?
4. How does the finding contribute to the thesis statement?

Since there were four main research questions, and there were also either two or three key findings per research question, the researcher decided that the best way to address these questions would be in a methodical manner, whereby each main research finding would be subjected to the scrutiny of these four critical analysis questions. Such an approach yielded a transparent, thorough, and complete critical analysis exercise, which inherently lends further credence to this study’s findings.
10.5.1.4. Rival Plausible Explanations (RPEs): Ruled Out

The researcher acknowledges that there are multiple ways to interpret the same data set. The different interpretations beckon RPEs. As part of the critical analysis process, possible RPEs were identified, considered, and ruled out. Indeed, it was pointed out above that no strong evidence exists—in neither the published literature nor the interview data—to support any of the possible RPEs. Therefore, the research answers provided in the present dissertation are satisfactory, while others (i.e., RPEs) are not.

10.5.2. Possible Criticisms and Rebuttals

The researcher is confident that there are no problems with the research method used to guide this study. Nevertheless, readers may possibly criticize the present study on different grounds. These potential criticisms are outlined below, and addressed with powerful rebuttals that expose them as unfounded. Therefore, one may conclude that these potential criticisms are actually compliments.

10.5.2.1. Possible Criticism #1: Sometimes, n = 1

Sometimes, n = 1 in the present study. This phenomenon occurred mostly in the tracing of the process of cooperation (see Chapter 7 above), since the process of cooperation had to be pieced together like a jigsaw puzzle by the researcher. Readers will recall that data with values of n = 1 remain significant in this study, since each datum represents a key puzzle piece that is needed to understand the whole picture of international police and judicial cooperation in the Meuse–Rhine Euregion, particularly since each interview was relatively short considering the complexity of the subject matter. Therefore, the occurrence of n = 1 is not a flaw, since the puzzle pieces fit together to paint the larger picture of what is happening in the Meuse–Rhine Euregion in terms of international police and judicial cooperation. In fact, the occurrence of n = 1 is a reflection of the researcher’s attention to detail and desire to produce as complete/correct of a study as possible. Nevertheless, the study could have benefited from a larger sample size.

10.5.2.2. Possible Criticism #2: Too long of a thesis

Readers will agree that the present study is quite complicated, since it explores international police and judicial cooperation between 21 organizations located in three countries, within the context of an extensive international legal framework, and through
the application of the Organizational Behavior approach. The researcher read thousands upon thousands of pages of published literature (in English, and in foreign languages) to complete this study, and synthesized the findings in the present dissertation for readers’ ease of reference. Compared to the large bodies of literature from which this dissertation stems, the present dissertation is relatively short. The researcher wrote the present study with the twin goals of being concise yet complete. A work shorter than the present study simply would have been incomplete. Therefore, the length of the present dissertation is not a flaw. On the bright side, the present dissertation makes an interesting, original, and extensive contribution to the literature.

10.6. “Lessons Learned,” in Terms of the Literature/Research

In this subsection, the researcher offers conclusions about the “lessons learned” as a result of conducting this study, with specific regard to: (1) the international police and judicial cooperation literature, as well as (2) the organizational behavior literature. A series of standard questions guides this reflexive analysis, as illustrated below.

10.6.1. What has been working?

The literature relating to international police and judicial cooperation is vast. Similarly, the literature relating to organizational behavior is also large. Obviously,

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170 The minimum page requirement for a doctoral dissertation at Simon Fraser University (SFU) is 200 pages. By way of interest, SFU does not impose a limitation on the maximum number of pages for a doctoral thesis. Indeed, one of the longest theses published at SFU was over 3,200 pages long (Personal Communication, Joanie Wolfe, November 10, 2011). This work was a Master’s thesis in the Faculty of Communication titled The Conference (2011) by Dylan Cree (3370 pages, 8 volumes. It is available at: http://summit.sfu.ca/item/11652).

171 At the end of the literature search for this study, the researcher had gathered 13 knee-high piles of literature (i.e., research articles, books) on the subject of international police and judicial cooperation. Because the researcher did not want to miss anything important, she read through it all. Only some of this literature was of value to the present dissertation. Thus, the length of this dissertation’s bibliography is not fully indicative of the large amount of literature that was gathered and reviewed for this study.

172 A visit to SFU’s W.A.C. Bennett Library by the researcher revealed shelves upon shelves of books concerning the subject of organizational behavior.
publications in these subject areas are beneficial, since they help lay the foundation for further research, to some degree.

10.6.2. What has not been working?

As the initial chapters of this dissertation revealed, although the relevant literatures are large, they are also severely lacking. First, with respect to the literature on international police and judicial cooperation, the literature review in Chapter 2 above (see Appendix B) revealed large gaps in this literature in terms of subject matter (e.g., a paucity of research concerning the Meuse–Rhine Euregion). The gaps in the literature have been exacerbated by severe methodological deficiencies, stemming from a lack of attention paid to: (1) social science tradition,173 (2) comprehensive literature reviews,174 (3) the incorporation of suitable conceptual/theoretical frameworks,175 (4) transparent and complete descriptions of the research methods employed,176 and (5) the “Research Plumb Line,” which would ensure relevant findings and evidence-based conclusions.177 Lengthy key publications written in foreign languages have also complicated proper reviews of the literature and contributions to knowledge, since translation software programs are not always capable of producing accurate translations of the original works.

Second, with respect to the organizational behavior literature, Chapter 4 (above) revealed a paucity of research relating to the specific subject of international police and

173 Some of the most prolific writers in the area of international police and judicial cooperation are lawyers and/or other practitioners (e.g., police, prosecutors)—not social scientists.

174 As aforementioned, the relevant literatures are vast, yet it appears that some researchers neither take the time nor exercise due diligence in properly reviewing these literatures in order to firmly ground their own research study, and ensure meaningful results.

175 Not one of the research studies reviewed in this dissertation incorporated any theoretical or conceptual framework. Yet, one of the key goals of social science research is to advance theory. One way to advance theory is to draw upon theory in the first place, so as to ground the research, which in turn informs theory once the research is complete.

176 The lack of proper research method sections in the research studies reviewed for this dissertation was surprising. Social science studies should feature a research method section, within which the key aspects of the research design are fully documented, so as to allow other researchers to replicate any given study, and establish research reliability.

177 Indeed, some of the studies reviewed in the present dissertation clearly did not employ the use of a “Research Plumb Line,” because their conclusions did not match the research questions/purposes/goals. Such unfortunate outcomes could be totally avoided if enough forethought is put into the research design, and if the congruence between the research questions/data analyses/data collected are monitored throughout the conduct of the study.
judicial cooperation. This paucity of research was not helpful for the present study, because it meant that the present study was essentially “trail-blazing”—applying the Organizational Behavior approach to a field of study that has never before been examined using such an approach. Trail-blazing is not necessarily negative, but naturally, any research study will benefit when it is grounded in prior work.

10.6.3. Where have things been going wrong?

The problems with respect to the international police and judicial cooperation literature may stem from a lack of proper training in the social science research tradition. Moreover, the lack of organizational behavior literature on the specific subject of international police and judicial cooperation may stem from a lack of cross-pollination between the disciplines of business administration and criminology. The present dissertation may help inspire further research in this field of study.

10.6.4. What were the research surprises?

There were many research surprises for the researcher throughout the execution of this study. The surprises surfaced during the literature review, the field research, and throughout the writing of this dissertation.

10.6.4.1. The Research Surprises that Arose During the Literature Review

In terms of the international police and judicial cooperation literature, it was surprising to discover that despite the vastness of this literature, there was a lack of properly conducted research studies of substance and value. Indeed, only a very select number of publications were cited in the present dissertation, with the majority of the retrieved publications set aside by the researcher.

With respect to the legal framework regulating international police and judicial cooperation, the main research surprise was discovering the degree of redundancy among the different conventions/treaties. The additional surprise was discovering that some of the legal instruments that the police and justice officials have been wishing for already exist.

In relation to the organizational behavior literature, it was surprising to discover the paucity of applied research in the area of international police and judicial cooperation.
Considering the vastness of the international police and judicial cooperation literature, one would imagine that some researchers would have already thought to apply the organizational behavior approach to the study of international police and judicial cooperation.

10.6.4.2. The Research Surprises that Arose During the Field Research in Europe

Research surprises also arose during the field research in Europe. First, in relation to Research Question #1 (i.e., the status quo), it was surprising to discover the degree of divergence in perceptions among the police and justice officials about the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion. One would imagine that there would be consensus with respect to the police and justice officials’ views concerning the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion. Surprisingly, this was not the case.

In relation to Research Question #2 (i.e., the process of cooperation), it was interesting that most of the police and justice officials in the Meuse–Rhine Euregion appeared to know very little about the complete process of international police and judicial cooperation, knowing more instead about their own particular part in the process. Equally interesting was that only one interviewee was able to provide an overview of the entire process of international police and judicial cooperation.

In relation to Research Question #3 (i.e., the influential variables), it was interesting to hear that many of the police and justice officials admitted that they had never before thought of international police and judicial cooperation as being subject to numerous influential variables, some of which can be manipulated by the police and justice officials themselves. Numerous interviewees expressed gratitude to the researcher for this new way of thinking about the problem, which in turn provided validation/confirmation to the researcher that the present study will be helpful to the practitioners.

Finally, in relation to Research Question #4 (i.e., improving cooperation), it was surprising to discover that a power struggle between the three countries is currently underway, and that the power struggle has been severe enough to cause deadlock in the advancement of international police and judicial cooperation. One would imagine that the common international goal of fighting serious transnational organized crime would
be enough to mobilize the three countries and encourage them to unite, but clearly, other factors have complicated the situation.

10.6.4.3. The Research Surprises that Arose During the Writing of this Dissertation

Research surprises continued to arise during the writing of this dissertation. First, it was very surprising to discover the length of time required to transcribe each interview voice recording. Even with the help of dictation software (i.e., Dragon Naturally Speaking 12), it took approximately one hour for the researcher to transcribe every 15 minutes of recorded interview time (i.e., with proper punctuation, formatting, and emphases to accurately record each statement).

It was also surprising to discover that the police and justice officials refer to a number of key texts on the subject of international police and judicial cooperation that are written in their languages (i.e., French, Dutch, and German). It was even more surprising (and frustrating) to discover that, despite the use of translation software, some of these texts could not be translated well enough to be understood in English.

10.6.5. What would the researcher do differently, now that this study is done?

Now that the present study is complete, the researcher has a keen appreciation of the complexity and demands associated with international research involving multiple countries. A great deal of time and effort went into each phase of this study, including: (1) conducting the initial research for the purpose of writing the research proposal; (2) writing the research proposal; (3) obtaining the necessary permissions from the 21 European organizations of interest; (4) scheduling interview appointments; (5) conducting the field research in Europe; (6) transcribing the interview recordings; (7) uploading the interview transcripts into NVivo; (8) using NVivo to code and analyze the interview data; (9) reading the international legal framework documents (i.e., treaties/conventions); (10) reading about the Organizational Behavior approach; (11) translating the key foreign texts into English by scanning each page, and then using Optical Character Recognition (OCR) software in conjunction with translation software;

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178 Many thanks go to Mrs. Nathalie Wiegers of the BES in Maastricht, The Netherlands, for scheduling the interview appointments for the researcher.
(12) trying to read, understand, and summarize the “broken English” translations of each key foreign text; and (13) writing the thesis.

Considering the length of time and “word count” it took to complete the present dissertation, it is the researcher’s assessment that the present study far exceeds the requirements of a doctoral degree with a minimum requirement of 200 pages for the dissertation. Significantly, no one (i.e., neither the researcher nor the supervisory committee members) anticipated that the present study would be this long or complex. Once the field research and dissertation writing were underway, however, the researcher felt obliged/compelled to continue writing until the study was “done,” because otherwise, the study would be incomplete, which would not only be a disservice to her, but to the interviewees and future researchers as well. For the record, although the present topic is very interesting, timely, and important, if the researcher could “turn back time” to when she was selecting a dissertation topic, the researcher would have studied something far simpler and limited in scope to earn the doctoral degree (e.g., library research with a secondary data set), and saved the present complicated/lengthy international study for a future time, when she would have the benefit of government funding and a capable team of multilingual research partners to support such a large, complex, and demanding endeavour.

In terms of the substantive content of this dissertation—including the research design—it should be stated, however, that the researcher would not do anything differently if the study had to be done over again. Indeed, the researcher is extremely pleased with every research decision she made from the beginning to the end, and with the successful outcome of this incredibly complicated, demanding, and lengthy international study.

10.6.6. What guidance/advice does the researcher have for future researchers in this field?

Future researchers studying international police and judicial cooperation would do well to heed a few words of advice from the researcher, now that the present study is complete. First, reading this dissertation will help save future researchers in this field a great deal of time because the present study synthesizes numerous bodies of literature (i.e., the international police and judicial cooperation literature, the international legal framework, the organizational behavior literature), and presents the most thorough qualitative data and analyses on the subject of international police and judicial cooperation
in the Meuse–Rhine Euregion to date. In a short amount of time, future researchers will be well-positioned to conduct future research on the subject, using the present dissertation as a springboard from which to ground their own research.

Second, assembling a team of multilingual researchers would be very wise for future studies in this field, since multilingualism would negate the need for translation software. Multilingualism can also help ensure thorough literature searches, and help increase the size of interviewee samples. Readers will recall that the researcher was generally limited to speaking with police and justice officials who speak English. There were some exceptions to this rule, and interpreters were accordingly used in some of the interviews as a result, but the point here is that multilingual researchers would be able to access a larger sample of interviewees.

Third, future researchers in this field should allot many years to the completion of such a study, in anticipation of any circumstances beyond their control, and taking into consideration the difficulty associated with completing such a complex and lengthy study. It is easy to underestimate the amount of work required to complete such a study, and overlook the possibility of extenuating circumstances, particularly when one’s outlook is positive and optimistic.

Fourth, considering the length of time such a study requires for completion, funding would be helpful. Since it takes a considerable amount of time to secure funding, the grant proposal process should start well in advance of the actual project start date.

Finally, future researchers should maintain contact with their interviewees when possible. Establishing such contact is necessary for follow-up purposes, such as data clarification and being kept apprised of changes/developments through status updates.

10.7. Future Research Directions

Based on this dissertation’s findings, specific guidance can be offered with respect to future research directions. In this subsection, the top three topics in most pressing need of research are identified, namely: (1) quantitatively determining the extent of serious transnational organized crime in the Meuse–Rhine Euregion; (2) qualitatively examining integrated cross-border police teams around the world; (3) qualitatively examining the
Canadian/American “Integrated Border Enforcement Teams” (IBETs). In addition, the rationale behind each possible study is identified, and the general research method envisaged for each study is briefly outlined. Finally, the researcher kept a “running list” of other possible future research directions throughout the writing of this dissertation. This list of future research directions is also presented below.

10.7.1. **Proposed Study #1: Quantitatively Determining the Extent of Serious Transnational Organized Crime in the Meuse–Rhine Euregion**

As the data revealed, questions have been raised by some of the police and justice officials in the Meuse–Rhine Euregion about whether suitable cases for cross-border investigations exist, since there has been a lack of suitable cases put forward by the police in the Meuse–Rhine Euregion for cross-border collaboration in recent years (see Chapter 9 above). Simply considering—*inter alia*—the development of numerous institutions and instruments to help facilitate international police and judicial cooperation, as well as the lack of border controls in the Schengen space, one would imagine that there *should* be cases of serious transnational organized crime in the Meuse–Rhine Euregion worthy of cross-border collaboration. Yet, according to some of the police and justice officials in the Meuse–Rhine Euregion, there have been hardly any suitable cases for cross-border collaboration in recent years (see subsection 9.3.9 in Chapter 9 above). This assumption, which lacks supporting evidence pointing to the contrary, has been enough to block the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion. As stated in Chapter 9 above, this problem should be examined empirically to settle the issue definitively.179

The main research question guiding such a study would be: “Are there indeed suitable cases for international police and judicial cooperation, but they are just not being brought forward for collaboration?” One way to approach such a study would be by conducting a keyword search of the police databases in Belgium, The Netherlands, Germany, to determine if cases of serious transnational organized crime between the

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179 The researcher hypothesizes that there *have* been cases of serious transnational organized crime in the Meuse–Rhine Euregion worthy of international police and judicial cooperation, but these cases are purposely being held back by officials in key positions who do not wish to see the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion, for the many reasons presented in Chapter 9 above.
three countries have been recorded within the police databases between the years 2010 and the present, but yet are not being brought forward for international police and judicial cooperation. As stated in Chapter 9 by one German prosecutor, police files in Europe are apparently not open to examination for social science purposes. To circumvent such a limiting situation, if such an examination is performed “in-house” by the respective police organizations’ resident researchers/crime analysts for the joint purposes of accountability and control in policing, to ensure that the police are performing their role with integrity and according to the set priorities, such a study would surely be acceptable and deemed necessary by any police and justice officials tasked with combating serious transnational organized crime. Sampling of the files would not have to be done. Instead, each database would be mined fairly quickly in its entirely—electronically—through keyword searches. Data analysis would then occur through document analysis to determine if the “hits” are indeed tri-lateral cases of serious transnational organized crime in the Meuse–Rhine Euregion worthy of cross-border collaboration. Since some of the police officials of the three countries are arguing that “there are no suitable cases,” then the keyword search of the three databases should not yield very many “hits” for the researchers/data analysts to analyze. In other words, such a study should be very executable in a timely manner, and would be very telling, one way or another.

10.7.2. Proposed Study #2: Qualitatively Examining Integrated Cross-Border Police Teams

It appears that some of the police and justice officials are not only arguing over the power and control of the enterprise’s advancement. An additional point of contention is the idea of having police and justice officials work side-by-side under the same roof. Specifically, some of the police and justice officials think it is too large of a step forward, especially since, according to some of the interviewees, such an arrangement does not exist elsewhere in the world. Therefore, according to the logic of some of the interviewees, since such an arrangement does not exist, there is no precedent for it, which means that establishing such an arrangement in the Meuse–Rhine Euregion would be inappropriate and impossible.

180 Readers will recall that the fight against serious transnational organized crime is a priority for all three countries under study, as affirmed by the three countries’ signing of numerous treaties/conventions/agreements on the subject.
The assumption that an integrated/cross-border policing arrangement does not exist is false. Unfortunately, this false assumption has contributed to the fear and consequent blockages surrounding further advancement of international police and judicial cooperation in the Meuse–Rhine Euregion.

Ironically, the researcher set out to study the system of international police and judicial cooperation in the Meuse–Rhine Euregion precisely because this Euregion has been touted by numerous researchers/scholars/practitioners as being the most advanced epicentre in the world for international police and judicial cooperation. Yet, upon learning about the current situation of deadlock in international cooperation in the Meuse–Rhine Euregion, and remembering the integrated cross-border police teams between Canada and the USA, the researcher now has a different opinion of the matter.

While the system of international police and judicial cooperation is certainly far more advanced in the Meuse–Rhine Euregion (in many regards) than in other places, other cross-border areas in the world have advanced in different, and perhaps more fundamental ways. For example, the European police and justice officials have not yet been able to achieve their dream of establishing a common centre for police and judicial cooperation that would house police officers working side-by-side under the same roof. Yet, surprisingly, this type of cross-border collaboration was established in 1996 between Canada and the USA for cross-border collaboration in cases of serious transnational organized crime, by virtue of the “Integrated Border Enforcement Team” (IBET). Notably, two legislative documents have provided further support for this team since the terrorist attacks of September 11, 2001, namely: Canada’s Anti-Terrorism Act (2001)\textsuperscript{181} and the USA’s Patriot Act (2001).\textsuperscript{182} This team is populated with police officers from multiple Canadian and American law enforcement agencies, including:


small municipal police departments and tribal police; State and Provincial police and law enforcement agencies; the US Customs Service; the US Border Patrol; the Bureau of Alcohol, Tobacco, and Firearms; the Federal Bureau of Investigation; the US Secret Service; the Royal Canadian Mounted Police (RCMP); and the Canadian Immigration Service ("IBETing on a Secure Border," 2002:1).183

Moreover, they work together side-by-side in an investigative/operational/tactical manner on cases requiring cross-border collaboration. This fact alone powerfully underscores the dysfunction currently operative in the Meuse–Rhine Euregion.

To study this area further, one research question could be, “What collaborative/integrated cross-border police teams exist throughout the world?” A related research question could be, “What are the structures of such integrated teams?” In other words, “Is the IBET the world’s only example of a team of police officers working together side-by-side under the same roof in an investigative/operational/tactical capacity?” Such a study would require a simple canvassing of each of the world’s 195 countries, and could be facilitated by Interpol. Essentially, Interpol could send this question to each of its participating member countries, and a police representative from each country could send a brief message back stating whether their country is working with another in a cross-border investigative capacity side-by-side under one roof. Sampling would not have to be done, since an n of 195 is small, and moreover, the researcher anticipates that not many countries would respond in the affirmative, making the data analysis component of the study quick and easy. If any responses are received in the affirmative, data analysis would proceed according to the principles of document analysis, and a mixed method quantitative/qualitative report would be produced to feature the data. Such a study would go far in shedding light on the extent to which the enterprise of international police cooperation has advanced throughout the world, and perhaps give further reason to the Europeans to abandon their fears and power struggles, so that they may “catch up” to the developments in international police cooperation that have already occurred elsewhere around the world.

183 Admittedly, this is a rather dated citation. The IBET model may have changed since 2001. Moreover, Canadian/American police collaboration now benefits from the “Five Eyes.”
10.7.3. **Proposed Study #3: Qualitatively Examining the Canadian/American “Integrated Border Enforcement Team” (IBET)**

Today, multiple IBETs exist along the Canada/USA border, from West to East ("IBETing on a Secure Border," 2002:1). Yet, while writing the present dissertation, the researcher conducted several literature searches across multiple academic journal databases, as well as the Internet, and could not find much published literature concerning the IBETs. Therefore, a study of this type of integrated cross-border police team would fill a large gap in the literature on international police and judicial cooperation.

It would be very helpful and informative to conduct a “thick description” qualitative case study on the IBETs, to document everything from its history, to its various structures, procedures, and results, so that police forces around the world may learn from the Canadian/American experience. The data sources would be the police officials who are members of the IBETs, and access to this population could be gained through a purposive sampling method. Since multiple IBETs exist along the Canada/US border, sampling for such a study would be beneficial. Specifically, only one IBET need be studied in-depth, but studying more IBETs would, of course, be best. The data collection instrument would be an interview schedule (i.e., a list of interview questions), and the interview transcripts would be analyzed line-by-line, and case-by-case, using the Cross-Sectional “Code and Retrieve” Analysis Technique (see Mason, 2002 as cited in Spencer *et al.*, 2004:203).

10.7.4. **Various Other Possible Research Directions**

In addition to the three main areas in need of research (i.e., identified in the subsections above), numerous other research topics can also be explored to further reveal what is happening in the Meuse–Rhine Euregion with respect to international police and judicial cooperation, and how it may be improved. The following possible topics for future research may be categorized as: descriptive research, observational/action research, evaluative research, and strategic research. Like the three main research topics in need of further study (i.e., identified above), these subject areas were also identified by the researcher throughout the conduct of this study.
10.7.4.1. Study a Case of International Police and Judicial Cooperation in Action

It would be informative to study a case of international police and judicial cooperation in action. Field researchers could go on “ride-alongs” with the police, and follow a case throughout the process of international police and judicial cooperation. Such a study would require a large amount of time and resources, but the findings could be very useful in terms of revealing how international cooperation may be improved.

By extension, a natural way to build directly upon the present thesis would be to take the flow-chart diagrams presented in Chapter 7 above, and triangulate them with statistical and observational data gleaned from case files and observations of cases of international police and judicial cooperation in progress. Such thick, descriptive elaboration would extend the present findings by further identifying/triangulating where the actual cases fit into the process of cooperation, and at which point(s) the cases tend to face the most problems in practice.

10.7.4.2. Study the Joint Hit Teams Based in The Netherlands

In terms of observational and evaluative research, it would be helpful to study the Joint Hit Teams based in The Netherlands. At the time the field research was conducted for the present study, there were no publicized research studies on the Joint Hit Teams. Of interest would be the organizational dynamics of the teams (i.e., an exploratory/descriptive/explanatory study), as well as their productivity/value in cross-border policing (i.e., an evaluative study).

10.7.4.3. Conduct an Operational Review for Each Police Organization

According to the police and justice officials, every police and justice organization under study in the Meuse–Rhine Euregion is operating with a lack of resources. One solution could be to conduct an “Operational Review” of each organization, to determine: (1) how the resources are presently being used, (2) whether the resources could be allocated differently, and (3) what resources are required for the optimization of each organization’s operations.

One such evaluative study was conducted for the Vancouver Police Department, from 2005 to 2007. This large study consisted of several components, including:
(1) a “Civilianization Study”184 (i.e., to determine what sworn police functions could be “civilianized” to save money); (2) an “Overtime Review”; (3) a “Patrol Deployment Review,”185 and (4) an “Investigative and Administrative Deployment Review” (Demers, 2008). The study successfully identified deficiencies with the VPD’s former operational structure, and consequently “…contributed directly to the creation of 194 new sworn [police] positions and 95 new civilian positions” (Demers, 2008:5).

10.7.4.4. Interview the Remaining Key Stakeholders

As stated in Chapter 5 above (subsection 5.5.6), it is with regret that a number of key stakeholders in the Meuse–Rhine Euregion were not interviewed for the present study. A future study in this field would benefit from including: (1) one or more German examining magistrates; (2) one or more police officers from the Bundeskriminalammt (BKA) in Weisbaden, Germany; (3) the Ministers of Justice and the Ministers of the Interior of the three countries; (4) various other politicians; (5) members of the public; and (6) non-governmental organizations (e.g., Interpol, Europol). Determining the perceptions and roles of these stakeholders as they relate to international police and judicial cooperation in the Meuse–Rhine Euregion would help increase our understanding as to what is happening in the Meuse–Rhine Euregion, and how international cooperation may be improved.

10.7.4.5. Explore the Possibilities of Creating Euregional- and EU-Level Operational Police Forces

Finally, the findings of the present dissertation strategically point to a body of literature on the subject of the regionalization of police services. The regionalization of police services is a cost-effective way to increase the interoperability of cross-border (international/provincial/municipal) police services that are located close to one another geographically. In the case of the Meuse–Rhine Euregion and/or the EU, regionalization would require—among other things—the harmonization of international laws/criminal codes, the signing of treaties, and the adoption of one police uniform/patch to be worn by the regional police officers. Considering the regionalization of police services in certain


countries, as well as the integration of police services cross-border, and the increasing harmonization of the international legal framework, it appears that the regionalization of police services is already happening around the world (more or less), and its advantages in terms of cost-effectiveness and information sharing far outweigh the option of remaining stagnant. Considering the literature review findings, as well as the research findings of the present dissertation, the researcher predicts that the full-blown regionalization of police services in both the Meuse–Rhine Euregion and the EU as a whole is inevitable; it is just a question of time. Therefore, feasibility studies would be helpful at this point in time, so as to guide such future developments.

10.8. Summary

This chapter presented a comprehensive critical analysis of the research findings. In consonance with social science tradition, the key questions to be answered in a discussion chapter were fully and explicitly answered. Specifically, the researcher answered the elusive questions of “So what?” and “Why?” The researcher also considered RPEs (see Appendix K). Notably, the present research both confirmed and extended the literature in important and significant ways (see Appendices L and M). The researcher also engaged in a strong defence of the research findings by considering the “Research Plumb Line,” the evidence, the critical analysis process, RPEs, and possible criticisms/rebuttals. Finally, implications and recommendations for the literature were offered in terms of “lessons learned” and future research directions. In sum, this chapter presented a thorough and methodical discussion of the present study’s findings.

10.8.1. Looking Ahead

In addition to suggesting implications and recommendations for the literature, this study’s research findings also suggest implications and recommendations for policy and practice. Chapter 11 below presents this information, which ultimately reveals the specific ways in which the enterprise of international police and judicial cooperation in the Meuse–Rhine Euregion may be improved.
11. “Lessons Learned,” Implications, and Recommendations for Policy and Practice

That’s one of our philosophies: be open and help everybody. When people have to find out the wheel, that is crazy. When there is something in Canada that is very, very nice to know, please tell us, so that we can go to use it here [laughter]. We always want to learn and improve. That is one of the philosophies of EPICC. [EPICC has] a funny slogan, which is “A bicycle that does not run falls,” and we think that EPICC is the same. If it does not go forward, it falls like a bicycle [laughter]. We have to move on, and discover new ways. When we started, a lot of people said, “That’s not possible! That’s not possible! That’s not going to work!” But we believed in the concept. We said, “It is going to work. We promise you that it will work.” And it works. (Dutch Police Commander, Interviewee 26)

The analysis of this dissertation’s rich dataset yields many important implications for policy and practice. In this chapter, the research implications of the findings are considered in terms of: (1) “lessons learned” for policy and practice (i.e., “What has/has not been working?”); (2) implications for policy and practice (i.e., law reform; recognizing the specialist nature of the job; building a completely fair/egalitarian multi-level model); and, most interestingly, (3) recommendations for policy and practice (i.e., the different steps the police and justice officials can take to improve international police and judicial cooperation in the Meuse–Rhine Euregion). Naturally, the highlight of the chapter concerns the recommendations for policy and practice, which are presented in three parts. First, many of the recommendations are listed in the clear and concrete “Action Plan” that was presented in Chapter 9 in relation to improving the variables (see Appendix J). Second, Appendix O presents strong rebuttals to overcome the psychological game playing that arises in response to the various visions concerning how international police and judicial cooperation may be improved. Finally, a “New and Improved Model” for international police and judicial cooperation in the Meuse–Rhine Euregion is also proposed. This model builds upon the previously proposed models by: (1) correcting the previously identified mistakes (as noted in Chapter 6 above); and (2) incorporating the present study’s research findings. The result is a “bottom-up,” evidence-based, egalitarian model for improving international police and judicial cooperation, and security, in the Meuse–Rhine Euregion.
11.1. “Lessons Learned,” in Terms of Policy and Practice

In this subsection, the “lessons learned” in terms of policy and practice are identified. Specifically, the researcher methodically answers the two key questions in this regard, namely: (1) “What has been working?” and (2) “What has not been working?” The related, but much larger over-arcing question is, “What are the potentials and limitations of integration in Europe?” Readers will recall that these questions were already answered in the findings chapters above (see Chapters 6 to 9). For readers’ ease of reference, however, this information is revisited and summarized in Table 11.1 below.

Table 11.1. Summary of “Lessons Learned” in Terms of Policy and Practice, by the Four Main Research Questions

<table>
<thead>
<tr>
<th>Research Question</th>
<th>What Has Been Working?</th>
<th>What Has Not Been Working?</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>Numerous developments</td>
<td>Different perceptions</td>
</tr>
<tr>
<td>#2</td>
<td>The process of cooperation can be shortened by the “Masters in Cooperation” (i.e., fast/easy ways, JITs)</td>
<td>Most of the interviewees reported using the most complicated, difficult, and time-consuming approach (i.e., MLA)</td>
</tr>
<tr>
<td>#3</td>
<td>Many variables facilitate cooperation</td>
<td>Many variables hinder cooperation</td>
</tr>
<tr>
<td></td>
<td>Points of convergence facilitate cooperation</td>
<td>Points of divergence hinder cooperation</td>
</tr>
<tr>
<td>#4</td>
<td>In terms of the process:</td>
<td>In terms of advancing the enterprise:</td>
</tr>
<tr>
<td></td>
<td>Specialists can control the variables that influence the process of cooperation</td>
<td>The Dutch-centric/unfair/unequal proposals;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The psychological game-playing;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The power struggle; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The deadlock</td>
</tr>
</tbody>
</table>

Source: Qualitative data for the present study.

11.1.1. What has been working?

To answer the practical question of “What has been working?” in terms of international police and judicial cooperation in the Meuse–Rhine Euregion, the researcher methodically revisits the four main research questions guiding this study, as well as the key findings. Readers will recall that this exercise was already done at the beginning of Chapter 10 above. Therefore, only the key highlights are presented here, with a focus on answering the question of “What has been working?”

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186 Yet, in Chapter 10, the answers were not distinguished into facilitative/hindering categories/subheadings, as they are in this chapter.
11.1.1.1. **Research Question #1: The Status Quo**

Among other things, Chapter 6 revealed that there have been numerous developments in international police and judicial cooperation in the Meuse–Rhine Euregion. Significantly, many of these developments grew from the “bottom-up,” and were also implemented by the police and justice officials themselves. These developments have enhanced cooperation, and serve as evidence of the police and justice officials’ capacity to create and implement organizational change.

11.1.1.2. **Research Question #2: The Process of Cooperation**

Chapter 7 revealed, inter alia, that the process of international police and judicial cooperation in the Meuse–Rhine Euregion can be shortened by the “Masters in Cooperation” who use the “fast/easy ways,” such as: (1) the “fast paths” in MLA, and (2) JITS, which are subject to less hindering variables than the classical MLA process. Notably, a third option for expediting the process of cooperation is to make greater use of the European Evidence Warrant (EEW), which was designed to replace the classical MLA process. Remarkably, however, none of the interviewees mentioned the EEW as an option in international police and judicial cooperation in the Meuse–Rhine Euregion. A follow-up email with a German prosecutor (Interviewee 11) confirmed that the EEW was not in existence in the Meuse–Rhine Euregion at the time the field research was conducted in the spring of 2010, and that the first EEWs appeared in the spring of 2012. It is unknown, however, to what extent the EEW has effectively replaced the classical MLA process.

11.1.1.3. **Research Question #3: The Influential Variables**

Among other things, Chapter 8 revealed that many variables facilitate the process of international police and judicial cooperation in the Meuse–Rhine Euregion. These facilitative variables were identified and highlighted in green in Appendix J. As well, readers will recall that the points of convergence between the countries greatly facilitate international cooperation (see Appendix M).

11.1.1.4. **Research Question #4: How to Improve Cooperation**

Chapter 9 revealed, inter alia, that international cooperation should be formally recognized as a specialty job function, so that the qualified specialists can use their skills and knowledge to control the influential micro-level variables. Evidence pointing to the
specialist nature of international cooperation, as well as the multiple micro-level variables that influence the process, was presented in Chapters 7 through 9 above.

11.1.2. **What has not been working?**

To answer the other, equally practical question of "What has not been working?" in terms of international police and judicial cooperation in the Meuse–Rhine Euregion, the researcher revisits the four main research questions and concomitant key findings. Again, only the key findings are presented here, with the emphasis shifting to reveal where exactly the process and enterprise of advancing international police and judicial cooperation have been subject to the largest problems.

11.1.2.1. **Research Question #1: The Status Quo**

Readers will recall that Chapter 6 revealed, *inter alia*, widely varying perceptions/viewpoints among the police and justice officials about the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion, with perceptions of the status quo ranging all the way from “very advanced” to “not satisfactory.” This finding is indicative of a major disconnect among the police and justice officials. It also suggests that there is significant room for improvement with respect to international police and judicial cooperation in the Meuse–Rhine Euregion.

11.1.2.2. **Research Question #2: The Process of Cooperation**

Among other things, Chapter 7 revealed that most of the interviewees reported using the most complicated, difficult, and time-consuming approach for operational execution in the context of international police and judicial cooperation (*i.e.*, classical mutual legal assistance). This finding suggests that international police and judicial cooperation in the Meuse–Rhine Euregion is more time-consuming and difficult than necessary.

11.1.2.3. **Research Question #3: The Influential Variables**

Chapter 8 revealed, *inter alia*, that numerous variables hinder the process of international police and judicial cooperation. These hindering variables were highlighted in pink in Appendix J. Moreover, the points of divergence between the countries complicate and impede international cooperation (see Appendix M).
11.1.2.4. Research Question #4: How to Improve Cooperation

Among other things, Chapter 9 revealed that there is a power struggle between the countries in terms of advancing cooperation, as evidenced by virtue of psychological game playing on the part of some Belgian and German police and justice officials, in response to the current inequality/unfairness of the proposals for improving cooperation, which are Dutch-centric. Thus, advancements in cooperation are being blocked by the officials themselves. The result has been deadlock in advancing the enterprise of international police and judicial cooperation in the Meuse–Rhine Euregion.

11.1.3. What are the potentials and limitations of integration in Europe?

While this question has not yet been answered explicitly by the researcher in any of the preceding chapters, the findings of the present dissertation suggest some possible answers. On the one hand, there is huge potential for integration/regionization/harmonization across all of the European Union with respect to international police and judicial cooperation. Indeed, the data pointing to this conclusion include the findings of the legal framework analysis (see Chapter 2 above), as well as all of the developments in international police and judicial cooperation to date.

On the other hand, there are some serious limitations with respect to the potentials for integration in Europe. As the data in this dissertation strongly suggest, the limitations arise mainly because of individual employees who make decisions within the context of organizational behavior—both at the macro and micro-levels. In other words, if people without the specialist skills/knowledge/qualifications are involved at either the macro or micro decision-making/operational execution levels, then international police and judicial cooperation will neither work nor happen. In fact, unsuitable people have the capacity to damage international relations in these regards, by simply being involved when they should not be involved.

11.1.4. Summary

In sum, it appears that a system breakdown is occurring with respect to international police and judicial cooperation in the Meuse–Rhine Euregion. Recall that Chapter 9 revealed, inter alia, that the Dutch-centric proposals have triggered
psychological game playing on the part of some Belgian and German police and justice officials in response, which indicates a power struggle between the three countries in terms of the development, ownership, and control of any future institutions/proposals for the advancement of international cooperation in the Meuse–Rhine Euregion. The result of this conflict has been deadlock in advancing the enterprise of international police and judicial cooperation in the Meuse–Rhine Euregion, basically since the spring of 2010. The current system is not functioning optimally. The deadlock has already set into place, and it is not changing—*nor will it change*—until the parameters surrounding international police and judicial cooperation become more fair and egalitarian for all of the key stakeholders.

### 11.2. Implications for Policy and Practice

The implications for policy and practice revolve around three main areas, namely: (1) initiating law reform; (2) recognizing the specialist nature of international police and judicial cooperation work; and (3) building a completely fair/egalitarian multi-level model for international police and judicial cooperation in the Meuse–Rhine Euregion (see Appendix J). These areas are briefly discussed below.

#### 11.2.1. Initiate Law and Policy Reform

The findings of the present study suggest that law and policy reform across the three countries could help facilitate international police and judicial cooperation. The following reforms should be considered: (1) law simplification; (2) law harmonization; (3) treaty ratification; and (4) the drafting of new treaties (see Appendix J). Each of these areas for law reform is discussed below.

First, *law simplification* between the three countries could occur. As the legal analysis revealed, the legal framework regulating international police and judicial cooperation in the Meuse–Rhine Euregion is huge (see Chapter 2 above; see also Appendix A below). Despite the overwhelming size of the legal framework, Chapter 6 revealed that the police and justice officials only referred to a small number of the treaties/conventions that were identified in Appendix A. Perhaps even more interestingly, Chapter 2 revealed that there is redundancy between the treaties/conventions, and that
some of the laws that the police and justice officials have been wishing for already exist (see Chapter 2, Tables 2.3 and 2.4). The researcher provided a comprehensive overview, synthesis, and critical analysis of the legal framework in Chapter 2 above. To extend the present work, however, it would be helpful to see a simplification/consolidation/synthesis of these laws at the macro-level, by way of legislating a new, all-encompassing, European police and judicial cooperation agreement that summarizes the current/most advanced laws regulating the enterprise.

Second, law harmonization should occur between the three countries. The present study revealed criminal justice system differences between Belgium, The Netherlands, and Germany (see Chapters 6, 7, and 8 above). The present study showed that divergence in national laws and policies between the three countries hinders international police and judicial cooperation (see Chapters 7 and 8 above). For example, certain Dutch policies (i.e., concerning the “Weigh Commission” and the “Target Agreements”) are problematic in international police and judicial cooperation, because they create a situation wherein: (1) the Dutch are usually not available to help their German and Belgian colleagues when called upon, due to the “Weigh Commission” process; and (2) the Dutch “Target Agreements” do not recognize or reward Dutch efforts toward international cooperation (see Chapter 9 above). These two facts are extremely problematic in international police and judicial cooperation, and should change if the Dutch truly want to improve the enterprise. First, Dutch police manpower that is exempt from the Dutch “Weigh Commission” should be made available for the purpose of international cooperation with Belgium and Germany. Second, the Dutch police “Target Agreements” should be revised to recognize and reward front-line efforts in international cooperation, or the “Target Agreement” concept should be abandoned entirely.187 Harmonizing the laws and policies in these ways, as well as drafting/implementing a future European

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187 Setting “arrest quotas,” as done by the Dutch in their “Target Agreements,” is an outdated police performance measurement tool that is no longer used by progressive police forces. In a personal communication with the researcher, Prof. Dr. Curt Griffiths confirmed that, “In the early 21st century, police performance is measured by a myriad of metrics, many of which have nothing to do with the enforcement role of the police” (Dr. Curt Griffiths, Personal Communication, September 22, 2014). For more information, see: Griffiths, C.T. & Stamatakis, T. (2013). “Measuring Police Performance: Beyond Crime Statistics,” Chapter 4, pp. 45 – 60, in The Economics of Policing: A Closer Look, edited by Griffiths, C.T. & Stamatakis, T. (2013). Ottawa, Ontario: Canadian Police Association.
Criminal Code, would help facilitate international police and judicial cooperation, by introducing convergence.

Finally, treaty ratification, as well as the drafting of new treaties, would help facilitate international police and judicial cooperation in the Meuse–Rhine Euregion. Specifically, a new treaty would probably be required to establish a permanent Integrated Euregional Police Investigation Team.

11.2.2. Recognize the Specialist Nature of the Job

As revealed in Chapters 7, 8, and 9 above, the data overwhelmingly indicate that many of the variables that influence international police and judicial cooperation are located at the individual-level, which strongly suggests that international cooperation is a specialty job. This research finding and implication are in consonance with previous scholarly observations. For example, Aden (2001:102) wrote:

In some ways international police cooperation has always been and is still elitist in the sense that it only concerns a small part of the police officers in the countries which take part in it. A small group of specialists is highly involved in international police cooperation, most of them in criminal investigation departments. But the huge majority of policemen have rarely or never had anything to do with transnational policing. (Aden, 2001:102)

Although this statement was written in 2001, the findings of the present study indicate that this statement is still applicable today. Special jobs require special skills, expert knowledge, years of training, and experience. Indeed, modern societies around the world are not run in such a way so as to allow everyone to become brain surgeons, police officers, prosecutors, or judges. Even in the police realms, there are investigation specialties. The simple truth, as suggested by the overwhelming amount of data in this thesis, is that not everyone is suitable to be involved in the intricacies of high-profile, demanding, and sensitive work such as international police and judicial cooperation. Accordingly, international police and judicial cooperation should be recognized as a new specialty for police and justice officials. Moreover, specialists should be involved in international police and judicial cooperation, since they are in the best position to manipulate/control the influential variables, so as to ensure that international police and judicial cooperation proceeds smoothly and successfully when the process is engaged. In this vein, a great deal can be done to improve international police and judicial
cooperation, without having to wait for law reforms. Specifically, this elite specialist’s job should be explicitly recognized/identified as such, complete with: (1) formal written job descriptions requiring specific qualifications (e.g., multilingualism, knowledge of the legal framework, knowledge of the process of international cooperation, personal contacts across the borders, charisma)\textsuperscript{188}; (2) a higher pay grade; and (3) formal job competitions. In other words, the police and justice officials in the Meuse–Rhine Euregion should consider not training “everyone,” and instead, they should consider involving those who pass job competitions. By extension, this also means that those police and justice officials who are currently involved in international police and judicial cooperation, but lack the required skills/specialist knowledge, should be removed and replaced with the people who satisfy the selection criteria.

11.2.3. **Build a Completely Fair/Equal Multi-Level Tri-National Model**

The last major policy/practice implication of this study’s findings is that a completely fair/egalitarian multi-level tri-national governance model should be designed and implemented to overcome the current deadlock, and advance the enterprise of international police and judicial cooperation in the Meuse–Rhine Euregion. Rectifying the current power-imbalance—which currently favors the Dutch, by virtue of Dutch-centric proposals and Dutch-centric parameters for cooperation—will help the enterprise move forward. Considering what the researcher observed and understood during the field interviews, it is the researcher’s assessment that the Dutch sincerely want to do whatever they can to help facilitate and increase international cooperation for the purpose of more effective STOC fighting. Moreover, it is the researcher’s assessment that the international “call to action” among the Dutch for an increase in international cooperation is not for their own self-serving purpose of gaining more resources through the exploitation/control of Belgian and German resources—as some Belgian and German officials have come to believe. Therefore, if these pre-suppositions are true, then the researcher predicts that the Dutch will probably amend their plans/proposals to help “level the playing field” for all the international partners involved in this enterprise.

\textsuperscript{188} See Appendix I below for the variables that influence cooperation at the individual level. Essentially, this table describes the types of police and justice officials who should be involved in international police and judicial cooperation, and who should not be involved.
11.2.3.1. Establish an Integrated Euregional Police Investigation Team

A final policy/practice implication stemming from the research findings is that the police officials in the Meuse–Rhine Euregion should consider establishing an Integrated Euregional Police Investigation Team. There are a couple of reasons for this.

First, such a team would ensure that Dutch police resources are always available for international cooperation projects. Recall that one of the major complaints among some of the Belgian and German police and justice officials was that Dutch police resources are not usually available for international cooperation projects when the Belgians and Germans require Dutch resources/assistance/collaboration. A dedicated team would not only ensure the availability of Dutch resources for the Belgians and Germans, but it would probably also offer cost-savings to all three countries over the long term, because the arrangement would not have to be worked out over and over again for every new cross-border investigation.

It is also interesting to consider the precedent set by Canada and the USA’s Integrated Border Enforcement Teams (IBETs). These teams have police officers from Canada and the USA working together on STOC investigations, under the same roof.

11.3. Recommendations for Policy and Practice

The present study’s findings suggest some ways to improve the policy and practice surrounding international police and judicial cooperation in the Meuse–Rhine Euregion. In this subsection, four different options are proposed, namely: (1) “Option A: The Comprehensive Approach”; (2) “Option B: The Minimalist Approach” (i.e., the bare minimum); (3) “Option C: The Last Resort” (i.e., waiting for government imposed, top-down changes); and (4) “Option D: Maintaining the Status Quo.” Naturally, “Option A” constitutes the largest part of this subsection, because it presents the complete approach, which consists of two proposed “Action Plans,” and a “New and Improved Proposed Model” for the governance of international police and judicial cooperation in the Meuse–Rhine Euregion.
11.3.1. **Option A: The Comprehensive Approach**

The researcher suggests that the first and best option for the police and justice officials in the Meuse–Rhine Euregion to follow would be the “comprehensive approach,” which consists of implementing: (1) an “Action Plan” to control the variables that influence the process of international police and judicial cooperation (see Appendix J); (2) an “Action Plan” to advance the enterprise of international police and judicial cooperation by overcoming the psychological games contributing to the current deadlock (see Appendix O); and (3) a “New and Improved Proposed Model for the Governance of International Police and Judicial Cooperation in the Meuse–Rhine Euregion,” which may also be considered an “Action Plan.” The implementation of these fair, egalitarian, and evidence-based recommendations would probably allow the police and justice officials in the Meuse–Rhine Euregion to confidently move forward in the advancement of both the process and enterprise of international police and judicial cooperation, and achieve a “win-win” situation for everyone involved.

11.3.1.1. **Action Plan #1 of 3: Controlling the Variables that Influence the Process of International Police and Judicial Cooperation (i.e., Appendix J)**

First referenced in Chapter 9 above, Appendix J is also of critical importance here, because it represents the first of two concrete “Action Plans” that the police and justice officials in the Meuse–Rhine Euregion should consider, follow, and implement. Stemming from the findings of the present study, and prepared in a thorough/comprehensive way, this “Action Plan” addresses every influential variable (deductive and inductive) identified in the present study as influencing the process of cooperation, and prescribes the concrete steps that the police and justice officials in the Meuse–Rhine Euregion can and should take to turn every problematic/hindering variable into a facilitative variable (see Appendix J).

11.3.1.2. **Action Plan #2 of 3: Advancing the Enterprise of International Police and Judicial Cooperation by Overcoming the Psychological Games that are Contributing to the Deadlock (i.e., Appendix O)**

Appendix O represents the second “Action Plan” of concrete facts and/or steps that the police and justice officials in the Meuse–Rhine Euregion should consider, follow, and/or implement. This particular action plan was designed with specific regard to strategically overcoming the problems/obstacles currently preventing the advancement...
of international police and judicial cooperation (see Appendix O below). For example, some of the psychological game playing among some of the police and justice officials in the Meuse–Rhine Euregion may stop upon consideration of the Canadian and American Integrated Border Enforcement Team (IBET) model. Indeed, consideration of the North American situation may inspire the Europeans to take action.

11.3.1.3. Action Plan #3 of 3: Implementing the “New and Improved Proposed Governance Model for International Police and Judicial Cooperation in the Meuse–Rhine Euregion” (i.e., Appendix P)

Once the insidious, “no-win,” psychological game playing stops, the next step would be to implement a fair/egalitarian/inclusive model for the governance of international police and judicial cooperation in the Meuse–Rhine Euregion. Implementing a new, evidence-based governance model would probably help, because the current governance model is incomplete, exclusive, and therefore, problematic. The overwhelming amount of data presented in this thesis strongly suggests the need for a new governance model for international police and judicial cooperation in the Meuse–Rhine Euregion. In fact, the data suggest how the governance model should be constructed, so as to overcome the current deadlock in cooperation, satisfy most of the wishes of each country, and help improve international police and judicial cooperation overall.

This subsection begins by revisiting the “Euregio Crime” model for international police and judicial cooperation, which was first presented by Fijnaut and De Ruyver (2008) (see Chapter 6 above). Then, the researcher reveals her “new and improved” evidence-based proposed model for international police and judicial cooperation in the Meuse–Rhine Euregion, in light of the findings of the present dissertation. Significantly, the proposed governance model was developed on the basis of a holistic analysis of the data gathered for this dissertation. Therefore, this proposed model may be considered “bottom-up” and conceived through “community consultation,” since many of the facts/parameters that led to the development of the model came from the interviewees themselves.

It is important to note at the outset that efforts were made to avoid the mistakes of the previously proposed governance models, in the hope that the currently proposed

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189 Information about the IBETs was gathered by the researcher via personal communications with some of her colleagues who are Canadian police officers.
governance model would be mutually agreeable to all stakeholders. In addition, although great efforts were made to be as comprehensive possible, the researcher acknowledges that she may not have had access to all of the critical information (i.e., published literature, legislation, qualitative data) required to produce the best-fitting/most plausible/functional solution for the police and justice officials in the Meuse–Rhine Euregion. Nevertheless, the overwhelming findings of the present study strongly and clearly indicate that certain changes should be made to the system of international police and judicial cooperation in the Meuse–Rhine Euregion, and these items are accordingly included in the proposed model. If the police and justice officials in the Meuse–Rhine Euregion are truly serious about improving international cooperation, then the recommendations set forth in this dissertation are possibilities to consider. Notwithstanding the above, the researcher acknowledges that the police and justice officials in the Meuse–Rhine Euregion are in the best position to consider the essence/main elements of the evidence-based recommendations and adjust/adapt/implement them as necessary to make them work in the Euregion, if they so choose.

11.3.1.3.1. Re-Visiting the “Euregio Crime Model”

For reference purposes, it is important to begin this discussion by revisiting the originally proposed “Euregio Crime” model, as advanced by Fijnaut and De Ruyver (2008) (see Chapter 6 above). Indeed, a sketch of this model was presented in Chapter 6 (see Figure 6.6. above). For ease of reference, it is reproduced in Figure 11.1 below.
Readers will recall that one German police commander—Interviewee 34—elegantly summarized the many problems with this proposed model, namely: (1) the “Euregio Crime” model’s governance structure will not work; (2) the “Euregio Crime” model was conceived in isolation and delivered as a “gift”; (3) the “Euregio Crime” model is missing key stakeholders; (4) the “Euregio Crime” model does not explain how to obtain manpower for the establishment of the Euregional Investigation Team; and (5) the “Euregio Crime” model’s timing was not right. Consequently, this proposed model was rejected by the police and justice officials of the Meuse–Rhine Euregion.

11.3.1.3.2. The Current Governance Model in the Euregion (as of April 2010)

On the basis of the data gleaned for the present study, a rough sketch can also be made of the current governance model for international police and judicial cooperation in the Meuse–Rhine Euregion (see Table 11.2 below). As aforementioned, the current governance model is incomplete, exclusive, and therefore, problem-ridden. Moreover, the current structure is unbalanced, in terms of job types and mandates (i.e., strategic vs. operational vs. tactical). Furthermore, certain levels/groups should be added, to help make the proverbial “pieces” of this international cooperation puzzle balance and interlock.
Table 11.2. Current Governance Model (as of April 2010) for International Police and Judicial Cooperation in the Meuse–Rhine Euregion

<table>
<thead>
<tr>
<th>Strategic Steering Committee</th>
<th>NeBeDeAgPol, BES, and Expert Advisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic Working Groups</td>
<td>NeBeDeAgPol</td>
</tr>
<tr>
<td></td>
<td>Euregiolaal Beslisgremium Opsporingen (EBO) (Police Chiefs and Senior Prosecutors)</td>
</tr>
<tr>
<td>Operational Team</td>
<td>BES</td>
</tr>
<tr>
<td>Tactical Teams</td>
<td>EPICC (tri-)</td>
</tr>
<tr>
<td></td>
<td>JHT (Dutch, Belgian, German, French)</td>
</tr>
<tr>
<td></td>
<td>Drugs WG (tri-)</td>
</tr>
<tr>
<td></td>
<td>Burglary WG (tri-)</td>
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<tr>
<td></td>
<td>Human Trafficking WG (tri-)</td>
</tr>
<tr>
<td></td>
<td>“Contact Prosecutors” WG (tri-)</td>
</tr>
</tbody>
</table>

Source: Qualitative data for the present study.

The problems with the current model become quite visible when juxtaposed against the “New and Improved Proposed Governance Model,” which is presented next.

11.3.1.3.3. The “New and Improved Proposed Model”

The “New and Improved Proposed Model for the Governance of International Police and Judicial Cooperation in the Meuse–Rhine Euregion” is presented in Appendix P below. The model consists of a strategic level, operational level, tactical level, and an administrative/support level (see Appendix P for the model).

Strategic Level: All of the Key Stakeholders and Expert Advisors

Among other things, the data presented in Chapter 8 above showed that certain organizations are being excluded from Euregional discussions mainly because they are located outside of the Meuse–Rhine Euregion. The data also suggested that the exclusion of these entities is hindering international police and judicial cooperation in the Meuse–Rhine Euregion, because some of these organizations play key decision-making roles in the process of cooperation (see Chapter 7 above; see also Appendix J with

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190 Readers will recall that the Europeans define the terms “operational” and “tactical” differently than North Americans (see Chapter 6, Table 6.4 above).

191 Unfortunately, the “new and improved proposed governance model” is not profound, but from a social science research perspective, it was developed carefully on the basis of an overwhelming amount of original research, and in response to Research Question #4. In sum, “it is what it is.”
specific regard to these variables: *interorganizational politics/chain of command, proximity, and conflict*).

As this study has clearly revealed, both the process of international police and judicial cooperation in the Meuse–Rhine Euregion, and the enterprise associated with its advancement, are influenced by the organizational behavior of more than just the 21 police and justice organizations under study in the present research. To be clear, *representatives (i.e., the senior directors) from all the key stakeholder organizations should be invited to take part in the Strategic Steering Committee overseeing international police and judicial cooperation in the Meuse–Rhine Euregion—as equal participants.* Until that happens, the process of cooperation and its advancement will likely continue to be thwarted, in part, simply because certain stakeholders are being excluded from the strategic discussions.

Table 11.3 below reveals the specific stakeholders that should be invited to participate in the strategic discussions among those organizations that are currently at the table in the Meuse–Rhine Euregion. Although these organizations are located outside of the Euregion, they nevertheless still naturally have an interest/stake/mandate/“right to know”/“right to be involved” when cases of serious transnational organized crime arise, precisely because these organizations have *mandates* that instruct/direct/warrant/demand their involvement in such cases.

*Table 11.3. The Additional Stakeholders that Should be Invited to Participate in the Strategic Steering Committee for International Police and Judicial Cooperation in the Meuse–Rhine Euregion*

<table>
<thead>
<tr>
<th>The Additional Stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Belgium</strong></td>
</tr>
<tr>
<td>- The Chief of the <em>Direction Générale Judiciaire</em> (DGJ) (i.e., General Direction for Combating Serious Organized Crime)</td>
</tr>
<tr>
<td>- The Chief of the <em>Direction de la Coopération Policière International</em> (CGI) (Brussels)</td>
</tr>
<tr>
<td>- The Belgian Federal Police Central Service</td>
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<tr>
<td>- Federal Prosecutor’s Office (Brussels)</td>
</tr>
<tr>
<td>- BeNeLux</td>
</tr>
<tr>
<td>- BeNeLux-Landenoverleg (a network of police structures with the goal of exchanging good practices)</td>
</tr>
<tr>
<td>- The Minister of the Interior of Belgium</td>
</tr>
<tr>
<td>- Minister of Justice (Belgium)</td>
</tr>
<tr>
<td><strong>The Netherlands</strong></td>
</tr>
<tr>
<td>- The Drafters of the Target Agreements (Zoetermeer and The Hague)</td>
</tr>
<tr>
<td>- The Decision-Makers who sit on the Dutch “Weigh Commission”</td>
</tr>
<tr>
<td>- The Minister of the Interior of The Netherlands</td>
</tr>
<tr>
<td>- Minister of Justice (The Netherlands)</td>
</tr>
</tbody>
</table>
The Additional Stakeholders

| Germany       | • BKA (Weisbaden)  
|               | • LKA (North Rhine-Westphalia)  
|               | • General Federal Prosecutor (Karlsruhe)  
|               | • The Minister of the Interior of Germany  
|               | • Minister of Justice (Germany)  
| Euregion      | • MAHHL  
| Europe        | • Europol  
|               | • Eurojust  

Source: Qualitative data for the present study (see Chapter 8, subsection 8.2.1.2.2 above).

In terms of the strategic decisions made concerning international police and judicial cooperation in the Meuse–Rhine Euregion, the goal should be to strive toward inclusivity and “community consensus,” as opposed to exclusivity. Progress may occur more easily when decisions are made by involving all the stakeholders, in a “bottom-up” manner. The police and justice officials in the Meuse–Rhine Euregion are well-aware of this fact, as the data revealed.

Readers will probably agree that the stakeholder organizations listed in Table 11.3 should be invited to participate in Euregional discussions regarding international police and judicial cooperation. Admittedly, however, some readers may question the need to involve the Dutch decision-makers noted in Table 11.3 above. The researcher maintains that it may be helpful to invite representatives from these two Dutch decision-making bodies to the table, so that representatives from these Dutch organizations may observe first-hand how much difficulty their decisions are causing a multitude of organizations in the Meuse–Rhine Euregion and beyond, in terms of thwarting their respective abilities to fulfill their collective mandate to fight serious transnational organized crime. Once the drafters of the “Target Agreements” and the decision-makers who sit on the Dutch “Weigh Commission” realize their roles in hindering international police and judicial cooperation, serious steps may be taken by these Dutch organizations to make some changes.

Significantly, the Ministers of Justice of the three countries are also stakeholders with respect to international police and judicial cooperation in the Meuse–Rhine Euregion. Notably, the Ministers of Justice in Belgium and Germany are directly involved in the respective chains of command that must be engaged in the establishment of a JIT (see Chapter 7 above, Figures 7.35, 7.40 and 7.41).
Finally, rules for the operation of the Strategic Steering Committee should be established, and all agreements should be formalized in writing (e.g., Declaration Statements, MOUs between the stakeholder organizations, treaties).¹⁹² Such formal written agreements will probably be required to establish the terms of the different working groups/task forces to be established, as suggested below (see Appendix O for more information about the specific labour conditions that should be agreed upon in relation to the proposed Integrated Euregional Police Investigation Teams).

**Operational Level: The Police Chiefs and Senior Prosecutors**

The operational level of the proposed governance model is composed of two sub-levels, namely: (1) the Executive Decision-Making Committee for Cases in Cross-Border Cooperation (i.e., the EBO¹⁹³); and (2) Leadership/Training Teams (see Appendix P). Each operational sub-level is discussed below.

**Executive Decision-Making Committee for Cross-Border Investigations**

Recall that, among other things, the data presented in Chapter 6 above revealed that there is a power struggle between the police and prosecutors of the three countries with respect to international police and judicial cooperation in the Meuse–Rhine Euregion. Specifically, the police generally maintain that they are essentially independent from the prosecutors and in charge of their own work, whereas the prosecutors argue that they are the “boss of the police” (see Chapter 6 above, subsection 6.2.2.3). This phenomenon was documented in each of the three countries under study. In addition to the qualitative data, this power struggle is further indicated by the current governance structure of international police and judicial cooperation in the Meuse–Rhine Euregion, which does not allow the prosecutors to lead the police, but rather situates the two groups side-by-side each other (see Table 11.2 above). Recall also that the “Euregio Crime” concept—originally proposed by Fijnaut and De Ruyver (2008)—was rejected by the police and justice officials in the Meuse–Rhine Euregion for various reasons, including the fact that the police did not

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¹⁹² The European police and justice officials should consider obtaining copies of the North American MOUs and treaties, to use as guides in the development of their own multi-lateral agreements.

¹⁹³ The literature review revealed that Spapens (2010:92) was the one to first propose the idea of creating an executive committee of senior prosecutors to set priorities for cross-border investigations in the Meuse–Rhine Euregion (see Appendix B below).
agree with the idea that the BES (i.e., prosecutors) should lead the enterprise of advancing international police and judicial cooperation in the Meuse–Rhine Euregion.

To be clear, the law in each of the three countries states that the prosecutors are to lead the criminal investigations in each country (see Chapter 6, subsection 6.2.2.3). Moreover, the qualitative data in this study revealed that, with respect to the process of international police and judicial cooperation in the Meuse–Rhine Euregion, it is the prosecutors who undeniably lead the process, make the key decisions, and direct the police (see Chapter 6, subsection 6.4.3.3.1; see also Chapter 7). Therefore, it seems appropriate that the governance structure for international police and judicial cooperation in the Meuse–Rhine Euregion should reflect the true/intended/designated/mandated relationship between the police and prosecutors, and situate the prosecutors as the clear leaders of the police in that context. Naturally, however, the researcher expects that the police among the three countries will not be pleased with such a proposed arrangement. As a compromise, it is interesting to note that the current governance model (see Table 11.2 above) features the EBO, which is composed of both senior police officials and senior prosecutors. Therefore, it appears that the need to have prosecutors at that leadership level is satisfied.

**Leadership/Training Teams**

Readers will also recall that one interviewee suggested that a “staff bureau” for the police—similar to the BES—should be established (see Chapter 9, subsection 9.2.2.1.5). Such an organization would probably be helpful, but unfortunately, considering the way in which the police work, and their perpetual lack of resources, it would probably be difficult to establish such an organization. Yet, considering the presence of the BES, the proposed governance model for international police and judicial cooperation in the Meuse–Rhine Euregion should be balanced with an operational leadership team on the police side (see Appendix P). One way to balance the model would be for the police to use what they have by drawing upon the NeBeDeAgPol structure, and calling upon the Chiefs of the Judicial Police in the Euregion, which is a network of cross-border colleagues based out of their own respective offices. The names and contact information of these police officials could be compiled and circulated among the police and prosecutors in the Meuse–Rhine
Euregion, so that police-related questions may be directed toward them.\textsuperscript{194} This group of police officials could provide similar services as the BES to the police and justice officials in the Euregion, by serving as contact points, and by assisting in cases of international cooperation that require attention by senior police officials.

A number of interviewees raised the idea of establishing a training centre for international police and judicial cooperation. The training courses are currently being organized and offered by members of the BES. These efforts could be augmented with the assistance of the police chiefs from the three countries. Therefore, although such an initiative would be ideal, it appears unnecessary to establish a separate training centre at this point in time when such training is already being organized and offered by the BES.

**Tactical Level**

The tactical level of the proposed governance model is composed of three sub-levels, namely: (1) working groups/task forces; (2) infrastructure; and (3) equipment. They are further categorized vertically according to the following work categories: (a) “Pillar 1”—police information exchange; (b) “Pillar 2”—“low level” tactical policing; (c) “Pillar 3”—“mid to high level” policing for STOC; and (d) “Pillar 4”—mutual legal assistance (see Appendix P). Each sub-level and category is discussed below.

**Working Groups/Task Forces**

As revealed in Chapter 7 above, the process of international police and judicial cooperation starts with police information exchange. The working groups/task forces assigned to facilitate cross-border police information exchange in the Meuse–Rhine Euregion are: (1) NeBeDeAgPol’s Working Groups for Serious Criminality (\textit{i.e.}, the working groups for drug crime, burglaries, and human trafficking; see Chapter 6, Figure 6.4 above), as well as (2) the group of police officials who work at EPICC. The data revealed that these groups are already in existence and facilitating international police and judicial cooperation in the Meuse–Rhine Euregion (see Chapter 6 above; see also Appendix P, “Pillar 1”).

\textsuperscript{194} The officials at the BES have already been compiling the contact information of their numerous international contacts.
The data also revealed that the Joint Hit Teams execute cross-border police patrols and arrests in the Meuse–Rhine Euregion (see Chapter 6 above). Naturally, their work is supported by EPICC’s services. These groups are responsible for “low level” tactical cross-border policing, and thereby help facilitate international police and judicial cooperation in the Meuse–Rhine Euregion (see Appendix P, “Pillar 2”). For the purposes of equality/fairness, an additional Joint Hit Team should be formed, to make a total of three such teams in the Euregion, which would allow for one team to be based in each country. The result of such an even approach would probably be increased “buy-in”/support/manpower from each country, since the ownership of the teams would be equally shared.

The policing of STOC is referred to as “mid to high level policing.” The data revealed that, in the context of international police and judicial cooperation in the Meuse–Rhine Euregion, this type of policing is characterized by major cross-border investigations, generally executed by virtue of: (1) so-called “mirror investigations,” or (2) ad hoc JITs (see Chapter 7 above). Considering that: (1) this type of policing must be arranged/coordinated repeatedly in response to every new case of STOC; (2) a constant complaint in international police and judicial cooperation in the Meuse–Rhine Euregion has been the lack of available police capacity—particularly in The Netherlands; and (3) the North Americans have been using Integrated Border Enforcement Teams (IBETs) since the mid-1990s, it appears that a possibility in international police and judicial cooperation in the Meuse–Rhine Euregion could be to consider establishing three permanent Integrated Euregional Police Investigation Teams.

As the literature review revealed, the idea of establishing an Integrated Euregional Police Investigation Team in the Meuse–Rhine Euregion is not new. The idea of creating “one or more permanent Joint Investigation Teams” was proposed by Fijnaut (2007) as cited in Spapens (2010:92), Fijnaut & De Ruyver (2008), Spapens (2008), and Spapens (2010) (see Appendix B below). The present researcher agrees with this idea, but believes that in order for the idea to be accepted and actually work in the Euregion, at least three teams (not just “one or more”) should be established. This way, each of the three countries would have the same Euregional resources. Clearly, based on the findings of this dissertation, future initiatives should be done fairly and, ideally, in triplicate in the Euregion to overcome the power struggles and resulting deadlock. Moreover, Fijnaut and De Ruyver (2008) proposed that the permanent Joint Investigation Team should contain
a special unit to address drug crime specifically. The researcher agrees with this idea, and further argues that the two additional teams should focus on human trafficking and home burglaries, respectively, since these are the cross-border investigative priorities in the Euregion. Furthermore, the researcher argues that one team should be based in each country. For example, the Integrated Euregional Police Investigation Team for Drug Crime could be based in Maastricht, The Netherlands, whereas the Integrated Euregional Police Investigation Teams for Human Trafficking and Home Burglaries could be based in Liège, Belgium and Aachen, Germany (see Appendix O below for more information regarding the suggested composition of the teams, and how the police organizations may acquire the necessary manpower). Naturally, EPICC would probably be providing support to these investigation teams in terms of information sharing.

Finally, as revealed in Chapter 7 above, mutual legal assistance represents a large part of the process of international police and judicial cooperation in the Meuse–Rhine Euregion. Presently, the only working group assigned to discuss mutual legal assistance in the Euregion is the “Contact Prosecutors’ Working Group” (see Chapter 6 above). Considering the findings of this study, it appears that the enterprise of international police and judicial cooperation in the Meuse–Rhine Euregion may benefit from the installation of an Integrated Euregional Prosecutorial Team for Mutual Legal Assistance, which would help execute requests for mutual legal assistance. Significantly, when this idea was discussed with the police and justice officials during the in-depth personal interviews, there were no dissenters to this idea (Chapter 9 above). Indeed, a number of officials noted that this idea would help facilitate cooperation. Since the power struggle/deadlock in cooperation appears to be specific to only the police of the three countries, it also appears that only one Integrated Euregional Prosecutorial Team for Mutual Legal Assistance should be established at the present point in time. EPICC appears to be the natural location for such a team, since the team’s authority and expertise would help expedite the official release of police information for cross-border court purposes.

**Infrastructure**

The working groups/task forces described/proposed above should be supported by proper infrastructure. Specifically, it would be helpful for the police and justice officials in the Meuse–Rhine Euregion to work toward establishing **interoperable** police databases by gaining political support and drafting/implementing appropriate treaties. Once the
databases are interoperable, then complete cross-border crime analysis, intelligence analysis, and predictive policing analysis may occur to inform the international police work.

By way of some background context to this matter, and as stated in Chapter 6 above, Interpol and Europol already have multinational police databases. Moreover, some of the top nations in the world have already established interoperability among their national police databases (e.g., The “Five Eyes”), and discussions are underway to expand this interoperability to other nations. In sum, interoperability is already happening among certain countries, and it should be a goal to strive toward. Unfortunately, countries that do not strive toward this goal are seriously “short-changing” themselves in terms of information sharing, crime analysis, intelligence analysis, and predictive policing analysis, the result of which places police and justice officials at a serious disadvantage, since such a situation jeopardizes police officer safety, public safety, and the administration of justice in general.

**Equipment**

Among other things, the data revealed that the police officials in the Euregion currently do not have interoperable police radios. Such a situation is problematic for cross-border policing. Some of the interviewees suggested the need to establish roaming capacity. As stated in Appendix O, the establishment of roaming capacity would be a “temporary fix.” Instead, the police officials should focus their efforts on establishing interoperability between the police radios.

**Administrative Support Level**

The data presented in Chapter 9 above revealed frustration on the part of police officials involved in cross-border police work, who find themselves having to go through the time-consuming process of completing administrative paperwork, such as travel-related reimbursement requests. Since such complaints were limited to the police, the researcher suggests that each police organization in the Meuse–Rhine Euregion should dedicate one Administrative Assistant to process all administrative requests associated with international cooperation work (e.g., travel reimbursements) submitted by its employees to support the governance model presented above. It seems that such an arrangement would help streamline matters and make better use of the limited amount of police resources available for international cooperation work.
Funding

Funding is required to establish these proposed initiatives. To obtain funding, first, an “Operational Review” of each police organization in the Meuse–Rhine Euregion should be conducted, to establish how the current resources are being used, how the resources could be used more efficiently (e.g., civilianization), and what additional resources are required (see Chapter 10, subsection 10.7.4.3 above; see also Appendix O). Then, grant writers who possess doctoral degrees and research expertise in the area of international police and judicial cooperation should be hired to write proposals for government funding on behalf of the police and justice organizations in the Meuse–Rhine Euregion. The researcher suggests that the funding proposals should be prepared stressing that the money is being sought to help address and prevent serious transnational organized crime, which is a crime-fighting priority on both the European and Euregional levels. Furthermore, the proposed research program should be pitched as: (1) a pilot program to be evaluated in two years, and (2) an anti-terrorism measure, since terrorism’s roots are found in various forms of STOC (e.g., drug trafficking).195

11.3.1.4. A Brief Comment about Some of the Other Ideas

Considering the findings of this study, the researcher believes that the ideas for a CES/“JustPol”/Triangle of Security proposed by Fijnaut & De Ruyver (2008) and Spapens (2010) would be “too much too soon.” Indeed, as the data in Chapter 9 revealed, discussions about these items are contributing to the deadlock and preventing advancement in international cooperation because: (1) the Europeans cannot decide on a single location to house the Euregional initiatives; (2) the “Triangle of Security” idea is Dutch, and designed to be in keeping with Dutch policies, which feature the mayor (yet Belgian and German mayors have different roles than Dutch mayors); (3) the Belgians and Germans are not eager to compromise in order to facilitate the manifestation of strictly “Dutch ideas,” particularly when the Dutch are reluctant to change their own policies. Therefore, the researcher recommends that the components of the governance model proposed in Appendix P should be established first. When the time is right, money is

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195 By way of comparison, national legislation developed in response to terrorism, such as the Patriot Act (USA) and the Anti-Terrorism Act (Canada), facilitated the establishment of the Integrated Border Enforcement Teams (IBETs) between Canada and the USA.
available, and through discussions/consensus via the Strategic Steering Committee, further steps can be taken to integrate the teams in a “bottom-up” manner.

### 11.3.2. Option B: The Minimalist Approach

In the event that "Option A" (*i.e.*, the “Comprehensive Approach”) presented above appears too daunting/labour-intensive to the police and justice officials in the Meuse–Rhine Euregion, they may want to begin by tackling the most critical action items first. These items may also be viewed as “the bare minimum” that the officials should focus upon, for the sake of improving their system of international police and judicial cooperation in the Meuse–Rhine Euregion. These critical items are identified below.

#### 11.3.2.1. Action Plan #1 of 3: Controlling the Variables that Influence the Process of International Police and Judicial Cooperation (*i.e.*, Appendix J)

Drawing from Appendix J, the bare minimum that should be done is: (1) involve *specialists* in international police and judicial cooperation, so as to control the variables that are currently hindering the process; (2) speak the common/neutral *English* language at all the Euregional meetings to equalize power and minimize the strong-arming/antagonizing cultural conflict that is caused by choosing one of the three Euregional languages; (3) invite/involve all of the key stakeholder organizations in the Strategic Steering Committee; (4) the Dutch should dedicate police manpower that is exempt from the Dutch “Weigh Commission” and “Target Agreements”; and (5) consider revising the Dutch “Target Agreements” to take into account and reward international cooperation efforts, or better-yet, abandon the “Target Agreements” entirely in favor of progressive police performance measurement tools. Fulfilling these action items would probably help improve the process of international police and judicial cooperation in the Meuse–Rhine Euregion.

#### 11.3.2.2. Action Plan #2 of 3: Advancing the Enterprise of International Police and Judicial Cooperation by Overcoming the Psychological Games that are Contributing to the Deadlock (*i.e.*, Appendix O)

Drawing from Appendix O, the bare minimum that the police and justice officials should work toward is: (1) stop the psychological game playing, and (2) write/submit funding proposals for large-scale improvements in international police and judicial
cooperation in the Meuse–Rhine Euregion. Fulfilling these action items would probably help facilitate the advancement of international police and judicial cooperation.

11.3.2.3. Action Plan #3 of 3: Implementing the “New and Improved Proposed Governance Model for International Police and Judicial Cooperation” (i.e., Appendix P)

Drawing from Appendix P, the bare minimum that should be done is: (1) invite/involve all of the key stakeholder organizations to participate in the Strategic Steering Committee; (2) establish three Integrated Euregional Police Investigation Teams; and (3) establish the interoperability of the national police databases by virtue of a tri-lateral treaty. Implementing these three items would likely help to upgrade the system of international police and judicial cooperation in the Meuse–Rhine Euregion to the world-class standard currently set by the IBETs in North America.

11.3.3. Option C: The Last Resort (i.e., Government-Imposed Changes)

Sometimes, organizational change is difficult to achieve. This matter was discussed in Chapter 9 above. When strategies for reducing organization resistance to change do not work, the only alternative may be for organizational change to be imposed from the top-down. Unfortunately, government-imposed changes are usually very slow to come into existence. Such changes can occur rapidly, but typically manifest only in response to major catastrophes, such as terrorist attacks. Large-scale emergencies force the implementation of change because they powerfully reveal the shortcomings of current systems in tangible ways. Hopefully, the present study’s findings will be enough to inspire voluntary/proactive change in the Euregion.

It is interesting to note, however, that regardless of whether the change is imposed from the top-down (or not), it all comes back to the micro-level, because the prescribed changes must ultimately be implemented by the officials themselves at the micro-level. This point underscores the suggestion to include all of the key stakeholders in the Strategic Steering Committee, and involve specialists in the process of international police and judicial cooperation in the Meuse–Rhine Euregion.
11.3.4. **Option D: Maintaining the Status Quo**

The last option, which should always be considered in any business case analysis, is the option of maintaining the *status quo*. Considering the overwhelming amount of data revealing the specific problems in international cooperation in the Meuse–Rhine Euregion, as well as the specific solutions, the researcher believes that it would not be helpful for the police and justice officials to take no action. Moreover, maintaining the *status quo* would probably jeopardize both officer safety and public safety, and allow serious transnational organized crime to flourish. Considering this study’s findings, as well as the *international priority* of uniting to fight serious transnational organized crime through international police and judicial cooperation, it would be interesting if the present study’s findings were not seriously considered and adapted into practice in the Meuse–Rhine Euregion.

11.4. **Summary**

After considering both the “lessons learned” and implications for policy and practice, this chapter presented specific recommendations on how to improve both the process and enterprise of international police and judicial cooperation in the Meuse–Rhine Euregion. Significantly, “Option A: The Comprehensive Approach” constituted the bulk of this chapter, and referenced three appendices in which precise “action items” were suggested (see Appendices J, O, and P below). Notably, “Option B: The Minimalist Approach” was also presented to help readers identify the critical areas upon which the police and justice officials of the Meuse–Rhine Euregion should focus, if “Option A” appears too overwhelming to fulfil at this point in time. Both of these action-oriented options address: (1) how to improve the process of cooperation (see Appendix J); (2) how to stop the psychological game playing (see Appendix O); and (3) how to improve the governance model for international police and judicial cooperation in the Meuse–Rhine Euregion (see Appendix P). In sum, considering the totality of information, data, and critical analyses presented in this dissertation, the “next steps” become clear.
11.4.1. Looking Ahead

The next chapter brings this lengthy dissertation to a close. Naturally, Chapter 12 briefly revisits each of the four main research questions guiding the present study, along with the main findings gleaned in response to each research question, in final support of this dissertation’s five thesis statements.
12. Summary and Conclusion

The challenge posed by transnational organized crime can only be met if law enforcement authorities are able to display the same ingenuity and innovation, organizational flexibility and cooperation that characterize the criminal organizations themselves. (Williams & Savona, 1996:82)

Serious transnational organized crime, such as drug trafficking and human trafficking, requires a coordinated response among multiple police and justice organizations across two or more countries in order to bring such cases to justice. The present doctoral dissertation focused on examining the coordinated response of international police and judicial cooperation, as manifest in the cross-border Meuse–Rhine Euregion of Belgium, The Netherlands, and Germany, since this particular Euregion is one of the world’s epicentres for long-standing and intense international cooperation.

To recapitulate, Chapter 2 provided an overview of globalization, transnational crime, and law harmonization for the purpose of contextualizing the present study. Among other things, special attention was paid to the international legal framework regulating international police and judicial cooperation in Europe and the Meuse–Rhine Euregion (see Appendix A below). The analysis revealed redundancies, shortcomings, and gaps in the overarching legal framework.

To further contextualize the present study, Chapter 3 presented a review of the published literature on the subject of international police and judicial cooperation in Europe and the Meuse–Rhine Euregion (see Appendix B). The literature review revealed that, despite the numerous trends and developments emerging in Europe, operational problems still arise in practice. Furthermore, none of the previously conducted studies drew upon any theoretical/conceptual framework, such as the Organizational Behavior approach, nor did any of the studies examine international cooperation in practice with an eye to identifying the variables that influence the process of cooperation, so as to determine how the process may be improved.
One way to examine international police and judicial cooperation is through the Organizational Behavior approach. Accordingly, Chapter 4 presented an overview of the Organizational Behavior approach to introduce readers to this conceptual framework, which is composed of variables situated at the individual, group, and organizational-levels. Research has shown that these variables influence organizational behavior.

The main research question guiding the present study was: “How can international police and judicial cooperation be improved in the Meuse–Rhine Euregion?” To answer this question, the researcher determined that a number of preliminary research questions had to be answered first. Therefore, the main research questions guiding this study were:

1. What is the *status quo* with respect to international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?

2. How does the process of international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion *operate in practice*, according to police and justice officials?

3. What *variables* affect (facilitate/impede) international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, according to police and justice officials?

4. How can international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion be improved?

The objectives of this dissertation were to conduct *exploratory, descriptive, and explanatory* research into the process of, and the variables that affect, international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion. The purposes of this research were to: (1) extend the Organizational Behavior and international police and judicial cooperation literatures; (2) identify the variables that influence (facilitate/impede) the process of international police and judicial cooperation; and (3) determine how international police and judicial cooperation in the Meuse–Rhine Euregion may be improved, so as to increase justice and decrease the opportunity for offenders to commit serious transnational organized crime.
Being the first study of its kind, the present dissertation thoroughly answered the four main research questions by using the Organizational Behavior approach to inform a multi-site comparative case study of 21 different police and justice organizations involved in international police and judicial cooperation in the Meuse–Rhine Euregion. The data sources, sampling techniques, data collection instruments, and data analysis techniques were discussed at length in Chapter 5 (see Appendices C to H). To briefly recapitulate, in-depth interviews were conducted with 44 police and justice officials from the 21 stakeholder organizations. The researcher produced a typed interview transcript of each interview by listening to the respective digital voice recordings, and used NVivo 9 to analyze the data line-by-line, and case-by-case, using the Cross-Sectional “Code and Retrieve” Analysis Technique (see Mason, 2002 as cited in Spencer et al., 2004:203). This exercise resulted in four separate research findings chapters, and five solid thesis statements.

The tetralogy of findings chapters began with Chapter 6, which presented the research findings gleaned in response to Research Question #1 (i.e., the status quo). To explain the status quo of international police and judicial cooperation in the Meuse–Rhine Euregion, the interviewees recounted the history of cooperation, and ultimately traced its evolution. A wide range of perceptions were recorded in response to the bottom-line question concerning the status quo, with the short answer responses to this question ranging all the way from “very advanced” to “not satisfactory.” The dominant views among the officials were: (1) “Huge improvements have been made”; (2) “Good, but we must keep improving”; and (3) “Good, but there is room for improvement.” Therefore, the “short answer” to Research Question #1 (i.e., the first thesis statement) was: despite the huge advancements that have been made in the area of international police and judicial cooperation in the Meuse–Rhine Euregion, the interview data suggest that there is still room for improvement, and efforts in this regard should continue.

Chapter 7 presented the research findings gleaned in response to Research Question #2 (i.e., the process of cooperation). Notably, the data revealed differing levels of knowledge among the interviewees with respect to the process of international police and judicial cooperation in the Meuse–Rhine Euregion. Considering the surprising nature of some of the main findings, an excerpt from the Chapter 7 summary is reproduced here:
1. Some interviewees were better-versed in the process of cooperation than others, with some so knowledgeable, experienced, and strategic in the process of cooperation that they may be called “Masters in Cooperation”;

2. The process of cooperation—even when considered in a generic form—is complicated, consisting of many discrete steps;

3. Many influential variables were identified as having the capacity to either facilitate or hinder the process of cooperation at specific steps;

4. Surprisingly, most of the police and justice officials did not refer to the BES at all while describing the process of international police and judicial cooperation in the Meuse–Rhine Euregion. The only people who referred to the BES as playing a part in the process of international police and judicial cooperation were officials from the BES, as well as only three other justice officials ($n = 6/44$). This is the first point in the process of international police and judicial cooperation where it appears that the system of cooperation established in the Meuse–Rhine Euregion may not be working optimally, simply because a key entity for cooperation (i.e., the BES) was not referred to by a larger number of the interviewees;

5. Most of the officials reported using the most complicated, difficult, and time-consuming approach for operational execution in the context of international police and judicial cooperation (i.e., classical mutual legal assistance), when easier/faster options exist. This suggests that the process of cooperation may be longer and harder than it has to be;

6. The “Masters in Cooperation” reported using the easiest/fastest channels in cooperation at key points in the process;

7. JITs are rarely formed, due to: (a) the highly bureaucratic procedure by which JITs are to be established, and (b) the negative perceptions surrounding the use of JITs;

8. Efficiency, effectiveness, and personal satisfaction ratings concerning the cooperation process all hovered around the “7 out of 10” mark across the countries and professions, suggesting that the cooperation process can be improved.

Therefore, the “short answer” to Research Question #2 (i.e., the second thesis statement) was: the practical process of international police and judicial cooperation proceeds in a sequential, step-by-step manner, with one or more variables influencing
each step, and the “fast channels” remain open to the “Masters in Cooperation” at the key points in the process of cooperation.

Chapter 8 presented the research findings gleaned in response to Research Question #3 (i.e., the influential variables). The data showed that an overwhelming number of individual, interpersonal, and organizational-level variables influence (facilitate/impede) the process of international police and judicial cooperation in the Meuse–Rhine Euregion. Specifically, the data revealed that: (1) the numerous variables identified by the organizational behavior literature (i.e., deductive variables) are indeed operative within the context of international police and judicial cooperation; and (2) additional variables not identified by the organizational behavior literature (i.e., inductive variables) are also operative within the specific context of international police and judicial cooperation (see Appendix I for the list of the influential variables). The data also revealed that the points of convergence between the three countries are facilitative, whereas the points of divergence are complicating, within the context of international police and judicial cooperation. Therefore, the “short answer” to Research Question #3 (i.e., the third thesis statement) was: an overwhelming number of individual-, interpersonal-, and organizational-level variables affect (facilitate/impede) the process of international police and judicial cooperation in the Meuse–Rhine Euregion.

Chapter 9 presented the research findings gleaned in response to Research Question #4 (i.e., how to improve cooperation). In this chapter, it was established that Research Question #4 should be approached from two different angles. First, one should consider how to improve the process of cooperation. Second, one should also consider how to improve the enterprise of international cooperation as a whole.

With respect to the first matter of improving the process of cooperation, the data showed that many of the variables that influence the process of international police and judicial cooperation are situated at the micro-level, which suggests that specialist officials can manipulate the variables to ensure effective and efficient cooperation every time the process of cooperation is engaged. Therefore, the first part of the “short answer” to Research Question #4 (i.e., the fourth thesis statement) was: the process of international police and judicial cooperation in the Meuse–Rhine Euregion can be improved by recognizing international cooperation as a specialty
job, and accordingly allocating such work to the qualified specialists, so as to control the micro-level variables that influence the process of cooperation.

With respect to the second matter of improving the enterprise of international cooperation as a whole, the data revealed that there is a perception among some of the Belgian and German officials that the Dutch are in control, because it is the Dutch who are: (1) usually generating ideas for advancement in cooperation, (2) driving the enterprise with their ideas; (3) securing funding for their ideas; and (4) establishing/implementing the new ideas for cooperation (e.g., BES, EPICC) within The Netherlands because they are the ones who generated the ideas and secured the funding in the first place. This perception of a power imbalance among some of the Belgian and German officials is causing these officials to respond with the psychological game of “Yes, but…” (which actually means “No”), as a way to regain power/equality. Unfortunately, this tactic is also causing deadlock in the advancement of international cooperation. Therefore, the last part of the “short answer” to Research Question #4 (i.e., the fifth thesis statement) was: there is currently a power struggle between the police and justice officials of the countries in this Euregion with respect to the ownership/control of any new entities/structures that may be built to further advance cooperation. The tri-national power struggle may be surmounted by ensuring equality between the stakeholders going forward (i.e., designing and implementing an equal/fair structure for international police and judicial cooperation).

Chapter 10 presented a “discussion” of the research findings in relation to the published literature. The main findings of this study were examined in terms of the elusive questions of: (1) “So what?” (i.e., What is this finding’s contribution to knowledge?); (2) “Why is that so?” (i.e., What may possibly explain this finding?); (3) “What are some Rival Plausible Explanations?”; and (4) “How does this finding contribute to the concomitant research question and thesis statement?” (see Appendix K). The ways in which the present study confirmed and extended the literature were also outlined (see Appendices L and M). The researcher then engaged in a defence of the present study by considering: the “Research Plumb Line,” the overwhelming/strong evidence, the methodical/complete critical analysis process, the elimination of the RPEs, and possible criticisms/strong rebuttals. The researcher also considered implications and recommendations for the literature, by commenting on the “lessons learned,” and by identifying possible future research directions.
Chapter 11 addressed the last substantive issues remaining, namely the “lessons learned,” implications, and recommendations for policy and practice. In this chapter, a number of options/approaches were presented for consideration (i.e., “Option A: The Comprehensive Approach”; “Option B: The Minimalist Approach”; “Option C: The Last Resort”; and “Option D: Maintaining the Status Quo”). Accordingly, a number of “Action Plans” were presented (see Appendices J, O, and P below). Of course, the researcher recommends the implementation of “Option A,” but in the event that the police and justice officials of the Meuse–Rhine Euregion find “Option A” too overwhelming to fulfill at the present time, then they should start with “Option B.” Significantly, both “Option A” and “Option B” address the critical items of importance, specifically: (1) how to improve the process of cooperation (see Appendix J); (2) how to stop the psychological game playing (see Appendix O); and (3) how to improve the governance model for international police and judicial cooperation in the Meuse–Rhine Euregion (see Appendix P).

In conclusion, this research undertaking has been very valuable in that it has extended both the international police and judicial cooperation literature, and the organizational behavior literature, by revealing many of the precise variables that: (1) facilitate/hinder the process of international police and judicial cooperation in the Meuse–Rhine Euregion; and (2) cause deadlock in the advancement of the enterprise. Interestingly, the researcher embarked on this study with the impression that international police and judicial cooperation is most advanced/sophisticated in the Meuse–Rhine Euregion, as compared to elsewhere in the world. Upon analyzing the data, however, the researcher realized that the system of international cooperation in the Meuse–Rhine Euregion is advanced in some ways, but less so in other ways. The researcher is confident that international police and judicial cooperation in the Meuse–Rhine Euregion would be improved through the implementation of the evidence-based recommendations suggested in this dissertation.
References


Treaties, Conventions, Framework Decisions, and Other Agreements


**Case Judgment**

Appendices
Appendix A. The Evolution of the Legal Framework Regulating International Police and Judicial Cooperation in Europe, with Particular Regard to Belgium (BE), The Netherlands (NL), and Germany (DE)

<table>
<thead>
<tr>
<th>Year Opened for Signature</th>
<th>Year Effective (Entry into Force)</th>
<th>Treaty/Convention/Decision/Act/Agreement</th>
<th>Description/Highlights/Notes</th>
<th>Among the Contracting Parties:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>BE</td>
<td>NL</td>
<td>DE</td>
</tr>
<tr>
<td>1919-06-28</td>
<td>1920-01-10</td>
<td>Treaty of Versailles</td>
<td>This peace treaty helped end World War I.</td>
<td>✓   ✓   -</td>
</tr>
<tr>
<td>1919-06-28</td>
<td>1920-01-10</td>
<td>Covenant of the League of Nations</td>
<td>This covenant was a part of the Treaty of Versailles (Articles 1–30). It established the “League of Nations,” which was a group of countries intent on international cooperation and international peace/security.</td>
<td>✓   ✓   -</td>
</tr>
<tr>
<td>1920-12-16</td>
<td>1921-09-02</td>
<td>Statute of the Permanent Court of International Justice</td>
<td>Established the Permanent Court of International Justice—an organization associated with the League of Nations.</td>
<td>✓   ✓   -</td>
</tr>
<tr>
<td>1921-07-25</td>
<td>1922-03-06</td>
<td>Convention between Belgium and the Grand Duchy of Luxembourg for the Establishment of an Economic Union between the Two Countries</td>
<td>Established the “Belgium–Luxembourg Economic Union.” Among other things, this convention allowed for the free “movement of persons, merchandise, and property” between the countries (Article 6). It also created the “Superior Council of the Belgo-Luxembourg Union” (see Article 27 and the Annex). Significantly, the Belgium–Luxembourg Economic Union was the core nucleus for what was to evolve into the modern EU.</td>
<td>✓   -   -</td>
</tr>
</tbody>
</table>

196 Some scholars have asserted that international cooperation in Europe has been most longstanding in the Nordic region of Europe, since the Nordic Council was established in 1952 to facilitate regional cooperation (see Hufnagel, 2009:8; see also Takala, 2004:131–132). More progress, however, was made in the area of regional cooperation in the Benelux countries prior to 1952 (see for example the Convention between Belgium and the Grand Duchy of Luxembourg for the Establishment of an Economic Union between the Two Countries (1921). Therefore, it appears that international cooperation has been most long-standing in the Benelux region of Europe.

197 This convention boils down European cooperation to its very core and reveals that Belgium, in particular, has been a key participant in international treaties—since the very beginning. In fact, Belgium is a signatory to almost every agreement listed in Appendix A. This is a significant fact to keep in mind when reading the research findings chapters of this dissertation.
<table>
<thead>
<tr>
<th>Year Opened for Signature</th>
<th>Year Effective (Entry into Force)</th>
<th>Treaty/Convention/Decision/Act/Agreement</th>
<th>Description/Highlights/Notes</th>
<th>Among the Contracting Parties:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1944-09-05</td>
<td>1948-01-01</td>
<td>Convention Douanière Néerlando-Belgo-Luxembourgeoise (Customs Convention between Belgium, Luxembourg and The Netherlands)</td>
<td>Also known as the “London Customs Convention.” This convention established the “Benelux Customs Union” (i.e., between Belgium, The Netherlands, and Luxembourg).</td>
<td>✓ ✓ -</td>
</tr>
<tr>
<td>1945-06-26</td>
<td>1945-10-24</td>
<td>Charter of the United Nations and the (Annexed) Statute of the International Court of Justice</td>
<td>Established the United Nations (which replaced the League of Nations) and also established the International Court of Justice (ICJ) (which replaced the Permanent Court of International Justice), for the purpose of international cooperation in upholding human rights, and establishing/maintaining international peace/security.</td>
<td>✓ ✓ -</td>
</tr>
<tr>
<td>1948-03-17</td>
<td>1948-08-25</td>
<td>Treaty between Belgium, France, Luxembourg, Netherlands and the United Kingdom of Great Britain and Northern Ireland for Collaboration in Economic, Social and Cultural Matters and for Collective Self-Defense</td>
<td>Also known as the “Brussels Treaty” of 1948. This treaty was for economic collaboration, social/cultural collaboration, international peace/security, and collective self-defence (e.g., in the event Germany reinstates “a policy of aggression”) (Preamble).</td>
<td>✓ ✓ -</td>
</tr>
<tr>
<td>1948</td>
<td>1948-12-10</td>
<td>The Universal Declaration of Human Rights</td>
<td>Adopted by the General Assembly of the United Nations in response to WWII. Espouses fundamental human rights (e.g., the rights to life, liberty, security, equality, freedom of expression/movement, fair trial).</td>
<td>✓ ✓ -</td>
</tr>
</tbody>
</table>

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198 The term Benelux stands for Belgium, The Netherlands, and Luxemburg.
<table>
<thead>
<tr>
<th>Year Opened for Signature</th>
<th>Year Effective (Entry into Force)</th>
<th>Treaty/Convention/Decision/Act/Agreement</th>
<th>Description/Highlights/Notes</th>
<th>Among the Contracting Parties:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>The Police Border Agreement between The Netherlands and Belgium</strong></td>
<td>Obliged the Dutch and Belgian police to regularly consult with one another (Articles 1, 6, 8); authorized the police to enter their neighboring country for official duty, but disallowed the carrying of service weapons (Articles 3, 7); disallowed the police to pursue, stop, or arrest suspects in the neighboring country (Article 3); obliged the police to inform their cross-border colleagues of suspected crimes/criminals/criminal instruments that they know, or suspect, are in their neighboring country (Article 4); obliged the police to act on the information received by their neighboring country (Article 5) (Fijnaut, 1993b:47)</td>
<td>✓    ✓    -</td>
</tr>
<tr>
<td>1949</td>
<td>1949</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td><strong>Statute of the Council of Europe</strong></td>
<td>Council of Europe Convention #1. Also known as the &quot;Treaty of London.&quot; Established the &quot;Council of Europe&quot;(^{199}) for the purpose of further promoting peace and international cooperation in Europe on many different levels.</td>
<td>(^{200}) (^{201}) (^{202})</td>
</tr>
<tr>
<td>1949-05-05</td>
<td>1949-08-03</td>
<td><strong>Convention for the Protection of Human Rights and Fundamental Freedoms</strong></td>
<td>Council of Europe Convention #5. Also known as &quot;The European Convention on Human Rights.&quot; Recognized and reaffirmed the <em>Universal Declaration of Human Rights</em> and espoused the human rights and fundamental freedoms for citizens of EU member states. Also established the European Court of Human Rights (Article 19), which is an entity of the Council of Europe.</td>
<td>(^{203}) (^{204}) (^{205})</td>
</tr>
<tr>
<td>1950-11-04</td>
<td>1953-09-03</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

\(^{199}\) Note that the “Council of Europe” is to be distinguished from both the “European Council” and the “Council of the European Union” (see Table 2.1 above).

\(^{200}\) Through ratification, this convention entered into force for Belgium on 1949-08-08.

\(^{201}\) Through ratification, this convention entered into force for The Netherlands on 1949-08-05.

\(^{202}\) The Federal Republic of Germany (\(i.e.,\) what was then known as “West Germany”) acceded to this statute on 1950-07-13.

\(^{203}\) Through ratification, this convention entered into force for Belgium on 1955-06-14.

\(^{204}\) Through ratification, this convention entered into force for The Netherlands on 1954-08-31.

\(^{205}\) Through ratification, this convention entered into force for The Federal Republic of Germany on 1953-09-03.
<table>
<thead>
<tr>
<th>Year Opened for Signature</th>
<th>Year Effective (Entry into Force)</th>
<th>Treaty/Convention/Decision/Act/Agreement</th>
<th>Description/Highlights/Notes</th>
<th>Among the Contracting Parties:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951-04-18</td>
<td>1952-07-23</td>
<td>Treaty between the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of The Netherlands Instituting the European Coal and Steel Community</td>
<td>Also known as the “Treaty of Paris” (1951). This treaty established the “European Coal and Steel Community” between Belgium, Luxembourg, The Netherlands, France, West Germany, and Italy, for the purpose of facilitating the sharing of resources and promoting peace. This was the foundation for what was to later become the EU.</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>1954-10-23</td>
<td>1955-05-06</td>
<td>Protocol Modifying and Completing the Treaty between Belgium, France, Luxembourg, Netherlands and the United Kingdom of Great Britain and Northern Ireland for Collaboration in Economic, Social and Cultural Matters and for Collective Self-Defence</td>
<td>This protocol modified several paragraphs of the “Brussels Treaty” (1948), and added Germany and Italy as signatories, for the purpose of further promoting peace and integration. This protocol also created the “Council of Western European Union.”</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>1957-03-25</td>
<td>1958-01-01</td>
<td>Treaty Establishing the European Economic Community</td>
<td>Also known as the “Treaty of Rome.” This treaty formed the “European Economic Community,” which, among other things, created a common market for member states, and also endorsed “freedom of movement for persons, services, and capital” (Articles 2–3). This treaty also established the European Commission, European Parliament, and European Court of Justice. Signed by Belgium, The Netherlands, West Germany, France, Italy, and Luxembourg.</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>1957-03-25</td>
<td>1958-01-01</td>
<td>Treaty Establishing the European Atomic Energy Community (EURATOM)</td>
<td>This treaty is also known as one of the “Treaties of Rome,” since it was signed alongside the “Treaty Establishing the European Economic Community” (both treaties were signed on 25 March 1957). This second treaty established the “European Atomic Energy Community,” also known as “Euratom.”</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>Year Opened for Signature</td>
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</tr>
<tr>
<td>1957-12-13</td>
<td>1960-04-18</td>
<td>European Convention on Extradition</td>
<td>Council of Europe Convention #24. Obliges member states of the Council of Europe to extradite individuals upon request.</td>
<td>BE NL DE</td>
</tr>
<tr>
<td>1958-02-03</td>
<td>1960-11-01</td>
<td>Treaty Instituting the Benelux Economic Union</td>
<td>This treaty established the Benelux Economic Union (i.e., between Belgium, The Netherlands, and Luxembourg). Notably, this treaty also created: (1) the Benelux Committee of Ministers, (2) the Benelux Consultative Interparliamentary Council, (3) the Benelux Council of the Economic Union, and (4) the Benelux General Secretariat (Part 2, Article 15).</td>
<td>✓ ✓ -</td>
</tr>
<tr>
<td>1959-04-20</td>
<td>1962-06-12</td>
<td>European Convention on Mutual Assistance in Criminal Matters</td>
<td>Council of Europe Convention #30. In the spirit of promoting further unity, this convention obliges signatories to provide mutual legal assistance in criminal matters to one another upon request. Among other things, this convention outlines the parameters for mutual legal assistance (i.e., letters rogatory) for the purpose of obtaining evidence. Notably, Article 15(1) states that requests for mutual legal assistance “...shall be addressed to the Ministry of Justice of the requesting party to the Ministry of Justice of the requested party, and shall be returned through the same channels.” Article 15(2) states that, in urgent matters, judicial authorities may communicate directly with one another to satisfy requests for mutual legal assistance.</td>
<td>BE NL DE</td>
</tr>
</tbody>
</table>

206 Belgium ratified this convention on 1997-08-29, and it entered into force for Belgium on 1997-11-27.
207 The Netherlands ratified this convention on 1969-02-14, and it entered into force for The Netherlands on 1969-05-15.
209 Belgium ratified this convention on 1975-08-13, and it entered into force for Belgium on 1975-11-11.
210 The Netherlands ratified this convention on 1969-02-14, and it entered into force for The Netherlands on 1969-05-15.
211 Germany ratified this convention on 1976-10-02, and it entered into force for Germany on 1977-01-01.
<table>
<thead>
<tr>
<th>Year Opened for Signature</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Convention between the Kingdom of Belgium, the Grand-Duchy of Luxembourg and the Kingdom of The Netherlands on the Transfer of Control of Persons to the External Frontiers of Benelux Territory</strong></td>
<td>This landmark/watershed agreement functioned to remove the internal border checks between Belgium, The Netherlands, and Luxembourg (Article 2). In so doing, this agreement asserted Benelux’s role as the core nucleus of what was to later become the “European Union.”</td>
<td>✓ ✓ -</td>
</tr>
<tr>
<td>1960-04-11</td>
<td>1960-07-01</td>
<td><strong>Treaty between the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of The Netherlands Concerning Extradition and Mutual Assistance in Criminal Matters</strong></td>
<td>A treaty for extradition and mutual assistance between Belgium and Luxembourg, and Belgium and The Netherlands. Since the Benelux countries share such close ties to one another, these countries decided to “permit mutual assistance in criminal matters to a greater extent than [what] is provided for in the existing treaties” [emphasis added] (Paragraph 1 of the Preamble). Articles 27 and 28 permit police to cross borders in hot pursuit, while also carrying their service weapon(s). This treaty includes a “Protocol Concerning Civil Liability of Officers Assigned to the Territory of Another Party.”</td>
<td>✓ ✓ -</td>
</tr>
<tr>
<td>1962-06-27</td>
<td>1967-12-11</td>
<td><strong>European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders</strong></td>
<td>Council of Europe Convention #51. This convention allows member states of the Council of Europe to request and provide mutual assistance with respect to the supervision of conditionally sentenced/released offenders.</td>
<td>✓ 212 -</td>
</tr>
<tr>
<td>1964-11-30</td>
<td>1975-08-22</td>
<td><strong>Treaty Concerning the Establishment and the Statute of a Benelux Court of Justice</strong></td>
<td>Established a Court of Justice for Benelux to, among other things, help apply the rule of law as per the conventions/decisions relating to Benelux (Chapter 1, Article 1).</td>
<td>✓ ✓ -</td>
</tr>
<tr>
<td>1965-03-31</td>
<td>1974-01-01</td>
<td><strong>Treaty Establishing a Single Council and a Single Commission of the European Communities</strong></td>
<td>Also known as the “Merger Treaty.” This treaty merged the executive organizations of the “European Coal and Steel Community,” the “European Economic Community,” and the “European Atomic Energy Community,” into a “Council of the European Communities” and a “Commission of the European Communities.”</td>
<td>✓ ✓ ✓</td>
</tr>
</tbody>
</table>

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212 This convention entered into force in The Netherlands on 1988-01-01.
<table>
<thead>
<tr>
<th>Year Opened for Signature</th>
<th>Year Effective (Entry into Force)</th>
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</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Convention between Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and The Netherlands, on Mutual Assistance between the Respective Customs Administrations</strong></td>
<td>Also known as the &quot;Naples Convention&quot; and/or &quot;Naples I.&quot; This convention was signed in Rome and facilitates international cooperation between the Customs Administrations (i.e., duty collection, import/export tax collection, and law enforcement) of the said states (Article 1).</td>
<td>✓ 213 214</td>
</tr>
<tr>
<td>1967-09-07</td>
<td>1970-02-01</td>
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<tr>
<td></td>
<td></td>
<td><strong>European Convention on Information on Foreign Law</strong></td>
<td>Council of Europe Convention #62. This convention was created to help facilitate the exchange of information between contracting states on the subject of their respective laws (i.e., civil law, commercial law, or laws of another nature) (Article 1).</td>
<td>215 216 217</td>
</tr>
<tr>
<td>1968-06-07</td>
<td>1969-12-17</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td><strong>Convention Concerning Administrative and Judicial Co-operation in Respect of Laws and Regulations Pertaining to the Realization of the Aims of the Benelux Economic Union</strong></td>
<td>Facilitated administrative and judicial cooperation. Importantly, this convention offers guidance on how to determine which country should hold criminal proceedings. Normally, proceedings are held in the country where the offence occurred/ended (Article 10, para. 1). But, when the offender resides in a different country other than where the offence took place, proceedings may be held in the offender’s country of residence (Article 10, para. 2). This treaty also speaks to mutual assistance (Articles 16–20), empowers police officers when working side-by-side their colleagues in a different country (Article 23), allows hot pursuit (Article 24), and also allows officers to &quot;wear their uniform&quot; and &quot;carry their service weapons whenever this is justified by the circumstances&quot; (Article 25, para. 2).</td>
<td>✓ ✓ -</td>
</tr>
<tr>
<td>1969-04-29</td>
<td>1971-02-01</td>
<td></td>
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</tbody>
</table>

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213 This convention entered into force in The Netherlands on 1970-06-01.
214 This convention entered into force in the Federal Republic of Germany on 1970-06-01.
215 This convention entered into force in Belgium on 1974-01-17.
216 This convention entered into force in The Netherlands on 1977-03-02.
217 This convention entered into force in the Federal Republic of Germany on 1975-03-19.
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1969-05-23</td>
<td>1980-01-27</td>
<td>Vienna Convention on the Law of Treaties</td>
<td>Among other things, this convention states that “[e]very treaty in force is binding upon the parties to it and must be performed by them in good faith” (Article 26).</td>
</tr>
<tr>
<td>1970-05-28</td>
<td>1974-07-26</td>
<td>European Convention on the International Validity of Criminal Judgments</td>
<td>Council of Europe Convention #70. This convention was meant to promote further unity between the Council of Europe members, and a “common criminal policy” (Preamble). This treaty, <em>inter alia</em>, bestows upon the member states competence “to enforce a sanction imposed in another Contracting State which is enforceable in the latter State” (Article 3, para.1).</td>
</tr>
<tr>
<td>1972-05-15</td>
<td>1978-03-30</td>
<td>European Convention on the Transfer of Proceedings in Criminal Matters</td>
<td>Council of Europe Convention #73. This convention states, <em>inter alia</em>, that “any Contracting State shall have competence to prosecute under its own criminal law any offence to which the law of another Contracting State is applicable” (Article 2, para.1).</td>
</tr>
<tr>
<td>1974-05-11</td>
<td>1982-03-01</td>
<td>Protocol Completing and Amending the Treaty Between the Kingdom of Belgium, The Grand Duchy of Luxembourg and the Kingdom of The Netherlands Concerning Extradition and Mutual Assistance in Criminal Matters</td>
<td>This protocol, <em>inter alia</em>, allows for the temporary transfer of people in custody for the purpose of being “present at the execution of the letters rogatory” (Article 1). This protocol also speaks to the “appearance of witnesses, experts and accused persons” (Article 2).</td>
</tr>
</tbody>
</table>

218 Belgium acceded to this convention on 1992-09-01.
219 The Netherlands acceded to this convention on 1985-04-09.
220 Germany acceded to this convention on 1987-07-21.
221 Belgium ratified this convention on 2010-06-30, and it entered into force for Belgium on 2010-10-01.
222 The Netherlands ratified this convention on 1987-09-30, and it entered into force for The Netherlands on 1988-01-01.
223 Belgium signed this convention on 1972-05-15, but still has yet to ratify this agreement.
224 The Netherlands ratified this convention on 1985-04-18, and it entered into force for The Netherlands on 1985-07-19.
<table>
<thead>
<tr>
<th>Year Opened for Signature</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Council of Europe Convention #86. This protocol, <em>inter alia</em>, expands the scope of eligible offences for extradition to include crimes against humanity (Article 1).</td>
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</tr>
<tr>
<td></td>
<td></td>
<td><strong>European Convention on the Suppression of Terrorism</strong></td>
<td>Council of Europe Convention #90. This convention states, <em>inter alia</em>, that “Contracting States shall afford one another the widest measure of mutual assistance in criminal matters in connection with proceedings brought in respect of the offences mentioned in Article 1 or 2,” which are essentially terrorism-related offences (Article 8).</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Additional Protocol to the European Convention on Information on Foreign Law</strong></td>
<td>Council of Europe Convention #97. This protocol builds on the <em>European Convention on Information on Foreign Law</em> (1968) by explicitly stating that Contracting States should also afford each other mutual assistance in determining their respective criminal laws (substantive and procedural), as necessary (Article 1).</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Second Additional Protocol to the European Convention on Extradition</strong></td>
<td>Council of Europe Convention #98. This protocol, <em>inter alia</em>, allows for the extradition of persons with respect to offences punishable by pecuniary sanctions (Article 1).</td>
<td></td>
</tr>
<tr>
<td>BE NL DE</td>
<td>1978-03-17 1982-04-12</td>
<td><strong>Second Additional Protocol to the European Convention on Extradition</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters</strong></td>
<td>Council of Europe Convention #99. This protocol helped expand the domain of mutual assistance.</td>
<td></td>
</tr>
</tbody>
</table>

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225 This protocol entered into force in Belgium on 1998-02-16.
226 This protocol entered into force in The Netherlands on 1982-04-12.
227 This convention entered into force in Belgium on 1986-02-01.
228 This convention entered into force in The Netherlands on 1985-07-19.
229 This protocol entered into force in The Netherlands on 1980-09-04.
231 This protocol entered into force in Belgium on 1998-02-16.
232 This protocol entered into force in Germany on 1991-06-06.
233 This protocol entered into force in Belgium on 2002-05-29.
234 This protocol entered into force in Germany on 1991-06-06.
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<tr>
<td>1978-06-28</td>
<td>1982-07-01</td>
<td>European Convention on the Control of the Acquisition and Possession of Firearms by Individuals</td>
<td>Council of Europe Convention #101. This convention states, <em>inter alia</em>, that the contracting states shall “afford each other mutual assistance… in the suppression of illegal traffic in firearms” (Article 2). The mutual assistance in this regard may consist of notifications/information sharing with respect to transactions concerning the sale, transfer, or disposal of firearms (Articles 5 – 9).</td>
</tr>
<tr>
<td>1980-05-21</td>
<td>1981-12-22</td>
<td>European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities</td>
<td>Council of Europe Convention #106. This convention binds signatories to “facilitate and foster transfrontier cooperation” (Article 1). This was merely an “outline convention” that was later elaborated upon by virtue of three additional protocols.</td>
</tr>
<tr>
<td>1981-01-28</td>
<td>1985-10-01</td>
<td>Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data</td>
<td>Council of Europe Convention #108. This convention was drafted to uphold respect for privacy rights (Article 1). Among other things, this convention allows exceptions to this general rule when such deviations are lawful (according to the national law of the incumbent) and necessary “in the interests of: protecting State security, public safety, the monetary interests of the State or the suppression of criminal offences” (Article 9, para. 2a).</td>
</tr>
<tr>
<td>1983-03-21</td>
<td>1985-07-01</td>
<td>Convention on the Transfer of Sentenced Persons</td>
<td>Council of Europe Convention #112. One of the intents of this convention is to provide offenders convicted abroad with the opportunity to serve their sentence in their home country by virtue of a transfer of sentence, which is made possible through the process of mutual legal assistance.</td>
</tr>
</tbody>
</table>

235 This convention entered into force in The Federal Republic of Germany on 1986-06-01.
236 This convention entered into force in Belgium on 1987-07-07.
237 This convention entered into force in The Netherlands on 1982-01-27.
238 This convention entered into force in Belgium on 1993-09-01.
239 This convention entered into force in The Netherlands on 1993-12-01.
240 This convention entered into force in Belgium on 1990-12-01.
241 This convention entered into force in The Netherlands on 1988-01-01.
242 This convention entered into force in Germany on 1992-02-01.
<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1985-06-14</td>
<td>1986-03-02</td>
<td>[Schengen] Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at their Common Borders</td>
<td>Also known as the “Schengen Agreement of 14 June 1985,” or simply as the “Schengen Agreement.” This agreement called for the gradual abolishment of passport control and customs checks at the borders between the contracting states (Article 17). It also called for the harmonization of several laws, and helped regulate police information sharing and cross-border pursuits (Guymon, 2000:76). ✓ ✓ ✓</td>
</tr>
<tr>
<td>1986-02-17</td>
<td>1987-07-01</td>
<td>Single European Act</td>
<td>This agreement, <em>inter alia</em>, declared that the “European Coal and Steel Community,” the “European Economic Community,” and the “European Atomic Energy Community,” as the “European Communities” (Title I, Article 1). This agreement also established European political cooperation with respect to foreign policy (Title I, Article 2; Title III, Article 30). This agreement also supplemented the Treaty Establishing the European Economic Community (1957) by introducing harmonization measures for an internal market (Title II, Chapter II, Section II). ✓ ✓ ✓</td>
</tr>
<tr>
<td>1986-03-21</td>
<td>(not yet in force)</td>
<td>Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations</td>
<td>This convention builds on the Vienna Convention on the Law of Treaties (1969), <em>mutatis mutandis</em>. Although this convention is not yet in force due to a slightly insufficient number of ratifications to date, notably, Belgium, The Netherlands, and Germany have all ratified this convention.</td>
</tr>
</tbody>
</table>

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244 Belgium ratified this convention on 1992-09-01, but it is not yet in force.

245 The Netherlands ratified this convention on 1997-09-18, but it is not yet in force.

246 Germany ratified this convention on 1991-06-20, but it is not yet in force.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1988-12-20</td>
<td>1990-11-11</td>
<td><em>United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances</em></td>
<td>This convention, <em>inter alia</em>, calls upon the signatories to: (1) combat drug-related crime by criminalizing such crime in their respective nations (Article 3); and (2) engage in mutual legal assistance to bring offenders of drug-related crime to justice (Article 7). Belgium, Germany, and The Netherlands are among the signatories.</td>
<td>BE [✓] NL [✓] DE [✓]</td>
</tr>
<tr>
<td>1989</td>
<td>1989-10-06</td>
<td><em>Declaration on Transfrontier Cooperation in Europe on the Occasion of the 40th Anniversary of the Council of Europe</em></td>
<td>This declaration is of special note, since it states, <em>inter alia</em>, that the Committee of Ministers of the Council of Europe &quot;[e]ncourages continued study, in the most appropriate manner, of the work which is under way in co-operation with the European Community institutions… in order gradually to remove the barriers of every kind—administrative, legal, political and psychological—which might curb the development of transfrontier projects&quot; (para. 5). This declaration is acknowledged in the preamble of the <em>Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities</em> (1995).</td>
<td></td>
</tr>
</tbody>
</table>

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247 Belgium ratified this convention on 1995-10-25.
248 The Netherlands accepted this convention on 1993-09-08.
249 Germany ratified this convention on 1993-11-30.
<table>
<thead>
<tr>
<th>Year Opened for Signature</th>
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</thead>
<tbody>
<tr>
<td>1990-06-19</td>
<td>1995-03-26</td>
<td>Convention Implementing the Schengen Agreement</td>
<td>This convention is also known as the “Schengen Convention,” “Schengen II,” or simply “CIS.” Building on the Schengen Agreement (1985), which called for the gradual abolition of checks at frontiers, and the Single European Act (1986), which stated that the internal market shall be without frontiers, this convention introduced ground-breaking and bold changes, such as: the complete removal of internal border checks (Article 2); provisions to facilitate cross-border information exchange (Article 39); provisions to facilitate cross-border police cooperation with respect to surveillance (Article 40); and provisions to facilitate cross-border hot pursuit (Article 41). Notably, Article 43 speaks to the issue of liability by stating: “[w]here, in accordance with articles 40 and 41 of this Convention, officers of a Contracting Party are operating in the territory of another contracting party, the first Contracting Party shall be liable for any damage caused by them during their operations, in accordance with the law of the Contracting Party in whose territory they are operating” [emphasis added]. This convention further facilitates police cooperation by way of “exchanging equipment or posting liaison officers provided with appropriate radio equipment” (Article 44, para. 2a). This document also facilitates information sharing (Article 46); allows for the secondment of liaison officers (Article 47); allows for mutual legal assistance through direct judicial channels (Article 53); allows for pre-approved controlled deliveries (Article 73); and established the Schengen Information System (Article 92).</td>
</tr>
</tbody>
</table>

Among the Contracting Parties:

- BE ✓
- NL ✓
- DE ✓
<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Council of Europe Convention #141. This convention, <em>inter alia</em>, facilitates international cooperation aimed at combating money laundering by calling on the signatories to adopt into their law corollary: confiscation measures (Article 2), investigative measures (Article 3), and money-laundering related offences (Article 6). This convention also calls for international police and judicial cooperation aimed at combating money laundering related offences &quot;to the widest extent possible&quot; (Articles 7 - 10), and allows for direct communication between authorities (Article 24).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990-11-08</td>
<td>1993-09-01</td>
<td><strong>Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Treaty on European Union</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1992-02-07</td>
<td>1993-11-01</td>
<td><strong>Treaty Based on Article K.3 of the Treaty on European Union, on the Establishment of a European Police Office (Europol Convention)</strong></td>
<td>Also known as the &quot;Europol Convention.&quot; Established the European Police Office (Europol) (Title 1, Article 1). The primary objective of Europol is to improve international police cooperation aimed at combating serious transnational organized crime by serving the member states of the EU (Title 1, Article 2). Europol achieves its objective primarily by facilitating information sharing and conducting criminal intelligence analysis (Title 1, Article 3).</td>
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<tr>
<td>1995-07-26</td>
<td>1998-10-01</td>
<td><strong>Treaty on European Union</strong></td>
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</table>

250 This convention entered into force in Belgium on 1998-05-01.
251 This convention entered into force in Germany on 1999-01-01.
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<tr>
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<th>Description/Highlights/Notes</th>
<th>Among the Contracting Parties:</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities</td>
<td>Council of Europe Convention #159. Of particular note here is Article 3, which states: '[a] transfrontier co-operation agreement concluded by territorial communities or authorities may set up a transfrontier co-operation body, which may or may not have legal personality.'</td>
<td>BE NL DE</td>
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<tr>
<td>1995-11-09</td>
<td>1998-12-01</td>
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<td>✓ ✓ ✓</td>
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<td>Protocol Drawn Up on the Basis of Article K.3 of the Treaty on European Union on the Interpretation, by way of Preliminary Rulings, by the Court of Justice of the European Communities on the Convention on the Establishment of a European Police Office</td>
<td>Essentially, this protocol declared that: '[t]he Court of Justice of the European Communities shall have jurisdiction… to give preliminary rulings on the… ‘Europol Convention’' (Article 1).</td>
<td></td>
</tr>
<tr>
<td>1996-07-24</td>
<td>1998-12-29</td>
<td>Protocol Drawn Up, on the Basis of Article K.3 of the Treaty on European Union and Article 41 (3) of the Europol Convention, on the Privileges and Immunities of Europol, the Members of its Organs, the Deputy Directors and Employees of Europol</td>
<td>This protocol declared the “privileges and immunities” associated with Europol and its staff. Specifically, this protocol declared, inter alia, that Europol staff shall enjoy &quot;[i]mmunity from legal process and immunity from search, seizure, requisition, confiscation and any other form of interference&quot; (Article 2); “inviolability of archives” (Article 3); and &quot;[e]xemption from taxes and duties” (Article 4).</td>
<td>✓ ✓ ✓</td>
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<tr>
<td>1997-06-19</td>
<td>1999-07-01</td>
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²⁵² This protocol entered into force in Belgium on 2009-09-13.
²⁵³ This protocol entered into force in Germany on 1998-12-17.
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<tbody>
<tr>
<td></td>
<td></td>
<td>Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts</td>
<td>Also known as the “Amsterdam Treaty” or the “Treaty of Amsterdam.” This treaty amended/updated the noted treaties on many levels for the purpose of further enhancing closer cooperation in Europe. Notably, Article 1(3) declared the establishment of “an area of freedom, security, and justice”—the realization of which became the focus of what was to be called “The Tampere Programme” (1999 – 2004).</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>1997-10-02</td>
<td>1999-03-01</td>
<td>Additional Protocol to the Convention on the Transfer of Sentenced Persons</td>
<td>Council of Europe Convention #167. Among other things, this protocol speaks to the circumstance whereby “sentenced persons [are] subject to an expulsion or deportation order” (Article 3).</td>
<td>.254 .255 -</td>
</tr>
<tr>
<td>1997-12-18</td>
<td>2000-06-01</td>
<td>Convention Drawn Up on the Basis of Article K.3 of the Treaty on European Union, on Mutual Assistance and Cooperation between Customs Administrations</td>
<td>Also known as the “Naples II Convention.” This convention essentially consolidates most of the previous agreements relating to police cooperation, and now makes them applicable to customs administrations—empowering them even further. Indeed, this convention is remarkably similar to the “Convention Implementing the Schengen Agreement,” almost mutatis mutandis, with respect to the issues of hot pursuit (Article 20—except now customs officers can apprehend suspects), and cross-border surveillance (Article 21). This convention also speaks to: liaison officers (Article 6), requests for mutual legal assistance (Article 9), controlled deliveries (Article 22), covert investigations (Article 23), “joint special investigation teams” (Article 24), and data protection (Article 25). With respect to the issue of liability, this convention states that: “[the] Member State [wherein the damage took place] will be reimbursed in full by the Member State whose officers have caused the damage…” (Article 19(5)).</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>1997-12-18</td>
<td>2009-06-25</td>
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254 This protocol entered into force in Belgium on 2005-09-01.
255 This protocol entered into force in The Netherlands on 2002-10-01.
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<tr>
<td>1998-05-05</td>
<td>2001-02-01</td>
<td>Protocol No. 2 to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities Concerning Interterritorial Cooperation</td>
<td>Council of Europe Convention #169. This protocol drew a distinction between transfrontier cooperation and interterritorial cooperation. Specifically, transfrontier cooperation is cooperation between neighboring authorities along a frontier (i.e., internal border), while interterritorial cooperation is cooperation between “foreign non-neighboring authorities” (Preamble). This protocol extended the original Outline Convention (1980), and subsequent protocols, to apply to the subject of interterritorial cooperation, mutatis mutandis (Articles 3 and 4).</td>
</tr>
<tr>
<td>1998-07-17</td>
<td>2002-07-01</td>
<td>Rome Statute of the International Criminal Court</td>
<td>Also known as the “Rome Statute.” Article 1 of this statute established the International Criminal Court. Article 5 declared the court’s jurisdiction as including: “the crime of genocide, crimes against humanity, war crimes, [and] the crime of aggression.”</td>
</tr>
<tr>
<td>1998-11-04</td>
<td>(not yet in force)</td>
<td>Convention on the Protection of the Environment through Criminal Law</td>
<td>Council of Europe Convention #172. This convention, inter alia, calls for the signatory states to establish various crimes against the environment (whether committed intentionally or through negligence) as punishable offences under their respective national laws (Articles 2 and 3). This convention also calls for international police and judicial cooperation with respect to crimes against the environment (Article 12).</td>
</tr>
</tbody>
</table>

256 This protocol entered into force in Belgium on 2009-09-13.

257 Belgium signed this convention on 1999-05-07, but has yet to ratify it.

258 Germany signed this convention on 1998-11-04, but has yet to ratify it.
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</thead>
<tbody>
<tr>
<td>1999-01-27</td>
<td>2002-07-01</td>
<td>Criminal Law Convention on Corruption</td>
<td>Council of Europe Convention #173. This convention, <em>inter alia</em>, called upon member states to “establish as criminal offences”—under their respective national laws—acts of active and passive bribery/corruption occurring within the public and private sectors, and within international organizations (Articles 2 – 14, 18). This convention also called for “proportionate and dissuasive sanctions” in relation to such corruption offences (Article 19). Finally, this convention called for international police and judicial cooperation with respect to the detection and processing of corruption cases, including such measures as mutual legal assistance, extradition, and information sharing (Articles 25–31).</td>
</tr>
</tbody>
</table>

259 This convention entered into force in Belgium on 2004-07-01.
260 This convention entered into force in The Netherlands on 2002-08-01.
261 Germany signed this convention on 1999-01-27, but has yet to ratify it.
<table>
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<tr>
<td></td>
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<td><strong>Traité entre le Royaume de Belgique et le Royaume des Pays-Bas en Matière d'intervention Policière Transfrontalière pour Maintenir l'ordre Public et la Sécurité au Cours du Championnat Européen des Nations de Football en l'an 2000, signé à Bergen op Zoom le 26 Avril 1999</strong> 262</td>
<td>Also known as the &quot;Treaty of Bergen op Zoom.&quot; This was a temporary treaty signed to facilitate police cooperation between Belgium and The Netherlands for the Euro 2000 soccer championship games (see Crowe, 2005:422). This treaty, <em>inter alia</em>, set out the process for international police cooperation between the two countries. Notably, this treaty allowed foreign police officers to engage in patrols, maintain order, direct traffic, and monitor groups of traveling soccer fans to ensure public safety (Article 6). This treaty also allowed foreign police officers to wear their uniform and carry their service weapon in their neighboring country while fulfilling their official duties in the policing of this event (Article 7). Article 10 of this treaty also spoke to the issue of liability, citing/re-affirming Article 43 of the &quot;Convention Implementing the Schengen Agreement&quot; (1990), which states that if foreign police officers cause damage in their neighboring country during the course of their official duties, then the nation of those foreign police officers shall cover the costs associated with the damages. The success of this treaty inspired Belgium and The Netherlands to draft a &quot;more general&quot; treaty to facilitate cross-border police cooperation between the two countries (Mojet, 2006). This future agreement manifested as the &quot;Treaty of Senningen&quot; (2004), which is discussed below.</td>
</tr>
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262 The English translation is: "Treaty between the Kingdom of Belgium and the Kingdom of The Netherlands in Response to Cross-Border Police Maintenance of Public Order and Safety in the Championship European Nations Cup in 2000, signed at Bergen op Zoom, 26 April 1999."
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</thead>
<tbody>
<tr>
<td>N/A</td>
<td>1999-10-16</td>
<td>Presidency Conclusions Tampere European Council 15 and 16 October 1999</td>
<td>Also known as “The Tampere Programme” (1999–2004). Recall that the Treaty of Amsterdam (1997) declared the establishment of “an area of freedom, security, and justice” (Article 1(3)). Accordingly, The Tampere Programme was a “strategic plan” developed by the European Council to help apply the Treaty of Amsterdam (European Parliament, 2005). This strategic plan of policies and priorities focused on developing a harmonized approach throughout the European Union with respect to: (1) freedom (i.e., abolition of internal border checks, “a common EU asylum and migration policy”); (2) security (i.e., STOC prevention); and (3) justice (i.e., facilitating judicial cooperation and mutual assistance/ recognition in both criminal and civil matters) (European Council, 1999: Part A; European Parliament, 2005). Notably, The Tampere Programme also called for the establishment of: (1) “Joint Investigation Teams… to be set up without delay, as a first step, to combat trafficking in drugs and human beings as well as terrorism” (Paragraph 43); (2) “a European Police Chiefs Operational Task Force” (Paragraph 44); EUROJUST (Paragraph 46); and “a European Police College for the training of senior law enforcement officials” (Paragraph 47).</td>
</tr>
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| Among the Contracting Parties: |  |
|-------------------------------|  |
| BE                            | N/A |
| NL                            | N/A |
| DE                            | N/A |

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263 This was a strategic plan for the European Union, and as such, it did not have to be “ratified.”
<table>
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<tr>
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<tr>
<td></td>
<td>2005-08-23</td>
<td>Council Act of 29 May 2000 Establishing in Accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union</td>
<td>This is also known as the “Convention on Mutual Assistance in Criminal Matters of 2000.” This convention builds on the previous treaties concerning mutual legal assistance, by further delineating the process and expanding the parameters within which mutual legal assistance shall occur. This convention speaks to different aspects of the mutual legal assistance process. Articles 4 – 6 address “formalities and procedures.” Notably, Article 5(3) institutes the requirement that mutual legal assistance requests shall be translated into one of the official languages of the country for which it is destined. Article 6(1) states that requests for mutual legal assistance “shall be made [in writing] directly between judicial authorities.” This convention, <em>inter alia</em>, also facilitates: spontaneous information sharing (Article 7), controlled deliveries (Article 12), Joint Investigation Teams (Article 13), and telecommunication interception (Article 17 - 20). Article 16 speaks to civil liability for damages, and is in consonance with the directives of previous international agreements.</td>
</tr>
<tr>
<td></td>
<td>2006-02-29</td>
<td>Treaty Concerning a European Vehicle and Driving License Information System (EUCARIS)</td>
<td>Also known as the “EUCARIS Treaty.” This treaty established EUCARIS (the EUropean CAR and Driving License Information System), which is a database that facilitates information exchange between member states with respect to vehicles (<em>e.g.</em>, license plates, vehicle identification numbers) and drivers’ licenses (Article 2(1)). This treaty also speaks to the issue of data protection (Articles 11 – 18).</td>
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<tr>
<td>2000-11-15</td>
<td>2003-09-29</td>
<td>United Nations Convention Against Transnational Organized Crime</td>
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<td>BE 264</td>
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<td>NL 265</td>
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<td>DE 266</td>
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</tbody>
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264 Belgium ratified this convention on 2004-08-11.
266 Germany ratified this convention on 2006-06-14.
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267 Belgium ratified this convention on 2004-08-11.
268 The Netherlands accepted this convention on 2005-07-27.
269 Germany ratified this convention on 2006-06-14.
270 Belgium ratified this protocol on 2004-08-11.
271 The Netherlands accepted this protocol on 2005-07-27.
272 Germany ratified this protocol on 2006-06-14.
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<tbody>
<tr>
<td>N/A</td>
<td>2000-11-30</td>
<td>Programme of Measures to Implement the Principle of Mutual Recognition of Decisions in Criminal Matters</td>
<td>Essentially, this was a directive issued by the Council of the European Union to the member states. As this document states: &quot;[t]he programme of measures, which is designed as a package, maps out the different areas in which member states should focus their efforts in the years ahead in order to gradually achieve mutual recognition of criminal decisions in the European Union. It should not, however, be seen as a definitive program, introducing once and for all the mechanisms for mutual recognition of criminal decisions, but rather as a far-reaching, gradual and realistic process&quot; (Preamble, p. 12). Accordingly, this document listed/prioritized numerous measures to implement the principle of mutual recognition of decisions in criminal matters, and specified the goal of having the priority 1 and 2 level measures implemented by 2002.</td>
</tr>
</tbody>
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273 This was a directive, and as such, did not require ratification.
<table>
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<td>Item</td>
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<td>Costs</td>
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<td>Hearing by Video Conference</td>
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<td>Hearing by Teleconference</td>
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<td>Spontaneous Information</td>
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<td>Controlled Delivery</td>
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<td>Covert Investigations</td>
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<td>Civil Liability</td>
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Notably, this protocol also speaks to the topics of cross-border observation (Article 17), witness protection (Article 23), and data protection (Article 26). Since the membership of the Council of Europe is larger than the European Union, this protocol functions to extend the law to more countries.

274 This protocol entered into force in Belgium on 2009-07-01.
275 This protocol entered into force in The Netherlands on 2011-04-01.
276 Germany signed this protocol on 2001-11-08, but has yet to ratify it.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Treaty of Nice Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts</td>
<td>Also known as the “Nice Treaty.” This Treaty amended both the Maastricht Treaty (1992) and the &quot;Treaties of Rome&quot; (1957). Among other things, the preamble explains that one of the purposes of this treaty is to: “… complete the process started by the “Treaty of Amsterdam” of preparing the institutions of the European Union to function in an enlarged union.” As such, this treaty speaks to items such as the process by which “a serious breach by a Member State” shall be addressed (Article 1). Moreover, the subject of “enhanced cooperation” is discussed throughout this treaty. As well, the issue of weighted votes in Council is addressed.</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>2001-02-26</td>
<td>2003-02-01</td>
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<tr>
<td>2001-11-23</td>
<td>2004-07-01</td>
<td>Convention on Cybercrime</td>
<td>Council of Europe Convention #185. This convention, inter alia, called upon signatories to criminalize and punish various cyber-crime related offences (Articles 1–13). This convention also called upon signatories to: establish the necessary legal measures to empower police and judicial officials to investigate and prosecute such crimes (Articles 14–22); and engage in international police and judicial cooperation “to the widest extent possible” in combating these crimes (Articles 23–35).</td>
<td>-277 -278 -279</td>
</tr>
<tr>
<td>2002-02-28</td>
<td>2002-03-06</td>
<td>Council Decision of 28 February 2002 Setting Up Eurojust with a View to Reinforcing the Fight Against Serious Crime</td>
<td>This Council Decision, inter alia, established Eurojust (Article 1), and set out the parameters within which Eurojust would function. Notably, this Council Decision states that Eurojust may help: establish Joint Investigation Teams (Article 6(a)(iv)); and assist with the “best possible coordination of investigations and prosecutions” (Article 6(c)). This Council Decision also states that Eurojust shall: “establish and maintain close cooperation with Europol” (Article 26(1)); and “maintain privileged relations with the European Judicial Network” (Article 26(2)).</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>2002-02-28</td>
<td>2002-03-06</td>
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277 Belgium signed this convention on 2001-11-23, but has yet to ratify it.
278 This convention entered into force in The Netherlands on 2007-03-01.
279 This convention entered into force in Germany on 2009-07-01.
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<tr>
<td>2002-06-13</td>
<td>2002-06-20</td>
<td>Council Framework Decision of 13 June 2002 on Joint Investigation Teams</td>
<td>By way of some history, the Convention on Mutual Legal Assistance (2000) offered the “first step” with respect to the implementation of Joint Investigation Teams on an ad hoc basis within member states (European Commission, 2005). The ratification of that convention, however, was difficult to achieve among all the member states in a timely manner, so as a remedy, the Council of the European Union “… adopted the Framework Decision on Joint Investigation Teams… on 13 June 2002, to provide a more timely means of enhancing the operation of Joint Investigation Teams”—with the caveat that “[t]he framework decision will cease to have effect when the convention on mutual assistance in criminal matters has entered into force in all the member states” (European Commission, 2005). Accordingly, Article 1 of this Council Framework Decision is essentially a verbatim reproduction of Article 13 of the Council Act of 29 May 2000 Establishing in Accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union. Notably, this Council Framework Decision states (in consonance with the Council Act of 29 May 2000): “[b]y mutual agreement, the competent authorities of two or more Member States may set up a Joint Investigation Team for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the member states setting up the team. The composition of the team shall be set out in the agreement. A Joint Investigation Team may, in particular, be set up where: (a) a Member State’s investigations into criminal offences require difficult and demanding investigations having links with other Member States…” (Article 1).</td>
<td>✓</td>
</tr>
<tr>
<td>2002-06-13</td>
<td>2002-06-22</td>
<td>Council Framework Decision of 13 June 2002 on Combating Terrorism</td>
<td>This Council Framework Decision, inter alia, called for member states to criminalize and punish various terrorist-related offences (Articles 1 - 5).</td>
<td>✓</td>
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<td></td>
<td><strong>Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States</strong></td>
<td>In consonance with <em>The Tampere Programme</em> (1999–2004), this Council Framework Decision abolished the extradition procedure between member states of the European Union, and replaced it with the “European Arrest Warrant,” which amounts to “a [simplified] system of surrender between judicial authorities” (Preamble, Paragraphs 1 and 5). Significantly, the European Arrest Warrant “… is the first concrete measure in the field of criminal law implementing the principle of mutual recognition…” (Preamble, Paragraph 6). Accordingly, this Council Framework Decision states, <em>inter alia</em>: ”Member States shall execute any European Arrest Warrant on the basis of the principle of mutual recognition” (Article 1(2)).</td>
<td></td>
</tr>
<tr>
<td>2002-06-13</td>
<td>2002-08-07</td>
<td><strong>Protocol Amending the Convention on the Establishment of a European Police Office (Europol Convention) and the Protocol on the Privileges and Immunities of Europol, the Members of its Organs, the Deputy Directors and the Employees of Europol</strong></td>
<td>This protocol, <em>inter alia</em>, allows officials from Europol “…to participate in a support capacity in Joint Investigation Teams” (Article 1(1)). Essentially, the support function amounts to liaising and facilitating information sharing (Article 1(4)). This protocol also speaks to the issue of liability (Article 1(2)(c)(1)).</td>
<td></td>
</tr>
<tr>
<td>2002-11-28</td>
<td>2007-03-29</td>
<td><strong>Additional Protocol to the Convention on Cybercrime, Concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed through Computer Systems</strong></td>
<td>Council of Europe Convention #189. This protocol supplemented the <em>Convention on Cybercrime</em> (2001), by calling for signatories to also criminalize “…acts of a racist and xenophobic nature committed through computer systems” (Article 1).</td>
<td></td>
</tr>
</tbody>
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280 Belgium signed this protocol on 2003-01-28, but has yet to ratify it.
281 This protocol entered into force in The Netherlands on 2010-11-01.
282 This protocol entered into force in Germany on 2011-10-01.
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<tbody>
<tr>
<td>2003-05-08</td>
<td>2003-05-23</td>
<td>Council Recommendation of 8 May 2003 on a Model Agreement for Setting up a Joint Investigation Team (JIT)</td>
<td>The annex of this Council Recommendation provides a template that police and justice officials can use when developing an agreement to establish a Joint Investigation Team. The template guides officials to specify: (1) the contracting parties; (2) the purpose of the Joint Investigation Team; (3) the time span for which the Joint Investigation Team will be operative; (4) the Member State(s) hosting the Joint Investigation Team; (5) the names of the police/justice officials who will lead the Joint Investigation Team; (6) the names of the police/justice officials who will participate in the Joint Investigation Team; and (7) various other organizational arrangements/conditions.</td>
<td>BE NL DE</td>
</tr>
<tr>
<td>2003-05-15</td>
<td>(not yet in force)</td>
<td>Protocol Amending the European Convention on the Suppression of Terrorism</td>
<td>Council of Europe Convention #190. This protocol amended the “European Convention on the Suppression of Terrorism” (1977) by, among other things: providing an updated list of the other international conventions relating to terrorism (Preamble, Articles 1(1) and 1(2)); and expanding the definition of terrorism-related offences, stating that: attempt, “participation as an accomplice,” and “organizing the perpetration of, or directing others to commit or attempt to commit, any of these principal offences” shall be deemed criminal (Article 1(3)).</td>
<td>283</td>
</tr>
<tr>
<td>2003-05-15</td>
<td>2005-02-01</td>
<td>Additional Protocol to the Criminal Law Convention on Corruption</td>
<td>Council of Europe Convention #191. This protocol supplemented the “Criminal Law Convention on Corruption” (1999) by essentially expanding the definition of corruption to include cases of passive/active bribery of domestic/foreign arbitrators/jurors, and called upon the member states to accordingly criminalize such acts within their respective national law.</td>
<td>284 285 286</td>
</tr>
</tbody>
</table>

283 This was simply a “model agreement” (i.e., template suggestion), and as such, the member states did not have to ratify this document. Instead, the member states were simply encouraged “…to use the model agreement where appropriate… in order to agree upon the modalities for the Joint Investigation Team” (Preamble).

284 Belgium ratified this convention on 2007-08-16.
285 The Netherlands ratified this convention on 2006-07-27.
286 Germany ratified this convention on 2011-07-13.
287 This protocol entered into force in Belgium on 2009-06-01.
288 This protocol entered into force in The Netherlands on 2006-03-01.
289 Germany signed this convention on 2003-05-15, but has yet to ratify it.
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<tbody>
<tr>
<td>2003-10-31</td>
<td>2005-12-14</td>
<td>United Nations Convention against Corruption</td>
<td>Article 1 of this convention states that: “[t]he purposes of this convention are: (a) [t]o promote and strengthen measures to prevent and combat corruption more efficiently and effectively; (b) [t]o promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; (c) [t]o promote integrity, accountability and proper management of public affairs and public property.” Accordingly, this convention calls upon signatories to criminalize corruption-related acts, and take measures to prevent corruption.</td>
</tr>
<tr>
<td>N/A</td>
<td>2004-06-02</td>
<td>Communication from the Commission to the Council and the European Parliament—Area of Freedom, Security and Justice: Assessment of the Tampere Programme and Future Orientations</td>
<td>The assessment of The Tampere Programme (1999–2004) revealed considerable progress and success in achieving its goals (Commission of the European Communities, 2005:3, 5). Since not all of its goals and objectives were achieved, it was acknowledged that this strategic plan could be used as a solid foundation upon which to build a future strategic plan to cover the years 2004 to 2009 (which would later become known as “The Hague Programme”) (Commission of the European Communities, 2005:7).</td>
</tr>
</tbody>
</table>

290 Belgium ratified this convention on 2008-09-25.
291 The Netherlands accepted this convention on 2006-10-31.
292 Germany signed this convention on 2003-12-09, but has yet to ratify it.
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<tr>
<td>2004-06-08</td>
<td>2006-06-01</td>
<td>Traité entre le Royaume de Belgique, le Royaume des Pays-Bas et le Grand-Duché de Luxembourg en Matière d’Intervention Policière Transfrontalière [293]</td>
<td>Also known as the &quot;Treaty of Senningen&quot; (2004). This treaty largely underscores the international law set out in previous treaties, but now with special emphasis between the Benelux countries in particular. Consequently, this treaty essentially amounts to a renewal of past promises, with the addition of some extra commitments. Notably, this treaty, <em>inter alia</em>, states that: a cross-border police intervention is permissible upon an approved request (Article 4); police authorities engaging in a cross-border intervention are competent to protect persons and property, direct traffic, perform land searches, conduct identity checks, and conduct escorts (Article 5); in urgent/emergency situations, a cross-border police intervention is permissible, but the particulars of the intervention must be reported to the competent foreign authority immediately (Article 7); upon request, equipment may be shared across the border to help maintain public safety (Article 9); police may exchange information as necessary (Article 10); the use of liaison officers to facilitate information exchange and other police duties is permissible (Articles 16 and 17); hot pursuit may occur in relation to convicted fugitives and suspects of extraditable offences (Article 18); the police may conduct &quot;mixed patrols&quot; and/or &quot;mixed checks&quot; in the cross-border region pursuant to operational needs (Article 25); the police may provide each other with training, human resources, and equipment as necessary (Article 27); the police shall always observe the laws of the country in which they operate (Article 28); the police shall be visibly identifiable through their uniform or an armband when they cross the border for duty (Article 31); the police can carry their weapons across the border, if the host state has granted such authorization (Article 32); use of force is permissible under certain circumstances, such as self-defence (Article 33). Article 39 speaks to the issue of civil liability, and instructs that those who cause damage shall cover the costs of repairing the damage.</td>
</tr>
</tbody>
</table>

293 The English translation is: “Treaty between the Kingdom of Belgium, the Kingdom of The Netherlands, and the Grand Duchy of Luxembourg Concerning Cross-Border Police Interventions, Signed at Luxembourg on 8 June 2004.”
<table>
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<tr>
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<tr>
<td>N/A</td>
<td>2004-11-04</td>
<td>Presidency Conclusions Brussels European Council 4/5 November 2004</td>
<td>At this meeting, the Council of the European Union adopted “The Hague Programme.” This document contains The Hague Programme—as well as other presidency conclusions (see pp. 11–42). The Hague Programme was focused on building upon The Tampere Programme (1999–2004) with respect to achieving “an area of freedom, security, and justice.” To this end, “[t]he objective of the Hague Programme is to improve the common capability of the Union and its member states to guarantee fundamental rights, minimum procedural safeguards and access to justice, to provide protection in accordance with the Geneva Convention on Refugees and other international treaties to persons in need, to regulate migration flows and to control the external borders of the Union, to fight organized cross-border crime and repress the threat of terrorism, to realize the potential of Europol and Eurojust, to carry further the mutual recognition of judicial decisions and certificates both in civil and in criminal matters, and to eliminate legal and judicial obstacles in litigation in civil and family matters with cross-border implications” [emphasis added] (Council of the European Union, 2005:12). As part of these Presidency Conclusions, the Council of the European Union invited the European Commission to create an “action plan” for The Hague Programme. The European Commission responded accordingly (see the entry dated 2005–05–10 below).</td>
</tr>
<tr>
<td>N/A</td>
<td>2005-03-02</td>
<td>Treaty between the Federal Republic of Germany and the Kingdom of The Netherlands Concerning Trans-Border Cooperation by Police and in Criminal Law Matters</td>
<td>Also known as the “Treaty of Enschede.” This treaty is similar to the “Treaty of Sennigen” in many respects, except this is a bi-lateral treaty between The Netherlands and Germany only. Some of the highlights of this treaty include: support for “major events, disasters, and serious accidents” (Article 22); controlled delivery parameters (Article 13); joint operations (Article 4(2)); and joint patrols (Article 19).</td>
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<tr>
<td>N/A</td>
<td>2005-05-10</td>
<td>Communication from the Commission to the Council and the European Parliament—The Hague Programme: Ten Priorities for the Next Five Years The Partnership for European Renewal in the Field of Freedom, Security and Justice</td>
<td>This was developed in response to the Council of the European Union’s call on the European Commission to create an “action plan” with “concrete measures” to implement The Hague Programme. This action plan focuses on ten priorities of The Hague Programme, which are in consonance with the objectives listed in the entry above dated 2004-11-04. The annex of this document impressively sets out concrete measures to match the overarching objectives, along with associate timelines over the course of the years 2004 to 2009.</td>
</tr>
<tr>
<td>N/A</td>
<td>2005-08-12</td>
<td>Council and Commission Action Plan Implementing The Hague Programme on Strengthening Freedom, Security and Justice in the European Union</td>
<td>N/A</td>
</tr>
<tr>
<td>2005-05-16</td>
<td>2007-06-01</td>
<td>Convention on the Prevention of Terrorism</td>
<td>Council of Europe Convention #196. This convention, inter alia, calls for the signatory states to take steps to prevent terrorism by: enhancing national cooperation (Article 3); enhancing international cooperation (articles 4, 17); establishing terrorism-related offences as criminal offences under national law (Articles 5, 6, 7, 9); and ensuring that the concomitant sanctions are proportional/deterring (Article 11).</td>
</tr>
</tbody>
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294 Belgium signed this convention on 2006-01-19, but has yet to ratify it.
295 This convention entered into force in The Netherlands on 2010-11-01.
296 This convention entered into force in Germany on 2011-10-01.
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<tr>
<td>2005-05-16</td>
<td>2008-02-01</td>
<td>Convention on Action against Trafficking in Human Beings</td>
<td>Council of Europe Convention #197. Article 39 of this convention states that this convention is meant to enhance the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.” As such, this convention, <em>inter alia</em>, calls for signatories to: criminalize human trafficking-related offences in national law (Article 18, 20, 21); apply appropriate sanctions for human trafficking-related offences (Article 23); and engage in international cooperation to combat and prevent human trafficking-related offences “to the widest extent possible” (Article 32).</td>
<td>BE</td>
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Council of Europe Convention #198. This convention, *inter alia*, calls upon signatories to implement legal measures to ensure that law enforcement authorities are empowered to fight against money laundering and related offences. Chapter IV of this convention calls upon signatories to engage in international cooperation “to the widest extent possible” (Article 15(1)).

BE | NL | DE

297 This convention entered into force in Belgium on 2009-08-01.
298 This convention entered into force in The Netherlands on 2010-08-01.
299 Germany signed this convention on 2005-11-17, but has yet to ratify it.
300 This convention entered into force in Belgium on 2010-01-01.
301 This convention entered into force in The Netherlands on 2008-12-01.
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<td></td>
<td></td>
<td><strong>Convention between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, The French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria Concerning the Intensification of Cross-Border Cooperation, Particularly in the Fight Against Terrorism, Cross-Border Crime and Illegal Migration</strong></td>
<td>Also known as “Prüm Convention” and/or “Schengen III.” Prompted by the Madrid terrorist attacks in 2004, this convention is focused on the intensification of international cooperation, especially with respect to information exchange (Article 1). Among other things, this convention calls for each signatory to: establish a national DNA data bank (Article 2); allow other contracting parties to search their DNA data banks, fingerprint data banks, and vehicle registration data banks (Articles 3, 9, 12); and share personal data to prevent terrorist acts (Article 16). This convention also allows competent authorities of the contracting parties to: decide “whether to deploy air marshals on aircraft” (Article 17); establish joint patrols/operations according to the rules/laws of the host state (Article 24); send police officers across the border in urgent cases to prevent danger (Article 25(1)), but “[t]he officers crossing the border must notify the host state without delay” (Article 25(2)); provide mutual assistance/information sharing/coordination/human resource and equipment-sharing with respect to major incidents and crowd control (Article 26); wear their uniforms and carry their weapons cross-border (Article 28). Chapter 7 of this convention speaks to the issue of data protection.</td>
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<td></td>
<td><strong>Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 Establishing a Community Code on the Rules Governing the Movement of Persons Across Borders (Schengen Borders Code)</strong></td>
<td>This regulation speaks to border control checks at both the internal and external borders of the EU. Of particular interest here is Article 16 (i.e., cooperation between Member States) and Article 17 (i.e., Joint Control).</td>
<td>✓</td>
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<td></td>
<td>2006-03-15 2006-10-13</td>
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302 Belgium ratified this convention on 2007-05-06.
303 The Netherlands ratified this convention on 2008-05-20.
304 Germany ratified this convention on 2006-11-23.
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<td></td>
<td></td>
<td>Council Framework Decision 2006/960/JHA of 18 December 2006 on Simplifying the Exchange of Information and Intelligence between Law Enforcement Agencies of the Member States of the European Union</td>
<td>Also known as the “Swedish Framework Decision.” This Council Framework Decision offers rules meant to simplify information exchange (Article 1). Interestingly, however, this document does not add much to the international legal framework regulating international police cooperation, except for imposing time limits with respect to the answering of requests for information (Article 4). Most of the other provisions in this document are addressed in other legal agreements.</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>2006-12-18</td>
<td>2006-12-30</td>
<td>Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community</td>
<td>Also known as the “Treaty of Lisbon” and/or the “Reform Treaty.” Among other things, this treaty renamed the “European Community” to “European Union” (Article 1(2)(b)). As such, it ended the EU’s “pillar system” (European Judicial Training Network, 2011:10). One provision in this treaty allows for the establishment of a “European Public Prosecutor’s Office” (p. 66). Also, the entry into force of the Treaty of Lisbon functioned to replace Framework Decisions with Directives (European Judicial Training Network, 2011:14).</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>2008-06-17</td>
<td>2012-01-01</td>
<td>Council Decision 2008/615/JHA of 23 June 2008 on the Stepping up of Cross-Border Cooperation, Particularly in Combating Terrorism and Cross-Border Crime</td>
<td>This Council Decision, inter alia, spoke to rules for information sharing with particular regard to: DNA files (Articles 2, 3, 4, 5); and vehicle registration data (Article 12). This Council Decision also addressed: joint operations (Article 17); and mutual assistance with respect to “mass gatherings, disasters, and serious accidents” (Article 18). Article 35 states: “the relevant provisions of this Decision shall be applied to the corresponding provisions contained in the Prüm Treaty.”</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>2008-06-23</td>
<td>2008-08-26</td>
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305 The English translation is: “The Treaty Revising the Treaty Establishing the Benelux Economic Union.”
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<tr>
<td></td>
<td></td>
<td>Council Decision 2008/616/JHA of 23 June 2008 on the Implementation of Decision 2008/615/JHA on the Stepping Up of Cross-Border Cooperation, Particularly in Combating Terrorism and Cross-Border Crime</td>
<td>As explained by Article 1, “[t]he aim of this Decision is to lay down the necessary administrative and technical provisions for the implementation of Decision 2008/615/JHA.” To this end, the Annex of this document contains very specific technical information to facilitate the sharing of DNA data, fingerprint data, etc.</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>2008-06-23</td>
<td>2008-08-26</td>
<td>Council Framework Decision 2008/675/JHA of 24 July 2008 on Taking Account of Convictions in the Member States of the European Union in the Course of New Criminal Proceedings</td>
<td>As Article 1 states, “[t]he purpose of this Framework Decision is to determine the conditions under which, in the course of criminal proceedings in a Member State against a person, previous convictions handed down against the same person for different facts in other Member States, are taken into account.”</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>2008-07-24</td>
<td>2008-08-15</td>
<td>Council Framework Decision 2008/841/JHA of 24 October 2008 on the Fight Against Organized Crime</td>
<td>This Council Framework Decision, among other things, instructed every member state to criminalize the act of participation in a criminal organization, and to render it punishable with a carceral term of “between two and five years” (Articles 2, 3).</td>
<td>✓ ✓ ✓</td>
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<tr>
<td>2008-11-27</td>
<td>2008-12-05</td>
<td>Council Framework Decision 2008/909/JHA 27 November 2008 on the Application of the Principle of Mutual Recognition to Judgments and Criminal Matters Imposing Custodial Sentences or Measures Involving Deprivation of Liberty for the Purpose of their Enforcement in the European Union</td>
<td>As article 3 of this Council Framework Decision states, “[t]he purpose of this Framework Decision is to establish the rules under which a Member State… is to recognize a judgment and enforce the sentence.” Also of note is Article 15, which speaks to the “transfer of sentenced persons.”</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>2008-12-18</td>
<td>2009-01-19</td>
<td>Council Framework Decision 2008/978/JHA of 18 December 2008 on the European Evidence Warrant for the Purpose of Obtaining Objects, Documents and Data for Use in Proceedings in Criminal Matters</td>
<td>Article 1(1) of this Council Framework Decision states: “[t]he EEW [European Evidence Warrant] shall be a judicial decision issued by a competent authority of a Member State with a view to obtaining objects, documents and data from another Member State for use in proceedings referred to in Article 5. Article 1(2) states: &quot;Member States shall execute any EEW on the basis of the principle of mutual recognition and in accordance with the provisions of this Framework Decision.&quot; The Annex of this document sets out a template for the European Evidence Warrant.</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
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<tr>
<td>N/A</td>
<td>2009-06-10</td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions—Justice, Freedom and Security in Europe Since 2005: An Evaluation of the Hague Programme and Action Plan</td>
<td>The evaluation of The Hague Programme and Action Plan revealed that much progress had been made toward achieving the program’s goals, and that efforts must continue in this regard. This led to the development of the next strategic plan for the EU: The Stockholm Programme (2010–2014).</td>
<td>N/A</td>
</tr>
<tr>
<td>2009-10-23</td>
<td>2009-11-30</td>
<td>Council Framework Decision 2009/829/JHA 23 October 2009 on the Application, between Member States of the European Union, of the Principle of Mutual Recognition to Decisions on Supervision Measures as an Alternative to Provisional Detention</td>
<td>Article 1 of this document explains that: “[t]his Framework Decision lays down rules according to which one Member State recognizes a decision on supervision measures issued in another Member State as an alternative to provisional detention, monitors the supervision measures imposed on a natural person and surrenders the person concerned to the issuing State in case of breach of these measures.”</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>2009-11-16 (not yet in force)</td>
<td></td>
<td>Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities Concerning Euroregional Co-operation Groupings (ECGs)</td>
<td>Council of Europe Convention #206. This protocol further promotes transfrontier cooperation by stating that: “[t]erritorial communities or authorities and other bodies referred to under Article 3, paragraph 1, may set up a transfrontier co-operation body in the form of a ‘Euroregional co-operation grouping’ (ECG) on the territory of the Member States of the Council of Europe, Parties to this protocol, under the conditions provided by it” (Article 1). Although this protocol is not yet in force, it is notable that Belgium, Germany, and The Netherlands have all signed this protocol.</td>
<td>306 307 308</td>
</tr>
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306 Belgium signed this protocol on 2009-11-16, but has yet to ratify it.
307 The Netherlands signed this protocol on 2009-11-16, but has yet to ratify it.
308 Germany signed this protocol on 2009-11-16, but has yet to ratify it.
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<tr>
<td>2009-11-30</td>
<td>2009-12-15</td>
<td>Council Framework Decision</td>
<td>Among other things, this Council Framework Decision: “aims to prevent situations where the same person is subject to parallel criminal proceedings in different Member States in respect of the same facts, which might lead to the final disposal of the proceedings in two or more Member States thereby constituting an infringement of the principle of ‘<em>ne bis in idem</em>’…” (Article 1(2)(a)).</td>
</tr>
<tr>
<td>N/A</td>
<td>2009-12-01</td>
<td>The Stockholm Programme</td>
<td>Of most interest to the present study is section 4.3.1, which speaks to the subject of “more effective European law enforcement cooperation.” In this section of <em>The Stockholm Programme</em>, the European Council sets out specific expectations of the member states with respect to enhancing international law enforcement cooperation. For example, the plan states: “[t]he European Council encourages Member States’ competent authorities to use the investigative tool of Joint Investigation Teams as much as possible in appropriate cases” (Council of the European Union, 2009d:41). This document also states that the European Commission should: “consider developing a Police Cooperation Code which would consolidate existing instruments and, where necessary, amend and simplify them” (Council of the European Union, 2009d:41). Also of significance is the following directive: “[p]ilot projects in cross-border regional cooperation dealing with joint operational activities and/or cross-border risk assessments, such as Joint Police and Customs Centres, should be promoted by the Union, <em>inter alia</em> through financing programs” (Council of the European Union, 2009d:42).</td>
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**Among the Contracting Parties:**

BE  ✓  ✓  ✓
NL  ✓  ✓  ✓
DE  ✓  ✓  ✓
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<tr>
<th>Year Opened for Signature</th>
<th>Year Effective (Entry into Force)</th>
<th>Treaty/Convention/Decision/Act/Agreement</th>
<th>Description/Highlights/Notes</th>
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<tr>
<td>N/A</td>
<td>2010-04-20</td>
<td>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions—Delivering an Area of Freedom, Security and Justice for Europe’s Citizens—Action Plan Implementing the Stockholm Programme</td>
<td>The Action Plan Implementing The Stockholm Programme (2010–2014) builds on both The Tampere Programme and The Hague Programme, and continues to strive to achieve “an area of freedom, security and justice” (European Commission, 2010:6). To this end, the Annex of this document sets out a detailed action plan, complete with a timeline noted next to each action item, to achieve the goals of The Stockholm Programme.</td>
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<tr>
<td>2010-11-10</td>
<td>2012-05-01</td>
<td>Third Additional Protocol to the European Convention on Extradition</td>
<td>Council of Europe Convention #209. This protocol aims “to simplify and accelerate the extradition procedure when the person sought consents to extradition” (Preamble).</td>
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309 The Netherlands signed this convention on 2011-12-20, but has yet to ratify it.

310 Germany signed this convention on 2011-01-31, but has yet to ratify it.
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<th>Year</th>
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<tr>
<td>1993</td>
<td>Hofstede, Twuyver, Kapp, De Vries, Faure, Claus, &amp; Van Der Wel</td>
<td>Coopération Policière Transfrontalière entre La Belgique, L’Allemagne et les Pays-Bas avec une Attention Particulière pour L’Eurépion Meuse–Rhine (Cross-Border Police Cooperation between Belgium, Germany and The Netherlands with Special Attention to the Meuse–Rhine Euregion)</td>
<td>To reveal “the significance of cross-border collaboration” in the Meuse–Rhine Euregion, with special attention to the cultural and organizational aspects of the respective law enforcement agencies (Soeters et al., 1995:1, 3).</td>
<td>The researchers interviewed 36 police officials and police staff members with cross-border policing experience (Hofstede, Twuyver, Kapp, de Vries, Faure, Claus &amp; van der Wel, 1993:6; Soeters et al., 1995:4). The researchers also interviewed and administered questionnaires to 176 operational police officers who had at least one year of experience in cross-border policing (Hofstede et al., 1993:6; Knippenberg, 2004:617; Soeters et al., 1995:4). The sample consisted of an approximately equal number of police officers from each country (Soeters et al., 1995:4). The research team asked the officers about cross-border cooperation in terms of the enterprise’s legal and organizational features, and also about information exchange across borders. Finally, 400 university students from the Euregion’s three countries also completed a questionnaire about cultural differences (Hofstede et al., 1993:6; Soeters et al., 1995:4).</td>
<td>The researchers observed significant differences between Belgium, The Netherlands, and Germany with regard to not only the respective laws and regulations governing the policing processes of information exchange, surveillance, and hot pursuit, but also the respective interpretation and execution of those roles among the three countries (Knippenberg, 2004:617; Twuyver &amp; Soeters, 1995). Police officers also lacked a general understanding about the organization and specific roles of law enforcement agencies and authorities in their neighboring countries (Twuyver &amp; Soeters, 1995). Further complicated cross-border cooperation, the police officers from the three countries differed in behavior due to culture, with the Belgians being the most hierarchically organized, the Dutch being the most prepared to assist, and the Germans being the most formal (Soeters et al., 1995:9; Twuyver &amp; Soeters, 1995). The most common type of cross-border policing activity was the sharing of information, which was then facilitated by the now defunct Liaisonbureau Eupen—a law enforcement institution established in 1989 for police in the Meuse–Rhine Euregion (Twuyver &amp; Soeters, 1995).</td>
<td>The researchers recommended that cross-border police cooperation in the Meuse–Rhine Euregion should be regulated (e.g., legislation), structured (e.g., liaison offices) and encouraged (e.g., joint activities) (Twuyver &amp; Soeters, 1995). Furthermore, the researchers recommended several measures to improve international police cooperation in this Euregion, including “...intercultural training, job-rotation, joint tasks, the appointment of liaison officers, and the installation of liaison institutions...” (Soeters et al., 1995:13).</td>
<td>The authors’ 90-page study was published in French, German, and Dutch in September 1993. In 1995, two summaries of this study were published: (1) an eight-page research note (see Twuyver &amp; Soeters, 1995), and (2) a 14-page journal article (see Soeters et al., 1995).</td>
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<td>1993</td>
<td>Benyon, Turnbull, Willis, Woodward, &amp; Beck</td>
<td>Police Co-operation in Europe: An Investigation</td>
<td>Described and analyzed the developments and issues in European police cooperation up to 1993.</td>
<td>Archival sources and in-person interviews with law enforcement officials including police officers and lawyers (Benyon et al., 1993:9–10).</td>
<td>In the first section of their report, “Europe without Frontiers: The Policing Issues,” the authors contextualized their research by discussing the EU, and the lack of data relating to transnational crime in Europe (Benyon et al., 1993:6). The researchers observed three levels of police cooperation (macro-, meso-, micro-levels), which served as an overarching framework for their study of police cooperation (Benyon et al., 1993:11–13). In the second section of their report, “Police Co-operation in Europe: The Context,” the authors discussed crime, border controls, and immigration. In the third section of their report, “Promoting Police Co-operation in Europe,” the researchers described and analyzed the developments in police cooperation by surveying various structures for police cooperation. In the final section of their report, “European Police Co-operation: Prospects and Proposals,” the researchers proposed that an “European Centre for Research into Crime,” a “European Fraud Squad,” and a “European Police University” be established (Benyon et al., 1993:294–297).</td>
<td>The authors concluded that more research must be conducted to enhance international police cooperation, and reduce the duplication of efforts and confusion that plague the enterprise (Benyon et al., 1993:249, 323, 335).</td>
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<td>Studies of International Police and Judicial Cooperation in Europe and the Meuse-Rhine Euroregion</td>
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<td><strong>Purpose and/or Research Question(s)</strong></td>
<td>This study was an initial legal analysis of the Schengen Agreement of 1990, with a focus on the implications of the Convention on Human Rights.</td>
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<td><strong>Method/Data Analyses</strong></td>
<td>Primarily analyzing legal documents and case studies from the 1990s.</td>
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<td><strong>Findings</strong></td>
<td>The findings highlighted significant differences in legal frameworks and international cooperation, with notable implications for human rights in the region.</td>
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**Note:** Italics added for emphasis.
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<td>4</td>
<td>Brammertz</td>
<td>Grenzueberschreitende Polizeiliche Zusammenarbeit am Beispiel der Euregio Maas-Rhein (Cross-Border Police Cooperation: The Case of the Meuse-Rhine Euregion)</td>
<td>International police cooperation in the Meuse-Rhine Euregion.</td>
<td>Belgian data obtained between 1991 and 1993. Specifically, the data consisted of “…interviews conducted with 18 public officials and police officers, and a questionnaire survey of 57 police officers with at least one year of experience in cross-border law enforcement cooperation” (Brammertz, 1999).</td>
<td>Among other things, the findings of this study revealed that daily cross-border cooperation and information exchange depend largely on personal contacts, and are not significantly influenced by the regulations set at the EU-level (Brammertz, 1999).</td>
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<td>Alain</td>
<td>“Transnational Police Cooperation in Europe and in North America: Revisiting the Traditional Border between Internal and External Security Matters, How Policing is Being Globalized”</td>
<td>Among other things, he set out to explain why international police cooperation has become increasingly complex, and what the consequences of such complexity may be (Alain, 2001: 117).</td>
<td>He conducted interviews with 26 law enforcement officials in Europe in 1997. His interview sample consisted of patrol officers, detectives, senior police commanders and “high-ranking justice bureaucrats” from Belgium, The Netherlands, Luxembourg, and France (Alain, 2001: 119). Discourse analysis was used to examine and compare what the law enforcement officials said.</td>
<td>Upon analysis, different discourses emerged from Dr. Alain’s interviews. First, the high-ranking justice bureaucrats believed that the police have difficulty following the rules that the bureaucrats set for the police, and that the bureaucrats spend a great deal of time educating the police about “…what they can and cannot do” (Alain, 2001:120). In contrast, the senior police commanders unanimously reported that there is “no real problem” with respect to police cooperation (Alain, 2001:120). Finally, the patrol officers and detectives had differing attitudes toward one another (Alain, 2001:121–122).</td>
<td>He concluded that front-line law enforcement officials undermine international police cooperation mechanisms and systems by resisting their use (Alain, 2001:128).</td>
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<td>6</td>
<td>Aromaa, van der Heijden, and Mouherat for the Council of Europe Octopus Programme</td>
<td>Combating Organised Crime: Best Practice Surveys of the Council of Europe</td>
<td>To learn about how law enforcement agencies in Slovenia, Finland, and France engage in cross-border cooperation aimed at combating organized crime at the “grass roots” level (Council of Europe Octopus Programme, 2004:145, 146).</td>
<td>The researchers conducted a literature review, interviews, and surveys were administered to representatives of law enforcement agencies in Slovenia, Finland, and France (Council of Europe Octopus Programme, 2004:146).</td>
<td>The researchers found that the “bottlenecks” in cooperation concerned insufficient legal instruments, the sovereignty of other nations, and inharmonious legislation at the international level (Council of Europe Octopus Programme, 2004:164–165). The best practices in cross-border cooperation: related to information exchange, formal agreements, and informal contacts; fuse cooperation at the inter-agency and cross-border levels; and broaden the mandate of liaison officers (Council of Europe Octopus Programme, 2004:166–168).</td>
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<td>7</td>
<td>Den Boer &amp; Spapens</td>
<td>Investigating Organised Crime in European Border Regions</td>
<td>The main objective of the project was to identify the best practices in international police and judicial cooperation.</td>
<td>The researchers attempted to achieve their objective by forming an international research team to analyze at least one “closed case” of international law enforcement cooperation concerning organized crime in each Euregion (Den Boer &amp; Spapens, 2002:150). One member of the research team examined two “closed cases” to study international law enforcement cooperation aimed at combating organized crime in the Meuse–Rhine Euregion (Spapens, 2002).</td>
<td>The factual details of each criminal offence were revealed while keeping the identities of the offenders anonymous, and the study documented the different law enforcement cooperation tactics used throughout each case, such as surveillance (Spapens, 2002).</td>
<td>Across all the case studies in their edited book, the researchers generally concluded that, among other things, inter-agency trust, personal contacts, and networking are essential to international law enforcement cooperation (see Den Boer &amp; Spapens, 2002:25–28).</td>
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<td>8</td>
<td>Gerspacher</td>
<td><em>International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness (Doctoral Dissertation)</em></td>
<td>To examine the &quot;institutional effectiveness&quot; of Interpol, Europol, and the United Nations Drug Control Program (UNDCP) in facilitating international police cooperation (Gerspacher, 2002:ix, 8).</td>
<td>Archival research and 12 interviews. Adapting a model developed by Haas et al. in 1993 to predict cooperation among international institutions with respect to environmental issues, Gerspacher operationalized &quot;effectiveness&quot; to mean the extent to which the institutions engage in three roles: (1) concern-raising, (2) solving inter-state contracting problems, and (3) capacity-building (Gerspacher, 2002:ix).</td>
<td>By analyzing the variance between the organizational models, Gerspacher found, among other things, that the effectiveness of these institutions in facilitating international police cooperation depends on whether these three roles occur in a certain sequence. Specifically, concern-raising must occur first, followed by inter-state contract problem-solving, which in turn must be followed by capacity-building (Gerspacher, 2002:x).</td>
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<td>9</td>
<td>Knippenberg</td>
<td>“The Maas–Rhine Euroregion: A Laboratory for European Integration?”</td>
<td>A narrative review (i.e., a qualitative meta-analysis) of six studies conducted on cross-border cooperation in the Meuse–Rhine Euregion to date. These studies concerned labour and industry, spatial planning, police cooperation, and socio-cultural integration (Knippenberg, 2004).</td>
<td>Knippenberg concluded that: “although there is political, economic, and cultural cooperation in the region, the region is not at all politically, economically and culturally integrated. The national border as a physical barrier may have been removed, but the economic, social, juridical and cultural barriers are still there. The unification and integration of the citizens living in the region is being impeded by conflicting national systems of law and regulations, by communication and information media focused on national issues, by nationally oriented infrastructure, and especially by strongly different national cultures and identities” (Knippenberg, 2004:608).</td>
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<td>2005</td>
<td>Spapens &amp; Fijnaut</td>
<td>Criminaliteit en Rechtshandhaving in de Euregio Maas-Rijn: Deel 1. De Problem van Transnationale (Georganiseerde) Criminaliteit en de Grensoverschrijdende Politie, Justitiële en Bestuurlijke Samenwerking</td>
<td>(1) What is the nature/scope of cross-border crime in the Meuse–Rhine Euregion?; (2) What are the pretexts for police and judicial cooperation by the three countries in the Euregio?; and (3) What problems are there in police and judicial cooperation in the Euregio, and what are some possible solutions?</td>
<td>The research method for this study included the analysis of publicly available literature, closed cases, and interviews with key officials in the Euregio (Spapens &amp; Fijnaut, 2005:15).</td>
<td>The authors answered their research questions in their book by: discussing police and judicial cooperation in the Euregio; analyzing crime statistics and the nature of crime in the Euregio; and closely examining certain crime types (e.g., organized house burglaries, organized drug trafficking, human trafficking for the purpose of sexual exploitation, human smuggling/illegal immigration, fraud, organized vehicle theft) by way of case studies (see Spapens &amp; Fijnaut, 2005).</td>
<td>The authors concluded that, while many different initiatives have been developed in attempt to combat the crime problems in the Euregio, there is a lack of consensus among the police and justice officials in the Euregio regarding the next steps. Therefore, a working group of police and justice officials from the Euregio should be formed to analyze/evaluate the crime policies in the three countries, both in theory and in practice (Spapens &amp; Fijnaut, 2005:249-250).</td>
<td>This was the first volume of a four-volume series. The English translation of this title was: Crime and Law Enforcement in the Meuse–Rhine Euregion: Part 1. The Problems of Transnational Organized Crime and Cross-Border Police, Judicial and Administrative Cooperation</td>
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<td>2006</td>
<td>Ryan</td>
<td>Criminal Intelligence in the European Union: Evaluating the Process Efficiencies of Cooperation and Coordination (Doctoral Dissertation)</td>
<td>Among other things: (1) Why is it that intelligence agencies in the EU do not share info as consistently or as often as possible with each other?; (2) Do variables such as a given intelligence agency’s structure, system, or political environment hinder info-sharing?; and (3) How, and in what ways, can info-exchange between agencies be improved? (Ryan, 2006: 70, 78–79).</td>
<td>Ryan conducted interviews with senior justice officials from six European criminal intelligence agencies at different hierarchical levels, namely: (1) the London Metropolitan Police Service in London, United Kingdom (municipal level); (2) the Bayerisches Landeskriminalamt (Bavarian State Criminal Bureau) in Munich, Germany (national level); (3) the Bundeskriminalamt (Federal Criminal Bureau) Joint Counter Terrorism Center in Berlin, Germany (federal level); (4) Europol in The Hague, The Netherlands (transnational level); (5) Eurojust in The Hague, The Netherlands (transnational level); and (6) Interpol in Lyon, France (international level) (Ryan, 2006:72–75).</td>
<td>Ryan explained that the main reason why intelligence agencies in the EU do not share information as consistently or as often as possible with each other is due to the “perception of corruption,” or if law enforcement officials believe that “inadequate” information will be received in return (Ryan, 2006:208, 209). He also suggested that the intelligence agency structure, system, and political environment all play a role in explaining why intelligence agencies do not share information as consistently or as often as possible with each other (Ryan, 2006:210–214).</td>
<td>Among other things, he recommended bi-lateral agreements and continued cooperation to improve information-exchange between law enforcement agencies (Ryan, 2006:215–217).</td>
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<td>2008</td>
<td>Fijnaut &amp; De Ruyver</td>
<td><em>Pour une Maîtrise Commune de la Criminalité Liée à la Droque dans l’Euregio Meuse-Rhin (For a Common Control of Drug-Related Crime in the Meuse–Rhine Euregion)</em></td>
<td>Among other things, the authors “paint” a picture of drug-related crime in the Euregion, by discussing drug use statistics, drug production and drug trafficking routes (see Fijnaut &amp; De Ruyver, 2008:92–91).</td>
<td>Mixed methods.</td>
<td>Significantly, the authors reveal that the problems with respect to drug-related crime, and international cooperation in response to that crime, are more pronounced between Belgium and The Netherlands, and less so with Germany, for various reasons (Fijnaut &amp; De Ruyve; 2008:132).</td>
<td>The authors suggest that the officials should: (1) create a “Euregional Investigation Service” composed of 36 police investigators from the three countries, to essentially create a permanent Joint Investigation Team, featuring a special unit to address drug crime specifically; (2) implement a plan named “Euregio Crime” (EC), which calls for the amalgamation of all Euregional police and judicial services (EPICC, IRC, BES, etc.) under one common roof, to be controlled by the Euregion’s highest-ranking police, justice, and Public Ministry officials; (3) create a “JustPol”</td>
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In the Euregion, to formalize a partnership/network composed of justice and police officials, and enhance the entities facilitating international cooperation in the Euregion; (4) create a “Triangle of Security” in the Euregion, by linking the three main committees facilitating international cooperation in the Euregion—namely the cross-border legal committee (BES), and the cross-border administrative committee (MAHLL), and the cross-border police committee (NeBeDeAgPo)—to discuss policymaking (Fijnaut & De Ruyver, 2008:15, 17, 122, 125, 129, 162-165; see also Spapens, 2010:92).
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<td>Police and Justice Cooperation in Europe and the Meuse-Rhine Euregion</td>
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<td>2008</td>
<td>Spapens</td>
<td>Georganiseerde Misdadig en Strafrechtelijke Samenwerking in de Nederlandse Grensgebieden (Organized Crime and Criminal Cooperation in the Dutch Border Areas)</td>
<td>(1) What is the nature of STOC in the Belgian/Dutch and Dutch/German border areas?; (2) How does criminal cooperation work?; (3) What impact has the law had on international cooperation in the border areas?; (4) What bottom-up initiatives have been implemented to improve international cooperation?; and (5) What were the results? (Spapens, 2008a:300).</td>
<td>To answer the research questions, Spapens addressed the topic of serious transnational organized crime in the Meuse–Rhine Euregion; discussed the legal framework that regulates international police and judicial cooperation; presented crime statistics; discussed different crime types, such as drug-related crime, human trafficking, and fraud; discussed the bottom-up initiatives for international cooperation in the Euregion (e.g., EPICC, EOT, IRC, SES); and identified issues concerning international police and judicial cooperation.</td>
<td>[Indiscernible despite the use of translation software].</td>
<td>He concluded with suggestions on how to improve cooperation, such as: further harmonizing the legal framework; collecting more crime data; conducting more crime analysis to enhance the capacity to reveal similarities between crimes; and creating a permanent joint detection/investigation team to solve the problem of the lack of human resource capacity to investigate cross-border crimes in the Euregion (Spapens, 2008a).</td>
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<td>15</td>
<td>Van Daele, Spapens, &amp; Fijnaut</td>
<td>De Strafrechtelijke Rechtshulpverlening van België, Duitsland en Frankrijk aan Nederland (Mutual Legal Assistance from Belgium, Germany, and France to The Netherlands)</td>
<td>Consisting of four parts, and a total of 17 chapters, this book offers a detailed examination of mutual legal assistance, primarily from a legal perspective.</td>
<td>Legal analysis.</td>
<td>Among other things, this book presents: an analysis of the legal framework regulating mutual legal assistance in the countries of interest; an overview of the police and judicial organizations in Belgium, Germany, and France with regard to the processing of Dutch mutual legal assistance requests; and an analysis of the extent and nature of mutual legal assistance as it relates to the countries of interest (Van Daele, Spapens &amp; Fijnaut, 2008).</td>
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<td>16</td>
<td>Hufnagel</td>
<td>&quot;Harmonisation and Regional Cooperation in Cross-Border Policing: Comparing European and Australian Frameworks&quot; (Research Preview of her Unpublished Doctoral Dissertation)</td>
<td>The primary goal of this research was to identify ways to improve police cooperation problems in Australia and Europe, by conducting evaluative research of the best police practices used in both locales (Hufnagel, 2009:15). A sub-research question was whether law harmonization or regionalization is better for international cooperation (Hufnagel, 2009:2).</td>
<td>Interviews with low-, mid-, and high-ranking police officials, in every Australian state, and in most every member state of the European Union to conduct a comparative analysis of cross-border cooperation strategies between Australia and Europe, respectively. Her study is of interest here because she uses the Meuse–Rhine Euregion to frame her examination of European cooperation (Hufnagel, 2009:3, 16).</td>
<td>Among other things, Hufnagel's preliminary findings showed that &quot;regional cooperation practices&quot; inspire the formalization of those practices through law harmonization (Hufnagel, 2009:16–17). Examples of these are the cooperation practices that eventually became endorsed by the Schengen Agreement (1985) and the Treaty of Prüm (2005) (Hufnagel, 2009:17). This is a very important finding, because it means that developments usually have to occur in a bottom-up manner, in order for them to (eventually) be formally imposed top-down by the EU.</td>
<td>One research recommendation is that a greater effort should be made by practitioners to bring their regional cooperation practices to the attention of policy-makers, by way of networking, research, and the publishing of reports, because otherwise, the policy-makers will remain oblivious to the “cutting edge” developments that could be entrenched into law and imposed top-down on a wider scale (Hufnagel, 2009:17–18).</td>
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<td>17</td>
<td>Van Daele &amp; Vangeebergen</td>
<td>Criminalité et Répression Pénale dans l'Euregio Meuse-Rhine: Partie 2. L'organisation de la Recherche et des Poursuites en Belgique, en Allemagne et aux Pays-Bas, et la Coopération Policier et Judiciaire Internationale dans l'Euregio Meuse-Rhin</td>
<td>This book presents a detailed overview of the criminal justice procedure in Belgium, The Netherlands, and Germany—from a legal perspective—to educate practitioners as to the similarities and differences between the countries with respect to legal procedure, which is in turn meant to enhance international cooperation.</td>
<td>Legal analysis.</td>
<td>Part I of this book consists of Chapters 1 to 4. The first three chapters are dedicated to delineating the details of the Belgian, German, and Dutch criminal justice systems (police and justice) (see Van Daele &amp; Vangeebergen, 2009:3–51). Chapter 4 of this book then offers a comparative analysis with respect to the above, highlighting the points of similarity (e.g., the Belgian and Dutch systems share the &quot;principle of opportunity&quot;) and difference (e.g., the Belgian and German Public Ministries are hierarchical, while the Dutch Public Ministry is relatively flat in structure) (see Van Daele &amp; Vangeebergen, 2009:53–91). Part II (Chapters 5 to 7) presents the preliminary investigation process as it unfolds in Belgium, Germany, and The Netherlands, respectively, while Chapter 8 offers a comparative analysis of the same (see Van Daele &amp; Vangeebergen, 2009:95–158). In the same descriptive and comparative manner, Part III (Chapters 9 to 22) examines each country's legal rules surrounding investigation powers (i.e., interrogation, use of force, arrests/pre-trial detention, body/clothing searches, house/vehicle searches, mail</td>
<td>A general conclusion is offered, which emphasizes that there are similarities and differences between the countries (see Van Daele &amp; Vangeebergen, 2009:953–957).</td>
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<td>interception, computer searches, examination of telecommunications, surveillance, &quot;discrete visual check operations,&quot; informant/source handling, infiltration, and controlled delivery) (see Van Daele &amp; Vargheebergen, 2009:159–701). Part V (Chapters 23 to 25) focuses on the legal rules in the three countries that regulate the exchange of information in the context of international police and judicial cooperation (see Van Daele &amp; Vargheebergen, 2009:705–761). Part V (Chapters 26 to 30) examines the legal rules regulating various types of cross-border interventions (i.e., the presence of the authorities during the execution of letters rogatory; the use of foreign liaison officers; cross-border pursuits; cross-border surveillance, controlled delivery, and infiltration; and Joint Investigation Teams) (see Van Daele &amp; Vargheebergen, 2009:763–895). Part VI (Chapters 31 to 34) of this book focus on the legal rules surrounding the use of evidence obtained abroad, in Belgium, Germany, and The Netherlands, respectively (see Van Daele &amp; Vargheebergen, 2009:897–951).</td>
<td>process of international police and judicial cooperation in the same manner as is done in the present dissertation.</td>
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<td>2010</td>
<td>Spapens</td>
<td>“Police Cooperation in the Dutch Border Areas”</td>
<td>This book chapter focuses on the different crime phenomena in the Meuse–Rhine Euregion.</td>
<td>Case studies.</td>
<td>Spapens discusses each of the Euregional crime types in terms of the organized crime groups that are behind them. First, drug trafficking is a major problem in the Meuse–Rhine Euregion, since the tolerance in The Netherlands toward soft-drugs has led to the establishment of &quot;coffee-shops&quot; that sell a maximum of 5 grams of soft drugs (marijuana/hashish) per customer, who come from France, Belgium, and Germany especially for &quot;drug tourism&quot; (Spapens, 2010:83). There are, of course, many &quot;independent&quot; drug dealers in The Netherlands as well—in addition to the &quot;coffee shops&quot; (Spapens, 2010:83). The phenomenon of &quot;drug tourism&quot; is problematic, not only because an &quot;estimated 10,000 drug tourists visit the Dutch border areas every day,&quot; but also because the &quot;drug tourists&quot; bring the drugs back to their home country, where drug use and possession are strictly prohibited (Spapens, 2010:83). Dutch &quot;coffee shops&quot; and &quot;independent&quot; drug dealers gain their supplies of drugs through domestic production, and also through illegally imported shipments from places such as &quot;South America, Turkey and Morocco&quot; (Spapens, 2010:83, 84).</td>
<td>International cooperation in the Euregion may be improved by establishing: (1) &quot;one or more permanent Joint Investigation Teams&quot; (Fijnaut, 2007 and Spapens, 2008 as cited in Spapens 2010:92); (2) an executive committee composed of senior prosecutors who would set priorities for cross-border investigations (Spapens, 2010:92); and (3) a JustPol that would house the suggested permanent Joint Investigation Team(s), decision-making committee, and well as &quot;EPICC, BES and the [Joint Hit Teams]&quot; (Spapens, 2010:101).</td>
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<td>Second, cross-border stolen vehicle trafficking and organized commercial burglaries are occurring in the Euregion (Spapens, 2010:84-85). Specifically, in the words of Spapens: “Dutch crime groups ‘specialise’ in the theft of commercial vehicles and loads, the theft of private cars or motorcycles and burglary at commercial premises, including ram raids. These crimes are committed primarily in the Dutch–Belgian border areas. In Germany, Dutch crime groups mainly rob banks, jewellery stores and the like. Belgian groups specialise in bank robberies and hold-ups of money transport vehicles in the Dutch as well as in the German parts of the border area. Remarkably, German criminals very rarely seem to be committing predatory crimes across the border” (Spapens, 2010:84–85). Third, several varied crime types are also occurring throughout the Meuse–Rhine Euregion, such as “. . . the production of synthetic drugs and cannabis herb, VAT [Value Added Tax] fraud, swindling schemes, money laundering and fencing stolen goods” (Spapens, 2010:85). These crimes are being committed by proverbial “United Nations”-type gangs (i.e., “integrated” gangs composed of</td>
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<td>more than one nationality—in this case, Dutch and Belgian) (Spapens, 2010:85). In the case of the Meuse–Rhine Euregion, members of these “integrated criminal gangs” reside on both sides of the border, since such an arrangement further facilitates the committal of cross-border crime in the Euregion (Spapens, 2010:85). Finally, some additional crime types are occurring in the Euregion, but these crimes are being committed by itinerant (transient) organized crime groups (Spapens, 2010:85-86). Specifically, as Spapens explained: “[t]he highly mobile and do not limit criminal activities to the Dutch border areas. Eastern European groups mainly originate in Lithuanian and Poland. The Lithuanian groups specialise in vehicle theft, as well as in theft of valuable vehicle parts from parked vehicles, such as airbags. The Polish crime groups are mainly associated with hold ups and organized shoplifting. South-eastern European itinerant groups, mostly originating from Romania, Albania and the former Yugoslavia, usually combine all sorts of predatory crime such as burglary, vehicle theft and shoplifting.</td>
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<td>A specific illegal activity of some of these groups is skimming of debit or credit cards. Other groups buy the information thus obtained, use it to manufacture falsified cards, and then plunder the accounts of the original cardholders” (Spapens, 2010:85–86). Other crime types committed by itinerant organized crime groups include: human trafficking, drug smuggling, and cigarette smuggling (Spapens, 2010:86).</td>
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<td>2010</td>
<td>Van Daele</td>
<td>“Mutual Assistance between Belgium, France, Germany and The Netherlands: A Comparative Analysis of Possibilities and Difficulties”</td>
<td>Essentially, this book chapter presents a very brief English summary of the book written by Van Daele, Spapens, and Fijnaut in 2008 discussed above.</td>
<td>Legal analysis.</td>
<td>This book chapter addressed the following subjects: the “mosaic” of international laws that compose the legal framework regulating mutual legal assistance; the legal assumption that mutual legal assistance shall be provided to the “maximum possible extent”; the circumstances under which mutual legal assistance is obligatory (e.g., when “...the offence[s] underlying the request for assistance [are]... punishable under the law of the requesting country—the “double criminality” principle); search and seizure rules (e.g., MLA requests must be compatible with the national laws of the requested country, and the offence must be an offence in both the requested and requesting countries); the launching and fulfilling of mutual legal assistance requests (generally, this is done in a “direct” person-to-person manner, and according to the requested country’s law—“the locus regi actum rule”); the refusal of mutual legal assistance requests (e.g., if the request would violate a state interest such as public order); and the anticipated evolution of mutual legal assistance in Europe (moving toward mutual recognition, etc.) (Van Daele, 2010:131, 133, 135, 138–141, 143, 153, 157).</td>
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<td>2010</td>
<td>Van Daele, Kooljman, Van Der Vorm, Verbist, &amp; Fijnaut</td>
<td>Criminaliteit en rechtshandhaving in de Euregio Maas-Rijn, Deel 3: De bestuurlijke aanpak van georganiseerde criminaliteit in Nederland en Belgie (Crime and Law Enforcement in the Meuse-Rhine Euregion, Part 3: The Administrative Treatment of Organized Crime in The Netherlands and Belgium)</td>
<td>(1) What is the historical trajectory of the administrative approach to combating criminal organizations in The Netherlands and Belgium?; (2) What actors/institutions have been involved in the administrative approach in The Netherlands and Belgium?; (3) What powers characterize the administrative approach in The Netherlands and Belgium?;</td>
<td>Mixed methods.</td>
<td>With respect to their first research question, the authors explain that the administrative approach to combating organized crime originated in New York to complement the criminal law, and was later similarly adopted by The Netherlands (Van Daele et al., 2010:462). In contrast, although Belgium has entertained the idea, the administrative approach has not yet taken firm hold in Belgium (Van Daele et al., 2010:462). The authors argue that the differential application of the administrative approach between these two countries has an impact on organized crime in the Meuse–Rhine Euregion, since such disparity may encourage those engaged in organized crime to take their businesses to Belgium when their businesses in The Netherlands are either denied permits or stripped of them (Van Daele et al., 2010:463). Since, like the Dutch mayors, Belgian mayors &quot;...also have authority over the local police,&quot; the authors conclude their treatment of the first research question by arguing that Belgium, The Netherlands, and Germany should all adopt a uniform “Euregional Crime Policy” that features the “double strategy” to organized crime in the Meuse–Rhine Euregion (i.e., the criminal</td>
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<td>and (4) what are the legal possibilities (according to national and international law) for exchanging information and engaging in cross-border cooperation, respectively, within the framework of the administrative approach in The Netherlands and Belgium? (Van Daele, Kooijmans, Van Der Vorm, Verbist, &amp; Fijnaut, 2010:3–4, 461).</td>
<td>law approach and the administrative approach (Van Daele et al., 2010:463–464). With respect to their second research question, the authors explain that in The Netherlands, the following institutions/entities are involved in the administrative approach: (1) the Ministry of the Interior and Kingdom Relations; (2) the municipalities; (3) the mayors; (4) the public prosecution service; (5) the police services; as well as (6) the institutions that oversee and enforce tax law, such as &quot;...the Ministry of Finance, the Tax and Customs Administration... the Fiscal Intelligence Department (FIOD) and [the] Economic Surveillance Department (ECD)&quot; (Van Daele et al., 2010:464–465). The authors argue that when Belgium decides to implement the administrative approach, the same comprehensive institutional framework as what is present in The Netherlands should be replicated in Belgium, so as to ensure a uniform treatment of organized crime between the countries (Van Daele et al., 2010:465). With respect to their third research question, the authors explain that several powers characterize the administrative approach in The Netherlands and Belgium, such as:</td>
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<td>(1) business permit application screening (i.e., such screening is mandatory in The Netherlands, but only done “with cause” in Belgium); (2) business permit refusal/withdrawal; (3) business closure/expropriation; and (4) administrative sanctions (e.g., fines) (Van Daele et al., 2010:467–471). Finally, with respect to their last research question, the authors explain that the municipalities must have access to police, judicial, and tax information in order to execute the administrative approach (Van Daele et al., 2010:472). In the cross-border context, the exchange of such information is made possible by virtue of several international legal instruments, including: the Convention Implementing the Schengen Agreement (1990), the Naples II Convention (1997), the Prüm Convention (2005), and the Council Framework Decision 2006/600/JHA (Van Daele et al., 2010:478). To further facilitate the implementation/execution of the administrative approach, the authors argue that police data must be shared with the municipal authorities on a routine basis, as opposed to simply a case-by-case basis (Van Daele et al., 2010:475).</td>
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<td>2010</td>
<td>Bruinsma, Jacobs, Jans, Moors, Spapens, &amp; Fijnaut</td>
<td>Grensoverschrijdend Politiewerk in de Euregio Rijn-Maas-Noord (Cross-Border Policing in the North Meuse-Rhine Euregion)</td>
<td>(1) What is the scope and nature of cross-border crime and law enforcement in the North Meuse-Rhine Euregion? and (2) How can operational cooperation be improved among the stakeholder agencies in the North Meuse-Rhine Euregion? (Bruinsma, Jacobs, Jans, Moors, Spapens, &amp; Fijnaut, 2010:2, 158)</td>
<td>To answer the research questions, the authors discuss: (1) the treaty frameworks that regulate international cooperation; (2) the organization of police and judicial cooperation in Belgium, The Netherlands, and Germany, with regard to the structures that facilitate international cooperation; (3) cross-border crime in the Euregion; (4) cross-border law enforcement; (5) cross-border emergency response; and (3) the overall conclusion.</td>
<td>[Regrettably, this information was difficult to extract from this Dutch text, despite the use of translation software].</td>
<td>The authors conducted this study from April 2009 to April 2010, and the resulting report &quot;dovetails&quot; previous studies on the subject, both in form and content, except this study focuses on the North Meuse-Rhine Euregion (Bruinsma et al., 2010:2).</td>
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Appendix C. Letter to Agencies Requesting Permission

Tamie Helana Fennig, M.A.
Ph.D. Student
School of Criminology
Simon Fraser University
8888 University Drive
Burnaby, BC
V5A 1S6
Canada

25 April 2009

Re: Request for Permission to Conduct Research

Dear Colleague:

Would you like to know how to improve the effectiveness of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion? I am conducting non-sensitive social science research on this subject to complete my Ph.D. in Criminology. Specifically, I am examining how cooperation occurs in practice, what variables affect (facilitate/impede) cooperation, and how cooperation may be made more effective. These issues are of international importance, and yet, have not been previously examined.

I am writing to request your permission to interview [1 to 3] English-speaking justice officials who: (1) are employed by your organization, (2) have been participating in international law enforcement cooperation in the Meuse–Rhine Euregion for at least ten years, and (3) understand the process, challenges, and best practices regarding international law enforcement cooperation. Participation in this study would be voluntary, and will be kept confidential.

Significantly, I am only interested in gathering information about international law enforcement cooperation that can be made public because the results of my study will be public. I am not interested in information that is protected/secret/sensitive, or that could harm ongoing investigations, international relations, or national security. For more information about my research design, please see the attached Executive Summary of my research proposal.

I am available to conduct this field research, at no cost to your organization, in September 2009. An electronic copy of the final report will be given to you upon its completion.

I am confident that you will agree that this proposed research is both timely and important.

Thank you for your time and consideration. I look forward to your response.

Sincerely,

Tamie Helana Fennig
Appendix D. Informed Consent Form

Principal Investigator (hereinafter referred to as “the researcher”): Tamie Helana Fennig, Ph.D. Student, School of Criminology, Simon Fraser University, Burnaby, BC, Canada.


Support: This study is being conducted by the researcher, as a Ph.D. Student in the School of Criminology at Simon Fraser University, under the auspices of Simon Fraser University.

Introduction: You are invited to participate in the researcher’s doctoral research study about international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion.

Research Goals/Objectives: To conduct exploratory, descriptive, and explanatory research into the process of, and the variables that affect, international law enforcement cooperation aimed at addressing serious transnational organized crime in the Meuse–Rhine Euregion.

Research Purposes/Nature of the Conclusions: To extend the knowledge-base in this area, identify the nature of the relationships between the variables that affect cooperation, and determine how international law enforcement cooperation in the Meuse–Rhine Euregion may be improved to increase justice and decrease the opportunity for offenders to commit serious transnational organized crime.

Possible Implications for Individuals and Communities: The findings of this research may help improve international law enforcement cooperation in the Meuse–Rhine Euregion, and may help guide the development of international law enforcement cooperation efforts around the world.

What is Required of Research Participants: Research participants will each participate in a private in-depth personal interview with the researcher that will last for about two hours. A list of interview questions will guide the interview. The interview questions will focus on the process of cooperation, the variables that affect cooperation, and ways to improve cooperation. The researcher is only interested in gathering information about international law enforcement cooperation that can be made public. The researcher will not collect information that is protected/secret/sensitive, or that could harm ongoing investigations, international relations, or national security.

Agency Permission: Your agency has formally authorized your participation in this research study.

Statement of Voluntary Participation: Participation in this study is voluntary.

Rights of Refusal: Participants may refuse to answer any question(s) and/or end the interview ("withdraw") at any time for any reason, without any prejudice or negative consequences, by simply informing the researcher. If you withdraw from the study, your interview data will be immediately destroyed.

Risks: There are no foreseeable risks of this study (e.g., physical stress, physical harm, psychological stress) to research participants, third parties, or society.
**Benefits:** The research findings may help improve international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, and may help guide similar efforts around the world.

**Statement of Anonymity/Confidentiality:** All responses will be kept anonymous, which is guaranteed by the fact that the researcher is not recording the names of the participants on her field notes. Unlimited confidentiality is assured; under no circumstance will the researcher disclose or publicize any information that may personally identify any research participant, or breach confidentiality. If you allow the researcher to use a digital voice recorder to record the interview for the purpose of producing a typed transcript to facilitate data analysis, the digital voice recording will be erased immediately after the researcher finishes listening to it for the purpose of transcription.

**Security of Data:** The data will be maintained securely in a locked and private facility. Only the researcher will have access to the data. The data will be destroyed, by way of an electric shredding device, seven years after the interview.

**Funding:** This research is being funded privately by the researcher.

**Contact Information:**

<table>
<thead>
<tr>
<th>Principal Investigator</th>
<th>Senior Supervisor</th>
<th>Director, School of Criminology</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tamie Helana Fennig</td>
<td>Dr. Curt Griffiths</td>
<td>Dr. Robert Gordon</td>
</tr>
<tr>
<td>Ph.D. Candidate</td>
<td>Professor</td>
<td>Director</td>
</tr>
<tr>
<td>School of Criminology</td>
<td>School of Criminology</td>
<td>School of Criminology</td>
</tr>
<tr>
<td>Simon Fraser University</td>
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<tr>
<td>8888 University Drive</td>
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<td>8888 University Drive</td>
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<tr>
<td>Burnaby, BC, Canada</td>
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<tr>
<td>V5A 1S6</td>
<td>V5A 1S6</td>
<td>V5A 1S6</td>
</tr>
</tbody>
</table>

**Concerns or Complaints:** Any concerns or complaints about this research study may be directed to:

Dr. Hal Weinberg, Director
Office of Research Ethics
Simon Fraser University
8888 University Drive
Burnaby, BC, Canada
V5A 1S6

**Future Contact:** The information collected for this study may be used in future studies that may be similar and may require future contact with you. You may indicate whether you consent to future contact below.

**Final Report:** The results of this study will be incorporated into the researcher’s doctoral dissertation, which will be publicly available through Simon Fraser University’s library. If you wish to obtain a copy of the final report, please e-mail the researcher.

**Research Participant Consent:** By signing below, you indicate that you understand the nature of this research study, and that you agree to participate voluntarily.

Name of the Research Participant *(Please print)*: ___________________________________________
Signature of the Research Participant: ___________________________________________________
Place and Date: ____________________________________________________________

*Do you agree to future contact? (If yes, please initial; if no, please leave blank)*

Signature of the Researcher: __________________________________________
Appendix E. Interview Schedule for Police Detectives

International Law Enforcement Cooperation Aimed at Combating Serious Transnational Organized Crime: Intense Efforts in the Meuse–Rhine Euregion

Background Information

a.) Country of Law Enforcement Official: Belgium / The Netherlands / Germany
b.) Official: Police Detective
c.) Gender: Male / Female
d.) Agency: ________________________________
e.) Years of Experience in Career: ______________
f.) Years of Experience in International Law Enforcement Cooperation: __________

The Status quo

1.) Please briefly describe the status quo with respect to international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine overall? (e.g., hopeful/hopeless, positive/negative, effective/ineffective, efficient/inefficient, difficult/easy, etc.)
(For example, we can say that the world economy is “not good” or “recovering.”)

The Process of International Law Enforcement Cooperation in Operation/Practice

2.) How does the process of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice? Please describe the process in practice, from start to finish (i.e., What do law enforcement officials actually do?) (e.g., Is the case handled by a specialized unit? How is communication established and maintained with outside agencies? How are suspects identified and evidence gathered? How are requests for mutual legal assistance handled?)

The Variables that Influence the Process of International Law Enforcement Cooperation

3.) Trust is a very important variable in international law enforcement cooperation. How do you and your colleagues build trust among each other?

a.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how would you rate the amount of trust you have in your international partners in the Meuse–Rhine Euregion?

4.) What variables affect (facilitate/impede) international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, and how?
a.) Organizational Structure?
b.) Organizational policies?
c.) Organizational culture?
d.) Values/attitudes/beliefs?
e.) Politics?
f.) Power/authority/management/supervision?
g.) Leadership/vision/planning/decision-making?
h.) Strategies/Incentives?
i.) Goals?
j.) Priority Setting?
k.) Measures/Resources?
l.) Groups/Teams?
m.) Diversity?
n.) Networks/Personal Contacts?
o.) Personalities?
p.) Motives?
q.) Level of commitment to organization?
r.) Accountability and control?
s.) Recruitment and training?
t.) Negotiation/conflict
u.) Other factors?

Critical Challenges

5.) What are the most critical challenges (macro-, meso-, and micro-levels) that police services still face when it comes to international law enforcement cooperation to address serious transnational organized crime in practice, in Europe in general, and in the Meuse–Rhine Euregion in particular?

The Effectiveness of the Current Regime of International Law Enforcement Cooperation

6.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how efficient (process) would you say is the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?

7.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how effective would you say is the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?

8.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how satisfied are you overall with respect to the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?
Improving International Law Enforcement Cooperation

9.) How may international law enforcement cooperation be improved with respect to:
   a.) Organizational Structure?
   b.) Organizational policies?
   c.) Organizational culture?
   d.) Values/attitudes/beliefs?
   e.) Politics?
   f.) Power/authority/management/supervision?
   g.) Leadership/vision/planning/decision-making?
   h.) Strategies/Incentives?
   i.) Goals?
   j.) Priority Setting?
   k.) Measures/Resources?
   l.) Groups/Teams?
   m.) Diversity?
   n.) Networks/Personal Contacts?
   o.) Personalities?
   p.) Motives?
   q.) Level of commitment to organization?
   r.) Accountability and control?
   s.) Recruitment and training?
   t.) Negotiation/conflict
   u.) Other factors?

Improvement/Change

   v.) Organizational-level resistance to change?
   w.) Individual-level resistance to change?
   x.) Other factors?

10.) If you were “king/queen for a day,” what would you do to improve international police and judicial cooperation in the Meuse–Rhine Euregion? (i.e., What is your vision for international cooperation?)

11.) Is there anything else that you would like to add?

   Thank you very much for participating in this research study.
Appendix F. Interview Schedule for Police Commanders

International Law Enforcement Cooperation Aimed at Combating Serious Transnational Organized Crime: Intense Efforts in the Meuse–Rhine Euregion

Background Information

a.) Country of Law Enforcement Official: Belgium / Netherlands / Germany
b.) Official: Police Commander
c.) Gender: Male / Female
d.) Agency: ________________________________
e.) Years of Experience in Career: ______________
f.) Years of Experience in International Law Enforcement Cooperation: ___________

The Status quo

1.) Please briefly describe the status quo with respect to international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine overall? (e.g., hopeful/hopeless, positive/negative, effective/ineffective, efficient/inefficient, difficult/easy, etc.)
(For example, we can say that the world economy is “not good” or “recovering.”)

The Process of International Law Enforcement Cooperation in Operation/Practice

2.) How does the process of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice? Please describe the process in practice, from start to finish (i.e., What do law enforcement officials actually do?) (e.g., Is the case handled by a specialized unit? How is communication established and maintained with outside agencies? How are suspects identified and evidence gathered? How are requests for mutual legal assistance handled?)

The Variables that Influence the Process of International Law Enforcement Cooperation

3.) Trust is a very important variable in international law enforcement cooperation. How do you and your colleagues build trust among each other?

   a.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how would you rate the amount of trust you have in your international partners in the Meuse–Rhine Euregion?

4.) What variables affect (facilitate/impede) international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, and how?
a.) Organizational Structure?
b.) Organizational policies?
c.) Organizational culture?
d.) Values/attitudes/beliefs?
e.) Politics?
f.) Power/authority/management/supervision?
g.) Leadership/vision/planning/decision-making?
h.) Strategies/Incentives?
i.) Goals?
j.) Priority Setting?
k.) Measures/Resources?
l.) Groups/Teams?
m.) Diversity?
n.) Networks/Personal Contacts?
o.) Personalities?
p.) Motives?
q.) Level of commitment to organization?
r.) Accountability and control?
s.) Recruitment and training?
t.) Negotiation/conflict
u.) Other factors?

Critical Challenges

5.) What are the most critical challenges (macro-, meso-, and micro-levels) that police services still face when it comes to international law enforcement cooperation to address serious transnational organized crime in practice, in Europe in general, and in the Meuse–Rhine Euregion in particular?

The Effectiveness of the Current Regime of International Law Enforcement Cooperation

6.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how efficient (process) would you say is the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?

7.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how effective would you say is the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?

8.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how satisfied are you overall with respect to the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?
Improving International Law Enforcement Cooperation

9.) How may international law enforcement cooperation be improved with respect to:
   a.) Organizational Structure?
   b.) Organizational policies?
   c.) Organizational culture?
   d.) Values/attitudes/beliefs?
   e.) Politics?
   f.) Power/authority/management/supervision?
   g.) Leadership/decision-making?
   h.) Strategies/Incentives?
   i.) Goals?
   j.) Priority Setting?
   k.) Measures/Resources?
   l.) Groups/Teams?
   m.) Diversity?
   n.) Networks/Personal Contacts?
   o.) Personalities?
   p.) Motives?
   q.) Level of commitment to organization?
   r.) Accountability and control?
   s.) Recruitment and training?
   t.) Negotiation/conflict
   u.) Other factors?

Improvement/Change

v.) Organizational-level resistance to change?
w.) Individual-level resistance to change?
x.) Other factors?

10.) If you were “king/queen for a day,” what would you do to improve international police and judicial cooperation in the Meuse–Rhine Euregion?  (i.e., What is your vision for international cooperation?)

11.) Is there anything else that you would like to add?

Thank you very much for participating in this research study.
Appendix G. Interview Schedule for Prosecutors

International Law Enforcement Cooperation Aimed at Combating Serious Transnational Organized Crime: Intense Efforts in the Meuse–Rhine Euregion

Background Information

a.) Country of Law Enforcement Official: Belgium / Netherlands / Germany
b.) Official: Prosecutor
c.) Gender: Male / Female
d.) Agency: ________________________________
e.) Years of Experience in Career: ______________
f.) Years of Experience in International Law Enforcement Cooperation: ____________

The Status quo

1.) Please briefly describe the status quo with respect to international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine overall? (e.g., hopeful/hopeless, positive/negative, effective/ineffective, efficient/inefficient, difficult/easy, etc.)
(For example, we can say that the world economy is “not good” or “recovering.”)

The Process of International Law Enforcement Cooperation in Operation/Practice

2.) How does the process of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice? Please describe the process in practice, from start to finish (i.e., What do law enforcement officials actually do?) (e.g., Is the case handled by a specialized unit? How is communication established and maintained with outside agencies? How are suspects identified and evidence gathered? How are requests for mutual legal assistance handled?)

The Variables that Influence the Process of International Law Enforcement Cooperation

3.) Trust is a very important variable in international law enforcement cooperation. How do you and your colleagues build trust among each other?

   a.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how would you rate the amount of trust you have in your international partners in the Meuse–Rhine Euregion?

4.) What variables affect (facilitate/impede) international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, and how?
a.) Organizational Structure?
b.) Organizational policies?
c.) Organizational culture?
d.) Values/attitudes/beliefs?
e.) Politics?
f.) Power/authority/management/supervision?
g.) Leadership/vision/planning/decision-making?
h.) Strategies/Incentives?
i.) Goals?
j.) Priority Setting?
k.) Measures/Resources?
l.) Groups/Teams?
m.) Diversity?
n.) Networks/Personal Contacts?
o.) Personalities?
p.) Motives?
q.) Level of commitment to organization?
r.) Accountability and control?
s.) Recruitment and training?
t.) Negotiation/conflict
u.) Other factors?

Critical Challenges

5.) What are the most critical challenges (macro-, meso-, and micro-levels) that prosecution services still face when it comes to international law enforcement cooperation to address serious transnational organized crime in practice, in Europe in general, and in the Meuse–Rhine Euregion in particular?

The Effectiveness of the Current Regime of International Law Enforcement Cooperation

6.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how efficient (process) would you say is the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?

7.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how effective would you say is the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?

8.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how satisfied are you overall with respect to the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?
Improving International Law Enforcement Cooperation

9.) How may international law enforcement cooperation be improved with respect to:
   a.) Organizational Structure?
   b.) Organizational policies?
   c.) Organizational culture?
   d.) Values/attitudes-beliefs?
   e.) Politics?
   f.) Power/authority-management/supervision?
   g.) Leadership/vision/planning/decision-making?
   h.) Strategies/Incentives?
   i.) Goals?
   j.) Priority Setting?
   k.) Measures/Resources?
   l.) Groups/Teams?
   m.) Diversity?
   n.) Networks/Personal Contacts?
   o.) Personalities?
   p.) Motives?
   q.) Level of commitment to organization?
   r.) Accountability and control?
   s.) Recruitment and training?
   t.) Negotiation/conflict
   u.) Other factors?

Improvement/Change

   v.) Organizational-level resistance to change?
   w.) Individual-level resistance to change?
   x.) Other factors?

10.) If you were “king/queen for a day,” what would you do to improve international police and judicial cooperation in the Meuse–Rhine Euregion? (i.e., What is your vision for international cooperation?)

11.) Is there anything else that you would like to add?

   Thank you very much for participating in this research study.
Appendix H. Interview Schedule for Examining Magistrates

International Law Enforcement Cooperation Aimed at Combating Serious Transnational Organized Crime: Intense Efforts in the Meuse–Rhine Euregion

Background Information

a.) Country of Law Enforcement Official: Belgium / Netherlands / Germany
b.) Official: Examining Magistrate
c.) Gender: Male / Female
d.) Agency: ______________________________
e.) Years of Experience in Career: ______________
f.) Years of Experience in International Law Enforcement Cooperation: ______________

The Status quo

1.) Please briefly describe the status quo with respect to international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine overall? (e.g., hopeful/hopeless, positive/negative, etc.)
(For example, we can say that the world economy is “not good” or “recovering.”)

The Process of International Law Enforcement Cooperation in Operation/Practice

2.) How does the process of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion operate in practice? Please describe the process in practice, from start to finish (i.e., What do law enforcement officials actually do?) (e.g., Is the case handled by a specialized unit? How is communication established and maintained with outside agencies? How are suspects identified and evidence gathered? How are requests for mutual legal assistance handled?)

The Variables that Influence the Process of International Law Enforcement Cooperation

3.) Trust is a very important variable in international law enforcement cooperation. How do you and your colleagues build trust among each other?

   a.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how would you rate the amount of trust you have in your international partners in the Meuse–Rhine Euregion?

4.) What variables affect (facilitate/impede) international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion, and how?
a.) Organizational Structure?
b.) Organizational policies?
c.) Organizational culture?
d.) Values/attitudes/beliefs?
e.) Politics?
f.) Power/authority/management/supervision?
g.) Leadership/vision/planning/decision-making?
h.) Strategies/Incentives?
i.) Goals?
j.) Priority Setting?
k.) Measures/Resources?
l.) Groups/Teams?
m.) Diversity?
n.) Networks/Personal Contacts?
o.) Personalities?
p.) Motives?
q.) Level of commitment to organization?
r.) Accountability and control?
s.) Recruitment and training?
t.) Negotiation/conflict
u.) Other factors?

Critical Challenges

5.) What are the most critical challenges (macro-, meso-, and micro-levels) that judicial services still face when it comes to international law enforcement cooperation to address serious transnational organized crime in practice, in Europe in general, and in the Meuse–Rhine Euregion in particular?

The Effectiveness of the Current Regime of International Law Enforcement Cooperation

6.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how efficient (process) would you say is the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?

7.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how effective would you say is the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?

8.) On a scale of 0 to 10 (0 being the lowest and 10 being the highest), how satisfied are you overall with respect to the current regime of international law enforcement cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion?
Improving International Law Enforcement Cooperation

9.) How may international law enforcement cooperation be improved with respect to:
   
   a.) Organizational Structure?
   b.) Organizational policies?
   c.) Organizational culture?
   d.) Values/attitudes/beliefs?
   e.) Politics?
   f.) Power/authority/management/supervision?
   g.) Leadership/visibility/planning/decision-making?
   h.) Strategies/Incentives?
   i.) Goals?
   j.) Priority Setting?
   k.) Measures/Resources?
   l.) Groups/Teams?
   m.) Diversity?
   n.) Networks/Personal Contacts?
   o.) Personalities?
   p.) Motives?
   q.) Level of commitment to organization?
   r.) Accountability and control?
   s.) Recruitment and training?
   t.) Negotiation/conflict
   u.) Other factors?

Improvement/Change

   v.) Organizational-level resistance to change?
   w.) Individual-level resistance to change?
   x.) Other factors?

10.) If you were “king/queen for a day,” what would you do to improve international police and judicial cooperation in the Meuse–Rhine Euregion? (i.e., What is your vision for international cooperation?)

11.) Is there anything else that you would like to add?

   Thank you very much for participating in this research study.
Appendix I. Tabular Summary of the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion (Chapter 8 “Score Card”)

<table>
<thead>
<tr>
<th>Influence</th>
<th>Micro / Individual-level Variables (Deductive)</th>
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<tbody>
<tr>
<td>+/-</td>
<td>Culture</td>
</tr>
<tr>
<td>+</td>
<td>All One Culture</td>
</tr>
<tr>
<td>+</td>
<td>A Decreasing Culture Gap</td>
</tr>
<tr>
<td>-</td>
<td>Different Cultures</td>
</tr>
<tr>
<td>+</td>
<td>Beliefs (i.e., “International cooperation is necessary”)</td>
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<tr>
<td>+</td>
<td>Values (i.e., for justice)</td>
</tr>
<tr>
<td>+</td>
<td>Attitudes (i.e., positive attitudes)</td>
</tr>
<tr>
<td>+</td>
<td>Fun/Passion/Enjoyment</td>
</tr>
<tr>
<td>+</td>
<td>Goodwill</td>
</tr>
<tr>
<td>+</td>
<td>Optimism: Looking for Solutions</td>
</tr>
<tr>
<td>+</td>
<td>“There are no problems with attitude”</td>
</tr>
<tr>
<td>+/-</td>
<td>Personalities</td>
</tr>
<tr>
<td>+</td>
<td>Humorous and Fun-Loving Personalities</td>
</tr>
<tr>
<td>+</td>
<td>Passionate Personalities</td>
</tr>
<tr>
<td>+</td>
<td>Supportive Personalities</td>
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<td>Fearful / Timid Personality</td>
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<tr>
<td>-</td>
<td>Unhelpful / Disengaged / Indifferent Personalities</td>
</tr>
<tr>
<td>-</td>
<td>Problematic / Obstructionist Personalities</td>
</tr>
<tr>
<td>+/-</td>
<td>Perceptions (i.e., perceptual ambiguity)</td>
</tr>
<tr>
<td>+</td>
<td>“Half-full”</td>
</tr>
<tr>
<td>-</td>
<td>“Half-empty”</td>
</tr>
<tr>
<td>+/-</td>
<td>Motives and Motivation</td>
</tr>
<tr>
<td>+</td>
<td>“To make society a safer place”</td>
</tr>
<tr>
<td>+</td>
<td>The Need for Information—“Give and Take”</td>
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<td>+</td>
<td>The Love of the Work—New, Challenging, Different Work</td>
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<td>-</td>
<td>The Extrinsic Desire for Pay</td>
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<td>+</td>
<td>Training</td>
</tr>
<tr>
<td>+/-</td>
<td>Police Training for International Cooperation</td>
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<td>-</td>
<td>No Common Training/Expertise Centre</td>
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<tr>
<td>+</td>
<td>One-Day Courses</td>
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<tr>
<td>+</td>
<td>Advertising EPICC as a Tool</td>
</tr>
<tr>
<td>+</td>
<td>Tactical Training</td>
</tr>
<tr>
<td>+</td>
<td>Sharing Best Practices in the NeBeDeAgPol Working Groups</td>
</tr>
</tbody>
</table>
+/- Special Tools: The CD-ROM Glossary and the Vademecum

+ "Most of us learn by doing"

+ Prosecutor Training for International Cooperation

+ Self-Education, Networks, Seminars, and Intranet Sites

+ Annual Training Co-Hosted by the BES and a Dutch Law Professor

### Influence Micro / Individual-level Variables (Inductive)

- Management Asks for Volunteers

### Knowledge/Expertise

+ Knowledge about What Can Be Expected from Different Countries

+ Knowledge of the Organizational Structures in Different Countries

+ Knowledge of the Organizational Systems in Different Countries

+ Knowledge of the Resources Available for International Cooperation

- Knowing Each Other

- Lack of Knowledge Regarding the Possibilities for International Cooperation

### Experience

- Quick Execution

- Slow Execution

### Speed / Time

### Specialists

### Influence Micro / Interpersonal / Group-level Variables (Deductive)

### Trust

+ How Trust is Built Among Cross-Border Colleagues

- How Trust Decreases and/or Gets Broken

### Interorganizational Politics

- National Sovereignty: Power and Control

- The Chain of Command: The Exclusion of Stakeholders Outside the Meuse–Rhine Euregion Proper

+ "No, we don’t have many issues like that"

### Leadership

### Management

### Power

### Authority

### Decision-Making

### Creativity

### Strategic Planning

### Goals

### Teams

### Language

- Different Languages Impede Communication

+ Common Languages Facilitate Communication

### Communication

+ Constant Dialog
### Information Sharing

- Information Management
- Police Radios
- Stress
- Negotiation, Bargaining, and Compromise

### Micro / Interpersonal / Group-level Variables (Inductive)

<table>
<thead>
<tr>
<th>Influence</th>
<th>Personal Contacts / Networks</th>
</tr>
</thead>
<tbody>
<tr>
<td>+</td>
<td>Contacting Highly “Connected” Police and Justice Officials</td>
</tr>
<tr>
<td>+</td>
<td>Network Building</td>
</tr>
<tr>
<td>-</td>
<td>The Lack of Personal Contacts</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Influence</th>
<th>Cooperative Games</th>
</tr>
</thead>
<tbody>
<tr>
<td>+/-</td>
<td>“Tit for Tat”</td>
</tr>
<tr>
<td>+</td>
<td>“Tit for Tat”—Positive</td>
</tr>
<tr>
<td>-</td>
<td>“Tit for Tat”—Negative</td>
</tr>
<tr>
<td>+</td>
<td>“Tit for Tat” Does Not Always Happen</td>
</tr>
<tr>
<td>+</td>
<td>The “Golden Rule”: Always Treat Others the Way You Want to be Treated</td>
</tr>
<tr>
<td>+</td>
<td>The Game of “Give and Take”</td>
</tr>
<tr>
<td>+</td>
<td>The Game of Chess: Thinking Many Steps in Advance</td>
</tr>
</tbody>
</table>

### Organizational-level Variables (Deductive)

<table>
<thead>
<tr>
<th>Influence</th>
<th>Organizational Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>Police Organizational Structures</td>
</tr>
<tr>
<td>-</td>
<td>Prosecutorial Organizational Structures</td>
</tr>
<tr>
<td>+</td>
<td>Judicial Organizational Structures</td>
</tr>
<tr>
<td>+</td>
<td>Organizational Designs (i.e., multinational)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Influence</th>
<th>Organizational Culture</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>Culture Clashes between Belgium, The Netherlands, and Germany</td>
</tr>
<tr>
<td>+</td>
<td>Overcoming Differences in Organizational Cultures</td>
</tr>
<tr>
<td>+</td>
<td>“We have the same culture”</td>
</tr>
</tbody>
</table>

### Organizational-level Variables (Inductive)

<table>
<thead>
<tr>
<th>Influence</th>
<th>Proximity</th>
</tr>
</thead>
<tbody>
<tr>
<td>+/-</td>
<td>Geographic Proximity between Countries and Cities in the Meuse–Rhine Euregion</td>
</tr>
<tr>
<td>+</td>
<td>Close Proximity</td>
</tr>
<tr>
<td>-</td>
<td>Large Distance</td>
</tr>
<tr>
<td>+/-</td>
<td>Spatial Proximity between Officials Working Together</td>
</tr>
<tr>
<td>+</td>
<td>Close Proximity</td>
</tr>
<tr>
<td>-</td>
<td>Large Distance</td>
</tr>
<tr>
<td>+/-</td>
<td>Working Relationship Proximity between Officials</td>
</tr>
<tr>
<td>+</td>
<td>Close Proximity</td>
</tr>
<tr>
<td>-</td>
<td>Large Distance</td>
</tr>
<tr>
<td>-</td>
<td>Criminal Justice System Differences</td>
</tr>
<tr>
<td>-</td>
<td>Different National Laws in the Three Countries</td>
</tr>
<tr>
<td>+/-</td>
<td>The Legal Framework</td>
</tr>
<tr>
<td></td>
<td>“The treaties make cooperation possible”</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>-</td>
<td>“There are too many laws and regulations” (<em>i.e.</em>, creates confusion)</td>
</tr>
<tr>
<td>-</td>
<td>Various Shortcomings/Gaps in the International Legal Framework</td>
</tr>
<tr>
<td>+/-</td>
<td><strong>Resources: Money and Manpower</strong></td>
</tr>
<tr>
<td>-</td>
<td>The Netherlands</td>
</tr>
<tr>
<td>+</td>
<td>Belgium</td>
</tr>
<tr>
<td>+</td>
<td>Germany</td>
</tr>
<tr>
<td>+/-</td>
<td><strong>Crime-Fighting Policies / Priorities</strong></td>
</tr>
<tr>
<td>-</td>
<td>Different Crime-Fighting Policies/Priorities</td>
</tr>
<tr>
<td>+</td>
<td>Finding Common Ground: Setting Priorities Together</td>
</tr>
<tr>
<td>+/-</td>
<td><strong>Accountability and Control</strong></td>
</tr>
</tbody>
</table>

*Source: Qualitative data for the present study.*
### Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion

#### Current Scenario:

<table>
<thead>
<tr>
<th>Current Influence</th>
<th>Micro / Individual Level Variables (Deductive)</th>
<th>Target Influence</th>
<th>Micro / Individual Level Variables (Deductive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>+/-</td>
<td>Culture</td>
<td>+</td>
<td>Culture</td>
</tr>
<tr>
<td>+</td>
<td>All One Culture</td>
<td>+</td>
<td>All One Culture</td>
</tr>
<tr>
<td>+</td>
<td>A Decreasing Culture Gap</td>
<td>+</td>
<td>A Decreasing Culture Gap</td>
</tr>
<tr>
<td>-</td>
<td>Different Cultures</td>
<td>+</td>
<td>Police and justice officials who believe that there are differences between the cultures should not be involved in international police and judicial cooperation, because this perception is hindering cooperation.</td>
</tr>
</tbody>
</table>

| +                 | Beliefs *(i.e., “International cooperation is necessary”)* | +                | Beliefs *(i.e., “International cooperation is necessary”)* |
| +                 | Values *(i.e., for justice)*                       | +                | Values *(i.e., for justice)*                    |
| +                 | Attitudes *(i.e., positive attitudes)*             | +                | Attitudes *(i.e., positive attitudes)*          |
| +                 | Fun/Passion/Enjoyment                             | +                | Fun/Passion/Enjoyment                          |
| +                 | Goodwill                                        | +                | Goodwill                                       |
| +                 | Optimism: Looking for Solutions                   | +                | Optimism: Looking for Solutions                |
| +                 | “There are no problems with attitude”              | +                | “There are no problems with attitude”           |
| +/-               | Personalities                                   | +                | Personalities                                 |
| +                 | Humorous and Fun-Loving Personalities             | +                | Humorous and Fun-Loving Personalities          |
| +                 | Passionate Personalities                         | +                | Passionate Personalities                       |
| +                 | Supportive Personalities                         | +                | Supportive Personalities                       |

#### Target Scenario:

Controlled Variables and their Values
### Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion

<table>
<thead>
<tr>
<th>Current Scenario: Uncontrolled Influential Variables and their Values</th>
<th>Target Scenario: Controlled Variables and their Values</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>+</strong> Courteous and Respectful Personalities</td>
<td><strong>+</strong> Courteous and Respectful Personalities</td>
</tr>
<tr>
<td><strong>+</strong> Open-Minded Personalities</td>
<td><strong>+</strong> Open-Minded Personalities</td>
</tr>
<tr>
<td><strong>-</strong> Fearful / Timid Personality</td>
<td><strong>+</strong> Police and justice officials with a fearful/timid personality (especially due to a lack of confidence regarding their language skills) should not be involved in international police and judicial cooperation, because this personality type is hindering cooperation.</td>
</tr>
<tr>
<td><strong>-</strong> Unhelpful / Disengaged / Indifferent Personalities</td>
<td><strong>+</strong> Police and justice officials with an unhelpful, disengaged, or indifferent personality should not be involved in international police and judicial cooperation, because this personality type can hinder cooperation.</td>
</tr>
<tr>
<td><strong>-</strong> Problematic / Obstructionist Personalities</td>
<td><strong>+</strong> Police and justice officials with a problematic or obstructionist personality should not be involved in international police and judicial cooperation, because this personality type is hindering cooperation.</td>
</tr>
<tr>
<td><strong>+/-</strong> Perceptions (<em>i.e.</em>, perceptual ambiguity)</td>
<td><strong>+</strong> Perceptions (<em>i.e.</em>, perceptual ambiguity)</td>
</tr>
<tr>
<td><strong>+</strong> “Half-full”</td>
<td><strong>+</strong> “Half-full”</td>
</tr>
<tr>
<td><strong>-</strong> “Half-empty”</td>
<td><strong>+</strong> Police and justice officials with negative perceptions (<em>i.e.</em>, who view the proverbial glass as “half-empty”) should not be involved in international police and judicial cooperation, because this perception is hindering cooperation.</td>
</tr>
<tr>
<td>Current Scenario: Uncontrolled Influential Variables and their Values</td>
<td>Target Scenario: Controlled Variables and their Values</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Motives and Motivation</td>
</tr>
<tr>
<td></td>
<td>The Need for Information—“Give and Take”</td>
</tr>
<tr>
<td></td>
<td>The Love of the Work—New, Challenging, Different Work</td>
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### Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion

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<th>Target Scenario: Controlled Variables and their Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>+</td>
<td><strong>Prosecutor Training for International Cooperation</strong></td>
</tr>
<tr>
<td>+</td>
<td><strong>Self-Education, Networks, Seminars, and Intranet Sites</strong></td>
</tr>
<tr>
<td>+</td>
<td><strong>Annual Training Co-Hosted by the BES and a Dutch Law Professor</strong></td>
</tr>
<tr>
<td><strong>Current Influence</strong></td>
<td><strong>Micro / Individual Level Variables (Inductive)</strong></td>
</tr>
<tr>
<td>+</td>
<td><strong>Recruitment</strong></td>
</tr>
<tr>
<td>+</td>
<td><strong>Management Asks for Volunteers</strong></td>
</tr>
<tr>
<td>+/−</td>
<td><strong>Knowledge/Expertise</strong></td>
</tr>
<tr>
<td>+</td>
<td><strong>Knowledge about What Can Be Expected from Different Countries</strong></td>
</tr>
<tr>
<td>+</td>
<td><strong>Knowledge of the Organizational Structures in Different Countries</strong></td>
</tr>
<tr>
<td>+</td>
<td><strong>Knowledge of the Organizational Systems in Different Countries</strong></td>
</tr>
<tr>
<td>+</td>
<td><strong>Knowledge of the Resources Available for International Cooperation</strong></td>
</tr>
<tr>
<td>+</td>
<td><strong>Knowing Each Other</strong></td>
</tr>
<tr>
<td>-</td>
<td><strong>Lack of Knowledge Regarding the Possibilities for International Cooperation</strong></td>
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### Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion

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<th>Current Scenario: Uncontrolled Influential Variables and their Values</th>
<th>Target Scenario: Controlled Variables and their Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Experience</td>
<td>+ Experience</td>
</tr>
<tr>
<td>+/- Speed / Time</td>
<td>+ Speed / Time</td>
</tr>
<tr>
<td>+ Quick Execution</td>
<td>+ Quick Execution</td>
</tr>
<tr>
<td>- Slow Execution</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
</tbody>
</table>

The process of cooperation should be recognized as a specialist's job. As such, only specialists who possess the target attributes in this table should be involved in international police and judicial cooperation, so that they may use the “fast tracks” in the process of cooperation.

- A structure should be established for international police and judicial cooperation, which would allow the specialists to work together side-by-side, so as to control the influential variables and thereby improve both effectiveness and efficiency.

- Every country should dedicate three teams of police officers especially for international police and judicial cooperation, to help ensure that there is enough manpower for such investigations when needed.

- If the traditional mutual legal assistance process must be engaged, then “wide-asking” letters rogatory should be used.

- When sending a request for mutual legal assistance to Belgium in particular, senders should ensure that the request is translated into the appropriate language for the intended district. This is especially courteous/time-saving for addressees who are based in the Province of Liège.
### Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion

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<tr>
<td>+/-</td>
<td>Micro / Interpersonal / Group Level Variables (Deductive)</td>
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</tr>
<tr>
<td>+</td>
<td>Trust</td>
<td>Trust</td>
</tr>
<tr>
<td>+</td>
<td>How Trust is Built Among Cross-Border Colleagues</td>
<td>How Trust is Built Among Cross-Border Colleagues</td>
</tr>
<tr>
<td>-</td>
<td>How Trust Decreases and/or Gets Broken</td>
<td>+</td>
</tr>
<tr>
<td>+/-</td>
<td>Interorganizational Politics</td>
<td>Interorganizational Politics</td>
</tr>
<tr>
<td>-</td>
<td>National Sovereignty: Power and Control</td>
<td>+</td>
</tr>
<tr>
<td>-</td>
<td>The Chain of Command: The Exclusion of Stakeholders Based Outside the Meuse–Rhine Euregion Proper</td>
<td>+</td>
</tr>
</tbody>
</table>

- **Working with the same trustworthy/reliable specialists every time will help to increase trust.**
- **The legal framework *obligates* the signatories to participate in international police and judicial cooperation by directing that the relevant international laws shall be transposed into their respective national laws to make international cooperation possible. Therefore, generally speaking, the argument of “national sovereignty” cannot be cited as an excuse not to cooperate. The data suggest that such an excuse hints at an underlying power-struggle between the three countries.**
- **Stakeholders based outside the Meuse–Rhine Euregion should be included in international police and judicial cooperation in the Euregion since it is the *mandate* of those organizations to be involved in cases concerning serious transnational organized crime. Moreover, the specialists employed by those organizations could help improve cooperation, by virtue of the specialist knowledge and dedicated resources. For Belgium, the main stakeholder based outside the Meuse–Rhine Euregion is the Federal Prosecutor’s Office (based in Brussels), and for Germany, the main stakeholder is the BKA.**
<table>
<thead>
<tr>
<th>Current Scenario: Uncontrolled Influential Variables and their Values</th>
<th>Target Scenario: Controlled Variables and their Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Leadership</td>
<td>+ Leadership</td>
</tr>
<tr>
<td>+ Management</td>
<td>+ Management</td>
</tr>
<tr>
<td>+ Power</td>
<td>+ Power</td>
</tr>
<tr>
<td>+ Authority</td>
<td>+ Authority</td>
</tr>
<tr>
<td>+/- Decision-Making</td>
<td>+ Decision-Making</td>
</tr>
<tr>
<td>+ Creativity</td>
<td>+ Creativity</td>
</tr>
<tr>
<td>+ Strategic Planning</td>
<td>+ Strategic Planning</td>
</tr>
<tr>
<td>+ Goals</td>
<td>+ Goals</td>
</tr>
<tr>
<td>+ Teams</td>
<td>+ Teams</td>
</tr>
<tr>
<td>+/- Language</td>
<td>+ Language</td>
</tr>
<tr>
<td>+ Common Languages Facilitate Communication</td>
<td>+ Common Languages Facilitate Communication</td>
</tr>
<tr>
<td>- Different Languages Impede Communication, and Cause Power Imbalances in International Cooperation</td>
<td>+ The police and justice officials from the three countries should speak English at all Euregional meetings, since English is the widely spoken/understood common language in the Euregion, and more importantly, it is a neutral language that cannot be used to gain power/control by one country over another.</td>
</tr>
<tr>
<td>+/- Communication</td>
<td>+ Communication</td>
</tr>
<tr>
<td>+ Constant Dialog</td>
<td>+ Constant Dialog</td>
</tr>
<tr>
<td>+/- Information Sharing</td>
<td>+ The quality and speed of information sharing can be enhanced by offering training to improve decision-making and communication.</td>
</tr>
</tbody>
</table>
## Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion

<table>
<thead>
<tr>
<th>Current Scenario: Uncontrolled Influential Variables and their Values</th>
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<tbody>
<tr>
<td>+</td>
<td>+ Information Management</td>
</tr>
<tr>
<td>+/-</td>
<td>+ Police Radios</td>
</tr>
<tr>
<td>+/-</td>
<td>+ Stress</td>
</tr>
<tr>
<td>+/-</td>
<td>+ Conflict</td>
</tr>
<tr>
<td>+</td>
<td>+ Negotiation, Bargaining, and Compromise</td>
</tr>
</tbody>
</table>

- The three countries should endeavor to make their radio systems interoperable, as opposed to simply establishing roaming capacity.

- The effects of stress can be decreased by ensuring that only suitable volunteers are involved in international police and judicial cooperation, and moreover, that dedicated manpower is available to assist with cases.

- With respect to the process of international police and judicial cooperation, the variables of language, communication, and culture have contributed to some minor conflicts between the police and justice officials. Therefore, it should be recognized that specialists who are multilingual, and who have cultural sensitivity/appreciation (i.e., who view the different cultures as “all one culture”) are best-suited for involvement in international cooperation, so as to prevent the onset of any conflicts.

- With respect to advancing the enterprise of international police and judicial cooperation, the underlying power struggles between the three countries should be addressed. All efforts toward advancing international police and judicial cooperation should be done in a completely fair/equal way for all three countries in order to attain further progress in this regard.
## Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion

<table>
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<tr>
<th>Current Influence</th>
<th>Current Scenario: Uncontrolled Influential Variables and their Values</th>
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<tr>
<td>+/−</td>
<td>Personal Contacts / Networks</td>
<td></td>
<td>Personal Contacts / Networks</td>
</tr>
<tr>
<td>+</td>
<td>Contacting Highly &quot;Connected&quot; Police and Justice Officials</td>
<td>+</td>
<td>Contacting Highly &quot;Connected&quot; Police and Justice Officials</td>
</tr>
<tr>
<td>+</td>
<td>Network Building</td>
<td></td>
<td>Network Building</td>
</tr>
<tr>
<td>−</td>
<td>The Lack of Personal Contacts</td>
<td>+</td>
<td>Police and justice officials involved in international cooperation should be specialists with an already large network of personal contacts. If not, efforts should be made by those involved to increase their networks of contacts, and/or to ensure that they are in contact with highly “connected” people who have large networks of contacts.</td>
</tr>
<tr>
<td>+/−</td>
<td>Cooperative Games</td>
<td>+</td>
<td>Cooperative Games</td>
</tr>
<tr>
<td>+/−</td>
<td>“Tit for Tat”—Positive</td>
<td>+</td>
<td>“Tit for Tat”—Positive</td>
</tr>
<tr>
<td>+</td>
<td>“Tit for Tat”—Negative</td>
<td></td>
<td>Police and justice officials involved in international cooperation should not play this uncooperative game with their colleagues. This game has no rewards. Only helpful personalities should be involved in international police and judicial cooperation.</td>
</tr>
<tr>
<td>−</td>
<td>“Tit for Tat”—Negative</td>
<td>+</td>
<td>“Tit for Tat”—Positive</td>
</tr>
</tbody>
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### Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion

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<th>Target Scenario: Controlled Variables and their Values</th>
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<tbody>
<tr>
<td>+</td>
<td>The “Golden Rule”: Always Treat Others the Way You Want to be Treated</td>
</tr>
<tr>
<td>+</td>
<td>The Game of “Give and Take”</td>
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<tr>
<td>+</td>
<td>The Game of Chess: Thinking Many Steps in Advance</td>
</tr>
<tr>
<td>Current Influence</td>
<td>Organizational Level Variables (Deductive)</td>
</tr>
<tr>
<td>+/-</td>
<td>Organizational Structure</td>
</tr>
<tr>
<td>-</td>
<td>Police Organizational Structures</td>
</tr>
<tr>
<td>-</td>
<td>Prosecutorial Organizational Structures</td>
</tr>
<tr>
<td>-</td>
<td>- The different prosecutorial structures hinder cooperation, considering the lengthy process of classical mutual legal assistance that is often engaged. As well, the long chains of command extending upward from the prosecutorial offices make the establishment of a JIT inconvenient. Since the JIT process appears to be superior to the traditional MLA process (i.e., with less hindering variables), the laws should be reformed to situate the approval process for a JIT with the local prosecutorial offices (or in Belgium, the Federal Prosecutor’s Office), as opposed to the respective Ministers of Justice in the three countries.</td>
</tr>
</tbody>
</table>
### Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse-Rhine Euregion

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<td><strong>+</strong></td>
<td>Judicial Organizational Structures</td>
</tr>
<tr>
<td><strong>+</strong></td>
<td>Organizational Designs (<em>i.e.</em>, multinational)</td>
</tr>
<tr>
<td><strong>+/−</strong></td>
<td>Organizational Culture</td>
</tr>
</tbody>
</table>
| **−** | Culture Clashes between Belgium, The Netherlands, and Germany | + | • Consideration should be given to involving people who:  
  ○ have cultural sensitivity and/or believe that there is only “one culture” in the Euregion;  
  ○ have a willingness to cooperate;  
  ○ are open-minded; and  
  ○ are willing to engage in discussions. |
| **+** | Overcoming Differences in Organizational Cultures | + | Overcoming Differences in Organizational Cultures |
| **+** | “We have the same culture” | + | “We have the same culture” |

<table>
<thead>
<tr>
<th>Current Influence</th>
<th>Organizational Level Variables (Inductive)</th>
<th>Target Influence</th>
<th>Organizational Level Variables (Inductive)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>+/−</strong></td>
<td>Proximity</td>
<td>+</td>
<td>Proximity</td>
</tr>
<tr>
<td><strong>+/−</strong></td>
<td>Geographic Proximity between Countries and Cities in the Meuse–Rhine Euregion</td>
<td>+</td>
<td>Geographic Proximity between Countries and Cities in the Meuse–Rhine Euregion</td>
</tr>
<tr>
<td><strong>+</strong></td>
<td>Close Proximity</td>
<td>+</td>
<td>Close Proximity</td>
</tr>
<tr>
<td><strong>−</strong></td>
<td>Large Distance</td>
<td>+</td>
<td>• Consideration should be given to involving the key stakeholders that are based outside of the Meuse-Rhine Euregion because it is their mandate to address cases of serious transnational organized crime. Representatives from these organizations should be invited to attend Euregional meetings.</td>
</tr>
<tr>
<td><strong>+/−</strong></td>
<td>Spatial Proximity between Officials Working Together</td>
<td>+</td>
<td>Spatial Proximity between Officials Working Together</td>
</tr>
<tr>
<td>Current Scenario: Uncontrolled Influential Variables and their Values</td>
<td>Target Scenario: Controlled Variables and their Values</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Close Proximity</td>
<td>+ Close Proximity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Large Distance</td>
<td>+ The police and justice officials should be working in close spatial proximity (<em>i.e.</em>, side-by-side) to one another when involved in international cooperation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+/− Working Relationship Proximity between Officials</td>
<td>+ Working Relationship Proximity between Officials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Close Proximity</td>
<td>+ Close Proximity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Large Distance</td>
<td>+ The police and justice officials should establish close working relationship proximity (<em>i.e.</em>, professional friendships) to one another when involved in international cooperation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Criminal Justice System Differences</td>
<td>+ Law Harmonization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Different National Laws in the Three Countries</td>
<td>+ Law Harmonization</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The substantive and procedural laws upon which each national criminal justice system is based should be harmonized to the greatest extent possible (as per below).</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Ideally, the Council of the European Union should implement a <em>European Criminal Code</em> to achieve uniformity in law across Europe that would facilitate international cooperation.</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>• Failing the above, the police and justice officials should list the shortcomings/gaps in their respective national legal frameworks, and then approach the appropriate authorities to obtain new national or international legislation designed to address the shortcomings and fill the gaps.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Current Scenario: Uncontrolled Influential Variables and their Values</td>
<td>Target Scenario: Controlled Variables and their Values</td>
<td></td>
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<tr>
<td>----------------</td>
<td>---------------------------------------------------------------------</td>
<td>-------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>+/-</td>
<td>The International Legal Framework</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>+</td>
<td>“The treaties make cooperation possible”</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“There are too many laws and regulations” (i.e., creates confusion)</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>Various Shortcomings/Gaps in the International Legal Framework</td>
<td>+</td>
<td></td>
</tr>
</tbody>
</table>

**Law Simplification**
- Ideally, the Council of the European Union should draft a new European police and judicial cooperation agreement that contains all of the current laws on the subject, and excludes all of the laws that have become outdated, for the sake of simplicity and ease of reference.
- Failing the above, three lawyers (one from each country) should work collaboratively to clear the confusion about the laws and regulations by writing a comparative summary document that extends the exploratory overview of the international legal framework presented in Chapter 2 above.
- Finally, as stated above under the variable of “training,” the Vademecum should be expanded both vertically (i.e., to include more questions/answers) and horizontally (i.e., to include the Dutch and German perspectives as well).
- The police and justice officials should identify/list the shortcomings/gaps in the international legal framework, and then approach the appropriate authorities to obtain new international legislation designed to address the shortcomings and fill the gaps.
- The three countries should ensure that they have ratified all international legal agreements/treaties/conventions concerning international police and judicial cooperation.
# Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion

<table>
<thead>
<tr>
<th>Current Scenario: Uncontrolled Influential Variables and their Values</th>
<th>Target Scenario: Controlled Variables and their Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>+/−</td>
<td>Resources: Money and Manpower</td>
</tr>
<tr>
<td>−</td>
<td>The Netherlands</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>+</td>
<td>Belgium</td>
</tr>
<tr>
<td>+</td>
<td>Germany</td>
</tr>
<tr>
<td>+/−</td>
<td>Crime-Fighting Policies / Priorities</td>
</tr>
<tr>
<td>+</td>
<td>Finding Common Ground: Setting Priorities Together</td>
</tr>
<tr>
<td>−</td>
<td>Different Crime-Fighting Policies/Priorities</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Summary of How to Improve the Variables that Influence International Police and Judicial Cooperation in the Meuse–Rhine Euregion

<table>
<thead>
<tr>
<th>Current Scenario: Uncontrolled Influential Variables and their Values</th>
<th>Target Scenario: Controlled Variables and their Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>+/- Accountability and Control</td>
<td>+</td>
</tr>
</tbody>
</table>

As aforementioned:
- The Dutch model of accountability and control is hindering international police and judicial cooperation. The Dutch should dedicate manpower specifically for international cooperation that should be exempt from both the “weigh commission” process and “target agreements,” in order to receive better cooperation from Belgium and Germany.
- The Hague should recognize the efforts of the police in South Limburg toward international police and judicial cooperation. Accordingly, the “target agreements” for the South Limburg police should not be based strictly on arrests, but should also take into account efforts toward international police and judicial cooperation (i.e., the fulfillment of MLA requests).
<table>
<thead>
<tr>
<th>#</th>
<th>Research Question #1 Main Findings</th>
<th>So what?</th>
<th>Why?</th>
<th>RPEs?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The evolution of international police and judicial cooperation in the Meuse–Rhine Euregion is a</td>
<td>• <strong>Confirms</strong> the literature (see Spapers, 2010;</td>
<td>• Different perceptions</td>
<td>• Pride in certain developments, which makes</td>
</tr>
<tr>
<td></td>
<td>“long story,” as evidenced by an extensive legal framework and the establishment of a number of</td>
<td>Van Daele &amp; Vanheebergan, 2009; Van Daele 2010).</td>
<td>(i.e., due to different</td>
<td>some more likely to report them as significant</td>
</tr>
<tr>
<td></td>
<td>structures/institutions designed to help regulate and facilitate the enterprise.</td>
<td>• <strong>Extends</strong> the literature</td>
<td>levels of knowledge,</td>
<td>puzzle pieces.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>experience, and involvement)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(see Luthans, 1985:166–</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>167).</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>There were widely varying perceptions among the interviewees regarding the status quo of</td>
<td>• <strong>Extends</strong> the literature</td>
<td>• Different perceptions</td>
<td>• Different personal standards as to what they</td>
</tr>
<tr>
<td></td>
<td>international police and judicial cooperation in the Meuse–Rhine Euregion, ranging from</td>
<td></td>
<td>(see Milton, 1981:22,</td>
<td>find to be acceptable (see Robbins, 2003:75).</td>
</tr>
<tr>
<td></td>
<td>“Very advanced” to “Not satisfactory.”</td>
<td></td>
<td>46; More et al., 2006:99;</td>
<td>• The degree of sincerity toward truly wanting</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(see also subsection</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>10.4.1.2.2 of Chapter 10</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>In sum, most of the interviewees responded to Research Question #3 by stating either that:</td>
<td>• <strong>Confirms</strong> the literature (in general) (</td>
<td>• Perhaps it represents</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>(1) “Huge improvements have been made in the area of international police and judicial</td>
<td>see Chapters 2 and 3 above)</td>
<td>the objective truth of the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>cooperation in the Meuse–Rhine Euregion,” or (2) “The status quo is good, but there is room</td>
<td></td>
<td>matter, since this main</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for improvement and we must keep improving.”</td>
<td></td>
<td>finding is wholly</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>consistent with the</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>literature and the legal</td>
<td></td>
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<td></td>
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<td></td>
<td>framework analysis</td>
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<td></td>
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<td></td>
<td>(see Chapters 2 and 3</td>
<td></td>
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<td></td>
<td></td>
<td>above).</td>
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</tr>
<tr>
<td>#</td>
<td>Research Question #2</td>
<td>Main Findings</td>
<td>So what?</td>
<td>Why?</td>
</tr>
<tr>
<td>---</td>
<td>----------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 1 |                       | The process of international police and judicial cooperation in the Meuse–Rhine Euregion proceeds in a sequential step-by-step manner, with one or more variables influencing each step. | • Extends the literature | • Criminal cases must be prosecuted in accordance with a set procedure, which explains the steps.  
• The cooperation process is a micro-level inter-organizational process, which explains the variables. |       |
| 2 |                       | The most common choice for operational execution in international police and judicial cooperation in the Meuse–Rhine Euregion is the “long/hard way” of mutual legal assistance, which is also the most problem-prone, difficult, and time-consuming option. | • Extends the literature | • Perceptions regarding treaty interpretation.  
• Personalities who demand the long/hard way of MLA. | • Non-urgent case  
• No trust  
• Language barriers  
• No personal contacts  
• Lack of knowledge  
• No creative thinking  
• Complacency  
• Lack of risk-taking |
| 3 |                       | The “Masters in Cooperation” reported using the “fast tracks” in international cooperation, which are open to them at key points in the cooperation process. | • Extends the literature | • Knowledge/experience/expertise. | • Urgent case  
• Trust  
• Common language  
• Personal Contacts  
• Creative thinking  
• Treaty interpretation  
• Risk-taking |
<table>
<thead>
<tr>
<th>#</th>
<th>Research Question #3</th>
<th>Main Findings</th>
<th>So what?</th>
<th>Why?</th>
<th>RPEs?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Many variables at the individual-, interpersonal-, and organizational-levels influence the process of international police and judicial cooperation in the Meuse–Rhine Euregion.</td>
<td>• <strong>Confirms</strong> the literature (Aromaa et al., 2001; Bain, 2004:138; Benyon, 1997:120; Brammertz, 1999; Dandurand et al., 2007:288; Das &amp; Kratcoski, 1999:225–227; Den Boer &amp; Spapens, 2002; Hufnagel, 2009:2; Kumar, 1998:156, 157; More et al., 2006:372–375, 385; Roth, 2005:240; Tak, 2000:343; Thibault, Lynch &amp; McBride, 2007:475; Vermeulen et al., 2005:11; Williams, 2001:58). See Appendix L for the exact ways in which the present study confirms the literature. • <strong>Extends</strong> the literature</td>
<td>The Organizational Behavior approach facilitated the identification of the multiple variables that influence the process of cooperation.</td>
<td>• The knowledge/experience of the interviewees may explain why they were able to identify these variables and the steps in cooperation.</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Research Question #3 Main Findings</td>
<td>So what?</td>
<td>Why?</td>
<td>RPEs?</td>
<td></td>
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</tr>
<tr>
<td>2</td>
<td>The points of convergence between the three countries help to facilitate international police and judicial cooperation, whereas the points of divergence function to complicate/impede international police and judicial cooperation.</td>
<td><em>Confirms</em> the literature (Aromaa <em>et al.</em>, 2001; Bain, 2004:138; Benyon, 1997:120; Brammertz, 1999; Dandurand <em>et al.</em>, 2007:288; Das &amp; Kratoski, 1999:225–227; Den Boer &amp; Spapens, 2002; Hufnagel, 2009:2; Kumar, 1998:156, 157; More <em>et al.</em>, 2006:372–375, 385; Roth, 2005:240; Tak, 2000:343; Thibault, Lynch &amp; McBride, 2007:47; Vermeulen <em>et al.</em>, 2005:11; Williams, 2001:58). See Appendix M.</td>
<td><em>Naturally, similarities will make cooperation easier, whereas differences will make cooperation more difficult, because cooperation depends on being able to find areas of overlap/commonality.</em></td>
<td><em>Motives. The points of divergence may intentionally be used by some people to halt cooperation if they do not want to cooperate. This may explain why the hindering variables appear and pose problems in the process of international police and judicial cooperation.</em></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>The hindering variables have the capacity to complicate and stop international police and judicial cooperation, <em>even despite legal obligations for the signatory countries to cooperate!</em></td>
<td><em>Extends</em> the literature</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td><em>Most of the influential variables are located at the <em>individual</em> level (see Appendix L: 30/39 (77%) of variables are at the individual level; similarly, Appendix N: 13/16 = 81%).</em></td>
<td></td>
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<td></td>
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<td></td>
<td><em>Organizational level variables (e.g., a lack of police capacity, different priorities) also complicate and stop the process of cooperation (see Appendix N).</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Research Question #4 Main Findings</td>
<td>So what?</td>
<td>Why?</td>
<td>RPEs?</td>
<td></td>
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</tbody>
</table>
• *Extends* the literature

*Huge implication: the process of international police and judicial cooperation in the Meuse–Rhine Euregion can be improved by recognizing international cooperation as a specialty job, and accordingly allocating such work to the qualified specialists, to control the influential micro-level variables.* | • Most of the influential variables are located at the *individual* level (see Appendix L, which shows that 30/39 (77%) of all variables are at the individual level; similarly, Appendix N shows that 13/16 (81%) of the critical stoppage points (variables or steps) in the cooperation process can be categorized at the individual level). | — | — |
<table>
<thead>
<tr>
<th>#</th>
<th>Research Question #4 Main Findings</th>
<th>So what?</th>
<th>Why?</th>
<th>RPEs?</th>
</tr>
</thead>
</table>
| 2 | With respect to discussions on advancing international cooperation, remarkably, the data revealed that some of the Belgian and German police and justice officials engage in the psychological game of “Yes, but…” with their Dutch counterparts to halt the advancement of international police and judicial cooperation in the Meuse–Rhine Euregion. | • Extends the literature  
*Huge implication:* the tri-national power struggle can be surmounted by designing and implementing an equal/fair structure for international police and judicial cooperation going forward. | • Currently, there is an unequal/unfair division of power (and a resulting power-struggle) between the three countries in the Euregion with respect to the governance/ownership structure of international police and judicial cooperation in the Euregion. | • Perhaps the “Yes, but…” response is not a psychological game, but rather the honest truth, as they perceive it. Nevertheless, this response is preventing advancement.  
• Perhaps it is the Belgian and German naysayers who should change, more than the Dutch (*i.e.*, the Belgian and German naysayers should stop playing psychological games, and simply comply with the Dutch-centric requests/plans for advancing international cooperation). |
## Appendix L. Tabular Summary of the Ways the Present Study Confirms/Extends the Literature with Respect to the Variables that Influence International Police and Judicial Cooperation

<table>
<thead>
<tr>
<th>Influence</th>
<th>Micro / Individual-level Variables (Deductive)</th>
<th>The Literature Confirmed by the Present Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>+/-</td>
<td>Culture</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>All One Culture</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>A Decreasing Culture Gap</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Beliefs <em>(i.e., “International cooperation is necessary”)</em></td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Values <em>(i.e., for justice)</em></td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Attitudes <em>(i.e., positive attitudes)</em></td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Fun/Passion/Enjoyment</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Goodwill</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Optimism: Looking for Solutions</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>“There are no problems with attitude”</td>
<td>-</td>
</tr>
<tr>
<td>+/-</td>
<td><strong>Personalities</strong></td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Humorous and Fun-Loving Personalities</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Passionate Personalities</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Supportive Personalities</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Courteous and Respectful Personalities</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Open-Minded Personalities</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>Fearful / Timid Personality</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>Unhelpful / Disengaged / Indifferent Personalities</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>Problematic / Obstructionist Personalities</td>
<td>-</td>
</tr>
<tr>
<td>+/-</td>
<td><strong>Perceptions (i.e., perceptual ambiguity)</strong></td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>“Half-full”</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>“Half-empty”</td>
<td>-</td>
</tr>
<tr>
<td>+/-</td>
<td><strong>Motives and Motivation</strong></td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>“To make society a safer place”</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>The Need for Information—“Give and Take”</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>The Love of the Work—New, Challenging, Different Work</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>The Extrinsic Desire for Pay</td>
<td>-</td>
</tr>
<tr>
<td>The Present Study’s Findings in Response to RQ#3</td>
<td>The Literature Confirmed by the Present Study</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>+</td>
<td>Training</td>
<td>-</td>
</tr>
<tr>
<td>+/-</td>
<td>Police Training for International Cooperation</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>No Common Training/Expertise Centre</td>
<td>(see Das &amp; Kratcoski, 1999:225–227; see also Kumar, 1998:156, 157).</td>
</tr>
<tr>
<td>+</td>
<td>One-Day Courses</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Advertising EPICC as a Tool</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Tactical Training</td>
<td>-</td>
</tr>
<tr>
<td>+</td>
<td>Sharing Best Practices in the NeBeDeAgPo Working Groups</td>
<td>-</td>
</tr>
<tr>
<td>+/-</td>
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<td>Close Proximity</td>
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<td>Working Relationship Proximity between Officials</td>
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<td>(Dandurand et al., 2007:288; Das &amp; Kratcoski, 1999:225–227; Hufnagel, 2009:2)</td>
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<td>Different National Laws in the Three Countries</td>
<td>(Das &amp; Kratcoski, 1999:225–227; Vermeulen et al., 2005:11)</td>
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</tbody>
</table>
The Present Study’s Findings in Response to RQ#3 | The Literature Confirmed by the Present Study
---|---
+/− | The Legal Framework | -
+ | “The treaties make cooperation possible” | -
− | “There are too many laws and regulations” (i.e., creates confusion) | -
− | Various Shortcomings/Gaps in the International Legal Framework | (Vermeulen et al., 2005:11)
+/− | Resources: Money and Manpower | -
− | The Netherlands | -
+ | Belgium | -
+ | Germany | -
+/− | Crime-Fighting Policies / Priorities | -
− | Different Crime-Fighting Policies/Priorities | (Dandurand et al., 2007:288)
+ | Finding Common Ground: Setting Priorities Together | -
+/− | Accountability and Control | -

Sources: Qualitative data and literature cited in the present study.
Appendix M. Tabular Summary of the Ways the Present Study Confirms/Extends the Literature with Respect to the Convergent/Divergent Variables that Respectively Facilitate/Impede International Police and Judicial Cooperation

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<td>+ All One Culture</td>
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<td>+ A Decreasing Culture Gap</td>
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<td><strong>DIVERGENT</strong></td>
<td>- Different Cultures</td>
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<tr>
<td></td>
<td>+ Beliefs (i.e., “International cooperation is necessary”)</td>
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<tr>
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<td>+ Values (i.e., for justice)</td>
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<td></td>
<td>+ Attitudes (i.e., positive attitudes)</td>
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<td></td>
<td>+ Fun/Passion/Enjoyment</td>
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<td>+ Goodwill</td>
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<td>+ Optimism: Looking for Solutions</td>
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<td>+ “There are no problems with attitude”</td>
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<td>+/- Personalities</td>
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<td>+ Humorous and Fun-Loving Personalities</td>
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<td>+ Passionate Personalities</td>
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<td>+ Supportive Personalities</td>
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<td>+ Courteous and Respectful Personalities</td>
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<td>+ Open-Minded Personalities</td>
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<td>- Fearful / Timid Personality</td>
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<td>- Unhelpful / Disengaged / Indifferent Personalities</td>
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<td>- Problematic / Obstructionist Personalities</td>
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<td>+/- Perceptions (i.e., perceptual ambiguity)</td>
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<td>+ “Half-full”</td>
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<td>- “Half-empty”</td>
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<tr>
<td>+/- Motives and Motivation</td>
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<tr>
<td>+ “To make society a safer place”</td>
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<td>+ The Need for Information—“Give and Take”</td>
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<tr>
<td>+ The Love of the Work—New, Challenging, Different Work</td>
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<td>- The Extrinsic Desire for Pay</td>
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<td>+ Training</td>
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<td>+/- Police Training for International Cooperation</td>
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<tr>
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<td>No Common Training/Expertise Centre</td>
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<td>+ One-Day Courses</td>
<td>(see Das &amp; Kratoski, 1999:225–227; see also Kumar, 1998:156, 157).</td>
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<tr>
<td>+ Advertising EPICC as a Tool</td>
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<td>+ Tactical Training</td>
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<tr>
<td>DIVERGENT -</td>
<td>Culture Clashes between Belgium, The Netherlands, and Germany</td>
<td>-</td>
</tr>
<tr>
<td>CONVERGENT -</td>
<td>Overcoming Differences in Organizational Cultures</td>
<td>-</td>
</tr>
<tr>
<td>+ “We have the same culture”</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>
The Present Study’s Findings in Response to RQ#3

<table>
<thead>
<tr>
<th>Influence</th>
<th>Organizational-level Variables (Inductive)</th>
<th>The Literature Confirmed by the Present Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>+/-</td>
<td>Proximity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Geographic Proximity between Countries and Cities in the Meuse–Rhine Euregion</td>
<td></td>
</tr>
<tr>
<td>CONVERGENT</td>
<td>+</td>
<td>Close Proximity</td>
</tr>
<tr>
<td>DIVERGENT</td>
<td>-</td>
<td>Large Distance</td>
</tr>
<tr>
<td></td>
<td>+/-</td>
<td>Spatial Proximity between Officials Working Together</td>
</tr>
<tr>
<td>CONVERGENT</td>
<td>+</td>
<td>Close Proximity</td>
</tr>
<tr>
<td>DIVERGENT</td>
<td>-</td>
<td>Large Distance</td>
</tr>
<tr>
<td></td>
<td>+/-</td>
<td>Working Relationship Proximity between Officials</td>
</tr>
<tr>
<td>CONVERGENT</td>
<td>+</td>
<td>Close Proximity</td>
</tr>
<tr>
<td>DIVERGENT</td>
<td>-</td>
<td>Large Distance</td>
</tr>
<tr>
<td>DIVERGENT</td>
<td>-</td>
<td>Criminal Justice System Differences         (Dandurand et al., 2007:288; Das &amp; Kratcoski, 1999:225–227; Hufnagel, 2009:2)</td>
</tr>
<tr>
<td>DIVERGENT</td>
<td>-</td>
<td>Different National Laws in the Three Countries (Das &amp; Kratcoski, 1999:225–227; Vermeulen et al., 2005:11)</td>
</tr>
<tr>
<td>+/-</td>
<td>The Legal Framework</td>
<td></td>
</tr>
<tr>
<td>CONVERGENT</td>
<td>+</td>
<td>“The treaties make cooperation possible”</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>“There are too many laws and regulations”   (i.e., creates confusion)</td>
</tr>
<tr>
<td>DIVERGENT</td>
<td>-</td>
<td>Various Shortcomings/Gaps in the International Legal Framework (Vermeulen et al., 2005:11)</td>
</tr>
<tr>
<td>+/-</td>
<td>Resources: Money and Manpower</td>
<td></td>
</tr>
<tr>
<td>DIVERGENT</td>
<td>-</td>
<td>The Netherlands</td>
</tr>
<tr>
<td>CONVERGENT</td>
<td>+</td>
<td>Belgium</td>
</tr>
<tr>
<td></td>
<td>+</td>
<td>Germany</td>
</tr>
<tr>
<td>+/-</td>
<td>Crime-Fighting Policies / Priorities</td>
<td></td>
</tr>
<tr>
<td>DIVERGENT</td>
<td>-</td>
<td>Different Crime-Fighting Policies/Priorities (Dandurand et al., 2007:288)</td>
</tr>
<tr>
<td>CONVERGENT</td>
<td>+</td>
<td>Finding Common Ground: Setting Priorities Together</td>
</tr>
<tr>
<td>+/-</td>
<td>Accountability and Control</td>
<td></td>
</tr>
</tbody>
</table>

Sources: Qualitative data and literature cited in the present study.
# Appendix N. Tabular Summary of the Critical Points in the Process of International Police and Judicial Cooperation where the Process May Stop

<table>
<thead>
<tr>
<th>#</th>
<th>Step/Variable in the Process of Cooperation</th>
<th>Level of the Step/Variable</th>
<th>Description</th>
<th>Data Reference (Chapter 7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Step 1(d)</td>
<td>Organizational</td>
<td>No police capacity.</td>
<td>Figure 7.5</td>
</tr>
<tr>
<td>2</td>
<td>Step 1(j)</td>
<td>Organizational</td>
<td>Different priorities.</td>
<td>Figure 7.7</td>
</tr>
<tr>
<td>3</td>
<td>Step 2</td>
<td>Individual</td>
<td>The prosecutor decides that an investigation is unnecessary.</td>
<td>Figure 7.8</td>
</tr>
<tr>
<td>4</td>
<td>Step 3(1)(i)(ii)</td>
<td>Organizational</td>
<td>Police capacity is unavailable in The Netherlands.</td>
<td>Figure 7.13</td>
</tr>
<tr>
<td>5</td>
<td>Step 4(2)(a)</td>
<td>Individual</td>
<td>Work alone, share information after. “Country B” does not do anything with information received from “Country A” due to different priorities or a lack of police capacity in “Country B.”</td>
<td>Figure 7.18</td>
</tr>
<tr>
<td>6</td>
<td>Step 4(3)(a)</td>
<td>Individual</td>
<td>Mirror Investigation. The police teams do not meet for information exchange.</td>
<td>Figure 7.19</td>
</tr>
<tr>
<td>7</td>
<td>Step 4(4)(1)(g)</td>
<td>Individual</td>
<td>“Country B” prosecutor determines whether the request is legally possible in “Country B.” Both prosecutors agree that the MLA request is not possible.</td>
<td>Figure 7.23</td>
</tr>
<tr>
<td>8</td>
<td>Step 4(4)(1)(n)</td>
<td>Individual</td>
<td>“Country B” police refuse to fulfill “Country A’s” MLA request due to one or more hindering variables (e.g., the nature of the MLA request, no trust, no personal contacts, different priorities, lack of police capacity).</td>
<td>Figure 7.26</td>
</tr>
<tr>
<td>9</td>
<td>Step 4(4)(2)(c)</td>
<td>Individual</td>
<td>“Country B” prosecutor does not execute the MLA request due to different priorities or a lack of police capacity.</td>
<td>Figure 7.31</td>
</tr>
<tr>
<td>10</td>
<td>Step 4(5)(1)(b)</td>
<td>Individual</td>
<td>The Federal Prosecutor’s Office in Belgium disapproves the prospective JIT.</td>
<td>Figure 7.35</td>
</tr>
<tr>
<td>11</td>
<td>Step 4(5)(1)(c)</td>
<td>Individual</td>
<td>The Minister of Justice in Belgium disapproves the prospective JIT.</td>
<td>Figure 7.35</td>
</tr>
<tr>
<td>12</td>
<td>Step 4(5)(2)(b)</td>
<td>Individual</td>
<td>The Chief Prosecutor in The Netherlands disapproves the prospective JIT.</td>
<td>Figure 7.36</td>
</tr>
<tr>
<td>13</td>
<td>Step 4(5)(2)(f)</td>
<td>Individual</td>
<td>The National Public Prosecutor in The Netherlands disapproves the prospective JIT.</td>
<td>Figure 7.37</td>
</tr>
<tr>
<td>14</td>
<td>Step 4(5)(2)(i)</td>
<td>Individual</td>
<td>The Regional Chief Public Prosecutor of the Landelijk Parket disapproves the prospective JIT.</td>
<td>Figure 7.38</td>
</tr>
<tr>
<td>15</td>
<td>Step 4(5)(2)(l)</td>
<td>Individual</td>
<td>The Board of Prosecutors General in The Hague disapproves the prospective JIT.</td>
<td>Figure 7.39</td>
</tr>
<tr>
<td>16</td>
<td>Step 4(5)(3)(d)</td>
<td>Individual</td>
<td>The Minister of Justice in Berlin disapproves the prospective JIT.</td>
<td>Figure 7.40</td>
</tr>
</tbody>
</table>

Source: Qualitative data cited in the present study.
Appendix O.  Tabular Summary of the Current Visions for Improving International Police and Judicial Cooperation in the Meuse–Rhine Euregion, the Concomitant Psychological Games, and Recommendations on How to Overcome the Problems (Chapter 11 “Action Plan #2 of 3”)

<table>
<thead>
<tr>
<th>Concept (++)</th>
<th>Visions for Advancing International Police Cooperation</th>
<th>Psychological Games</th>
<th>How to Overcome the Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expanding EPIC</td>
<td>• Creating a Tri-National Joint Police Database at EPICC</td>
<td>+</td>
<td>First the idea of a “joint database” is outdated, but not the goal of making the national databases of the three countries interoperable. The legal restrictions should be lifted. They need to stop talking and start doing.</td>
</tr>
<tr>
<td>+</td>
<td>• Political will can probably be attained by explaining the necessity of information sharing in the combat of serious transnational organized crime, which is a priority on both the European and Euregion levels.</td>
<td>+</td>
<td>When the national databases become interoperable, the question of “Who will control it?” becomes a non-issue since each organization would retain ownership over its own records and related databases.</td>
</tr>
<tr>
<td>+</td>
<td>• “Yes, but who will control it?”</td>
<td>+</td>
<td>“Yes, but it is something for the future.”</td>
</tr>
</tbody>
</table>

The future is coming, so start planning now.
<table>
<thead>
<tr>
<th>Concept (+/-)</th>
<th>Visions for Advancing International Police Cooperation</th>
<th>Psychological Games</th>
<th>Target (+/-)</th>
<th>How to Overcome the Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>+</td>
<td>• Employing Crime and Intelligence Analysts at EPICC</td>
<td>&quot;Yes, but where should they be installed?&quot;</td>
<td>+</td>
<td>• The crime and intelligence analysts should simply be added to the current EPICC location in Heerlen, The Netherlands.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;Yes, but who is going to pay?&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Improving Cross-Border Police Radio Communication</td>
<td>&quot;Yes, but we need to establish roaming capacity.&quot;</td>
<td>+</td>
<td>• If one uses the North American IBET model as an example, each employee would be seconded from their home country, with the implication being that their original employer would continue to issue their salaries. Differences in pay between the three countries would have to be respected. The salaries would then be billed back to a larger funder (i.e., on the Euregional or EU level), if a funder is secured.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;Yes, but it is mainly a budgetary issue.&quot;</td>
<td></td>
<td>• The idea of establishing roaming capacity is a &quot;temporary fix&quot; and should be abandoned because it would not be sustainable in the long term. Instead, the police officials should focus their efforts on establishing interoperability between the police radios.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Funding proposals should be prepared stressing that the money is being sought to help address and prevent serious transnational organized crime, which is a priority on both the European and Euregional levels.</td>
</tr>
</tbody>
</table>
### Summary of the Current Visions for Improving International Police and Judicial Cooperation in the Meuse–Rhine Euregion, the Concomitant Psychological Games, and How to Overcome the Problems

<table>
<thead>
<tr>
<th>Concept (+/-)</th>
<th>Visions for Advancing International Police Cooperation</th>
<th>Psychological Games</th>
<th>Target (+/-)</th>
<th>How to Overcome the Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>+</td>
<td>Increasing Joint Hit Team Patrols</td>
<td>&quot;Yes, but we have to see if it has added value.&quot;</td>
<td>+</td>
<td>- Evaluative research should be conducted on the Joint Hit Teams to definitively determine whether they offer &quot;added value.&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Appropriate follow-up actions should be taken accordingly on the basis of the evaluative study's results (i.e., either dissolve the teams or create more).</td>
</tr>
<tr>
<td>+</td>
<td>Establishing More Joint Investigation Teams</td>
<td>&quot;Yes, but I cannot spare the manpower.&quot;</td>
<td>+</td>
<td>- The manpower could be found for a JIT if: (1) the JIT also addresses Belgian and/or German priorities (i.e., not only Dutch priorities); and (2) if the JIT runs for a short period of time.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- An &quot;Operational Review&quot; should be conducted for every police organization in the Meuse–Rhine Euregion, to determine how resources are presently used, how the resources could be used more efficiently (e.g., civilianization), and what additional resources are required (see Chapter 10, subsection 10.7.4.3 above).</td>
</tr>
<tr>
<td>+</td>
<td>Establishing a Staff Bureau/Contact Network for the Police</td>
<td>[None noted in the data]</td>
<td>+</td>
<td>- To achieve a balanced and egalitarian model for the governance of international police and judicial cooperation in the Meuse–Rhine Euregion, it appears that establishing a staff bureau for the police would be ideal, but very difficult. Therefore, the network of the Chiefs of the Judicial Police should serve as the key operational police contacts in the Euregion.</td>
</tr>
</tbody>
</table>
### Summary of the Current Visions for Improving International Police and Judicial Cooperation in the Meuse–Rhine Euregion, the Concomitant Psychological Games, and How to Overcome the Problems

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<tr>
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<th>Visions for Advancing International Police Cooperation</th>
<th>Psychological Games</th>
<th>Target (+/-)</th>
<th>How to Overcome the Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>+</td>
<td>Establishing an Integrated Euregional Police Investigation Team</td>
<td>“Yes, but why in Heerlen? Why not in Germany? And why not in Belgium?”</td>
<td>+</td>
<td>Three (3) Integrated Euregional Police Investigation Teams should be established, so that a team could be based in each country (i.e., Heerlen, Aachen, and Liège). This way, ownership/prestige/control would be shared equally/fairly among the three countries.</td>
</tr>
<tr>
<td></td>
<td>“Yes, but who will be in charge?”</td>
<td></td>
<td>+</td>
<td>The leadership/direction of the teams must be shared equally between the three countries, following the example of the shared/equal ownership of both NeBeDeAgPol and EPICC by the three countries. Moreover, it is necessary to establish a tri-lateral team in each country, for the purposes of ensuring equality and fairness. In this way, every country would have the resources of the other countries at their fingertips.</td>
</tr>
<tr>
<td></td>
<td>“Yes, but how many people from each country?”</td>
<td></td>
<td>+</td>
<td>If one applies logic, and approaches the puzzle with the intent of drawing upon the bare minimum for the purpose of establishing a pilot model, then, for each team, at least two officers must come from each of the five Euregional cities in Belgium, for a total of 10 Belgians. This number should be matched by the Dutch and the Germans. Thus, each Integrated Euregional Investigation Team in the Euregion should consist of at least 30 investigators.</td>
</tr>
<tr>
<td>Concept (+/-)</td>
<td>Visions for Advancing International Police Cooperation</td>
<td>Psychological Games</td>
<td>Target (+/-)</td>
<td>How to Overcome the Problems</td>
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<td>Therefore, a minimum commitment of 30 police officers from each country is required (for a total of 90 police officers across the Euregion).</td>
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<td></td>
<td>Different organizations should be represented across the teams (e.g., there should be at least one police officer from the BKA on each team).</td>
</tr>
<tr>
<td>“Yes, but where do these police officers come from?” (i.e., “We have no manpower to spare”)</td>
<td>+</td>
<td>The best police investigators from each country should be seconded to the three Integrated Euregional Police Investigation Teams. These specialist investigators are already working in their specialist areas, and already participating in international cooperation, so it does not matter whether these investigators are based in their home organization, or abroad—they are still doing the same job for their home organization.</td>
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<td>Following the RCMP’s integrated team model, each police organization can hire new recruits to replace the specialist investigators loaned on secondment to the integrated teams. By the time the new recruits are first-class constables (i.e., about 5 years), the secondment period (between 3 to 4 years) will be finished.</td>
</tr>
<tr>
<td>Current Scenario</td>
<td>Target Scenario</td>
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<tr>
<td><strong>Concept (+/-)</strong></td>
<td><strong>Target (+/-)</strong></td>
<td><strong>How to Overcome the Problems</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Visions for Advancing International Police Cooperation</strong></td>
<td><strong>Psychological Games</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;Yes, but should it be a specialty job, like drugs?&quot;</td>
<td>+</td>
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</tr>
<tr>
<td></td>
<td>&quot;Yes, but what if the crime-fighting priorities change?&quot;</td>
<td>+</td>
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</tr>
</tbody>
</table>

- Yes, it should be a specialty job.
- Each of the three Integrated Euregional Police Investigation Teams should specialize in a different crime-fighting area. For example, the integrated team based in The Netherlands could address drug crime, whereas the team based in Belgium could address human trafficking, and the team based in Germany could address organized home burglaries.
- Readers will recall from Chapter 6 above that the crime-fighting priorities for international police and judicial cooperation in the Meuse–Rhine Euregion have stayed the same since the first Annual Strategic Conference for the three countries, which was held in 2008.
- The RCMP’s integrated policing model has been so successful in North America that multiple teams exist according to investigative specialty [e.g., Integrated Homicide Investigation Team (IHIT), Integrated National Security Enforcement Team (INSET), Integrated Gang Task Force (IGTF)].
### Summary of the Current Visions for Improving International Police and Judicial Cooperation in the Meuse–Rhine Euregion, the Concomitant Psychological Games, and How to Overcome the Problems

<table>
<thead>
<tr>
<th>Current Scenario</th>
<th>Target Scenario</th>
<th>How to Overcome the Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Concept (+/-)</strong></td>
<td><strong>Psychological Games</strong></td>
<td><strong>Target (+/-)</strong></td>
</tr>
<tr>
<td>Visions for Advancing International Police Cooperation</td>
<td>&quot;Yes, but should it be secondments or fixed?&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;Yes, but what about the working conditions?&quot; (i.e., work hours, salary, and overtime pay)</td>
<td>+</td>
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</tbody>
</table>
Summary of the Current Visions for Improving International Police and Judicial Cooperation in the Meuse–Rhine Euregion, the Concomitant Psychological Games, and How to Overcome the Problems

<table>
<thead>
<tr>
<th>Current Scenario</th>
<th>Target Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concept (+/-)</td>
<td>Visions for Advancing International Police Cooperation</td>
</tr>
<tr>
<td>&quot;Yes, but where does the money come from?&quot;</td>
<td>+</td>
</tr>
</tbody>
</table>

- An “Operational Review” should be conducted for every police organization in the Meuse–Rhine Euregion, to determine how resources are presently used, how the resources could be used more efficiently (e.g., civilization), and what additional resources are required (see Chapter 10, subsection 10.7.4.3 above).
- Funding requests should be made of the relevant stakeholder organizations whose mandate is to fight serious transnational organized crime in Europe and the Meuse-Rhine Euregion.
- If one applies the RCMP model for integrated police teams to the Euregional situation, then whichever police organization in each of the three countries that has the physical office space and resources (cubicles, computers, etc.) to accommodate an integrated police team of 30 investigators should do so.
- With respect to salaries, each seconded police officer would be paid by their home organization. Differences in pay between the three countries would have to be respected.
- The salaries could then be billed back to a larger funder (i.e., on the Euregional or EU level), if a funder is secured for such a project.
<table>
<thead>
<tr>
<th>Concept (+/-)</th>
<th>Visions for Advancing International Police Cooperation</th>
<th>Psychological Games</th>
<th>Target (+/-)</th>
<th>How to Overcome the Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&quot;Yes, but if we got into an accident with our police cars on foreign land, are we insured?&quot;</td>
<td></td>
<td>+</td>
<td>• The first question should be: &quot;Which organizations’ cars will be used for the Integrated Euregional Police Investigation Team?&quot; Ideally, each country would have a team. Therefore, each country would be making a small fleet of cars available to their integrated team.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>• In some countries, auto insurance is specific to the vehicle. In other countries, auto insurance may be specific to the driver, and not the car. Therefore, the police and justice officials of the three countries should make some simple inquiries with the auto insurance agent of their country’s police fleet, to definitively and easily determine the answers to these questions.</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td>• Alternatively, the police organizations could refrain from insuring the police vehicles dedicated to the Integrated Euregional Police Investigation Team, and then simply pay out-of-pocket to cover the costs of liability/damages/repairs, if a vehicle is involved in an accident.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>• Some of the treaties also answer this question directly (see Appendix A below; see also Footnote 149 on p. 755 above).</td>
</tr>
<tr>
<td>Current Scenario</td>
<td>Target Scenario</td>
<td>How to Overcome the Problems</td>
<td></td>
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<td></td>
</tr>
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<td>Visions for Advancing International Police Cooperation</td>
<td>Psychological Games</td>
<td>Target (+/-)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;Yes, but let’s be realistic.&quot;</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;Yes, but each country has its own priorities and philosophy.&quot;</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• This psychological game was used by one Belgian police commander (Interviewee 36) to argue that one must not dream of advancing international cooperation in the Euregion, considering the lack of inter-agency cooperation in Belgium alone (see Chapter 9, subsection 9.2.2.1.6). It is perhaps more realistic to recognize that inter-agency cooperation must be advanced on all fronts (national and international) simultaneously, as opposed to sequentially, otherwise serious transnational organized crime will flourish.</td>
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<td></td>
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<td>• As stated in Chapter 9, it is interesting to recall that the three countries have set common priorities for international police and judicial cooperation aimed at combating serious transnational organized crime in the Meuse–Rhine Euregion (i.e., drug trafficking, human trafficking, and organized house burglaries). It is also interesting to observe that, despite the differences in philosophy between the three countries, they have still been able to cooperate. Therefore, it seems that these are not very strong reasons to preclude the establishment of an Integrated Euregional Police Investigation Team.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Scenario</td>
<td>Target Scenario</td>
<td>How to Overcome the Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------</td>
<td>-----------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Concept (+/-)</strong></td>
<td><strong>Psychological Games</strong></td>
<td><strong>Target (+/-)</strong></td>
<td><strong>How to Overcome the Problems</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;Yes, but some people are hungry for power.&quot;</td>
<td>+</td>
<td>• The data clearly showed that there is a power struggle between the three countries that is preventing advancement in international cooperation. Specifically, every country wants to lead the developments. It appears that the only way to overcome the power struggle is to: (1) equalize the power, and (2) allow each country to host/lead its own Integrated Euregional Police Investigation Team.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;Yes, but it is a question of political will.&quot;</td>
<td>+</td>
<td>• See above. It appears that national legislation and/or a treaty would be required to establish an Integrated Euregional Police Investigation Team in the Meuse–Rhine Euregion. By way of comparison, national legislation such as the Patriot Act (USA) and the Anti-Terrorism Act (Canada) facilitated the establishment of the Integrated Border Enforcement Teams (IBETs) between Canada and the USA.</td>
<td></td>
</tr>
</tbody>
</table>
## Summary of the Current Visions for Improving International Police and Judicial Cooperation in the Meuse–Rhine Euregion, the Concomitant Psychological Games, and How to Overcome the Problems

<table>
<thead>
<tr>
<th>Current Scenario</th>
<th>Target Scenario</th>
<th>How to Overcome the Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concept (+/-)</td>
<td>Visions for Advancing International Police Cooperation</td>
<td>Psychological Games</td>
</tr>
<tr>
<td>“Yes, but the time must be right.”</td>
<td>+</td>
<td>The deadlock in advancing international cooperation in the Meuse–Rhine Euregion has lasted from 2010 to date, which is long enough. Meanwhile, Integrated Border Enforcement Teams (IBETs) have been increasing between Canada and the USA. The police and justice officials in the Meuse–Rhine Euregion can either acknowledge that the time has come for changes to be made to their system of international cooperation, or they can wait for a catastrophe to further reveal their system’s breakdown and trigger government-imposed changes.</td>
</tr>
<tr>
<td>“It’s a quick enough drive to the key cities in the Euregion if we want to cooperate.”</td>
<td>+</td>
<td>To be clear, the question is: “Would creating an Integrated Euregional Police Investigation Team add value?” The data of the present study, as well as the North American experience with the IBETs, both suggest that an Integrated Euregional Police Investigation Team would probably add value to the system of international police and judicial cooperation in the Meuse–Rhine Euregion. Therefore, the quick drive between the cities in the Euregion would only help facilitate such a venture.</td>
</tr>
</tbody>
</table>
Summary of the Current Visions for Improving International Police and Judicial Cooperation in the Meuse–Rhine Euregion, the Concomitant Psychological Games, and How to Overcome the Problems

<table>
<thead>
<tr>
<th>Current Scenario</th>
<th>Target Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concept (+/-)</td>
<td>Visions for Advancing International Police Cooperation</td>
</tr>
<tr>
<td></td>
<td>&quot;We already have the possibilities of Mirror Investigations and JITs.&quot;</td>
</tr>
<tr>
<td></td>
<td>&quot;The police chiefs have a special written agreement that ensures capacity if required.&quot;</td>
</tr>
<tr>
<td>Current Scenario</td>
<td>Target Scenario</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td><strong>Concept (+/-)</strong></td>
<td><strong>Visions for Advancing International Police Cooperation</strong></td>
</tr>
<tr>
<td></td>
<td>&quot;We need to open the borders, not create new ones.&quot;</td>
</tr>
<tr>
<td></td>
<td>&quot;There would be a division between the local police and the elite Euregional police.&quot;</td>
</tr>
<tr>
<td>Current Scenario</td>
<td>Target Scenario</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Visions for Advancing International Police Cooperation</td>
<td>+</td>
</tr>
<tr>
<td>Psychological Games</td>
<td>&quot;It will cause double work.&quot;</td>
</tr>
<tr>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Establishing a Common Training Centre for Police Investigators</td>
<td>+</td>
</tr>
<tr>
<td>Psychological Games</td>
<td>&quot;It's a difficult discussion.&quot;</td>
</tr>
<tr>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Establishing a Common Training Centre for Judicial Cooperation</td>
<td>+</td>
</tr>
<tr>
<td>Visions for Advancing Judicial Cooperation</td>
<td>+</td>
</tr>
<tr>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Introducing a Common Procedural Law for the EU</td>
<td>+</td>
</tr>
<tr>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Establishing an Easier MLA Process</td>
<td>+</td>
</tr>
<tr>
<td>(i.e., use &quot;Masters in Cooperation，“wide-asking MLA requests, fast-tracks in cooperation, or use JTs&quot;)</td>
<td>+</td>
</tr>
<tr>
<td>Concept (+/-)</td>
<td>Visions for Advancing Judicial Cooperation</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>+</td>
<td>Establishing an Integrated Euregional Prosecutorial Team</td>
</tr>
<tr>
<td>+</td>
<td>Including the Examining Magistrates in Euregional Discussions</td>
</tr>
<tr>
<td>Concept (+/-)</td>
<td>Visions for Advancing International Police and Judicial Cooperation</td>
</tr>
<tr>
<td>+</td>
<td>Establishing One Common Centre for Euregional Cooperation <em>(i.e., “Euregio Crime”/“JustPol”)</em></td>
</tr>
<tr>
<td></td>
<td>“Yes, but I don’t have the manpower to spare.”</td>
</tr>
<tr>
<td></td>
<td>“Yes, but I need to balance cooperation with other countries.”</td>
</tr>
<tr>
<td></td>
<td>“Yes, but it needs to be bottom-up.”</td>
</tr>
</tbody>
</table>

*Note: The table is a summary of the current visions for improving international police and judicial cooperation in the Meuse–Rhine Euregion, the concomitant psychological games, and how to overcome the problems.*
Summary of the Current Visions for Improving International Police and Judicial Cooperation in the Meuse–Rhine Euregion, the Concomitant Psychological Games, and How to Overcome the Problems

<table>
<thead>
<tr>
<th>Concept (+/-)</th>
<th>Visions for Advancing International Police and Judicial Cooperation</th>
<th>Psychological Games</th>
<th>Target (+/-)</th>
<th>How to Overcome the Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&quot;Yes, but it must add value.&quot;</td>
<td>+</td>
<td>The current arrangements for international police and judicial cooperation in the Meuse–Rhine Euregion are <em>not the same</em> as what is being proposed by the researcher in her &quot;New and Improved Proposed Governance Model&quot; (see Chapter 11 above; see also Appendix P below). The only way to determine if a new project/initiative &quot;adds value&quot; is to evaluate it empirically. Therefore, pilot projects developed on the basis of the present research findings should be implemented and evaluated in the Meuse–Rhine Euregion.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;Yes, but things are fine the way they are.&quot;</td>
<td>+</td>
<td>The overwhelming amount of data in the present dissertation clearly show that things are not fine the way they are.</td>
</tr>
</tbody>
</table>

Sources: Qualitative data for the present study. Notably, some of the psychological games were resolved by drawing upon the RCMP's Integrated Border Enforcement Team (IBET) model, which was established on the basis of items such as: national legislation, Memorandums of Understanding (MOUs), government funding, secondments, and the practice of hiring new recruits to replace the specialists seconded to the integrated teams. This very basic descriptive/historical information regarding the establishment of the RCMP's IBET model was gleaned via personal communications between the researcher and some of her Canadian police officer colleagues.
Appendix P. The “New and Improved Proposed Model for the Governance of International Police and Judicial Cooperation in the Meuse–Rhine Euregion” (Chapter 11 “Action Plan #3 of 3”)

<table>
<thead>
<tr>
<th>Strategic Steering Committee</th>
<th>Operational</th>
<th>Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Decision-Making Committee</td>
<td>Cross-Border Infrastructure</td>
<td>Administrative</td>
</tr>
<tr>
<td>Coordinating Cross-Country Investigations</td>
<td>Interoperable Database</td>
<td>Interpolated Fiction</td>
</tr>
<tr>
<td>Leadership</td>
<td>Integrated Crime Analysis</td>
<td>Interpolated Fiction</td>
</tr>
<tr>
<td>National Security</td>
<td>Integrated Intelligence Analysis</td>
<td>Interpolated Fiction</td>
</tr>
<tr>
<td>All the Key Stakeholders + Expert Advisors (Federal Police of Belgium, BEO, the Dutch, Vlaams, Commission, etc.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PILLAR 2. Tactical

**National Security** | **Cross-Border Infrastructure** | **Administrative**
--- | --- | ---
Working Groups/ Task Forces | Interoperable Database | Integrated Crime Analysis
Police Task Forces | Integrated Intelligence Analysis | Interpolated Fiction
Interpolated Fiction | Interpolated Fiction | Interpolated Fiction

### PILLAR 3. “Joint” Euregional Police Investigation Team

**National Security** | **Cross-Border Infrastructure** | **Administrative**
--- | --- | ---
National Security | Interoperable Database | Integrated Crime Analysis
National Security | Integrated Intelligence Analysis | Interpolated Fiction
Interpolated Fiction | Interpolated Fiction | Interpolated Fiction

### Joint Euregional Police Investigation Team

| National Security | Cross-Border Infrastructure | Administrative |
| --- | --- | ---
| National Security | Interoperable Database | Integrated Crime Analysis
| National Security | Integrated Intelligence Analysis | Interpolated Fiction
| Interpolated Fiction | Interpolated Fiction | Interpolated Fiction

### Integrated Euregional Prosectorial Team for Mutual Legal Assistance (based in EPICO)

| National Security | Cross-Border Infrastructure | Administrative |
| --- | --- | ---
| National Security | Interoperable Database | Integrated Crime Analysis
| National Security | Integrated Intelligence Analysis | Interpolated Fiction
| Interpolated Fiction | Interpolated Fiction | Interpolated Fiction

### Integrated Euregional Prosectorial Team for Mutual Legal Assistance

| National Security | Cross-Border Infrastructure | Administrative |
| --- | --- | ---
| National Security | Interoperable Database | Integrated Crime Analysis
| National Security | Integrated Intelligence Analysis | Interpolated Fiction
| Interpolated Fiction | Interpolated Fiction | Interpolated Fiction

### Integrated Euregional Prosectorial Team for Mutual Legal Assistance

| National Security | Cross-Border Infrastructure | Administrative |
| --- | --- | ---
| National Security | Interoperable Database | Integrated Crime Analysis
| National Security | Integrated Intelligence Analysis | Interpolated Fiction
| Interpolated Fiction | Interpolated Fiction | Interpolated Fiction

### Integrated Euregional Prosectorial Team for Mutual Legal Assistance

| National Security | Cross-Border Infrastructure | Administrative |
| --- | --- | ---
| National Security | Interoperable Database | Integrated Crime Analysis
| National Security | Integrated Intelligence Analysis | Interpolated Fiction
| Interpolated Fiction | Interpolated Fiction | Interpolated Fiction

### Integrated Euregional Prosectorial Team for Mutual Legal Assistance (based in EPICO)

| National Security | Cross-Border Infrastructure | Administrative |
| --- | --- | ---
| National Security | Interoperable Database | Integrated Crime Analysis
| National Security | Integrated Intelligence Analysis | Interpolated Fiction
| Interpolated Fiction | Interpolated Fiction | Interpolated Fiction

Source: Using the findings gleaned from the present study, this model builds upon the ideas/proposals of Fijnaut and De Ruyver (2008), and Spapens (2010). Specifically, items in black font already exist. The item in blue font (i.e., the “Joint” Euregional Police Investigation Team) was proposed by Fijnaut & De Ruyver (2008) and Spapens (2008 & 2010), and does not yet exist. Items in red font are suggestions by the present researcher.
Appendix Q. Supplementary File: High Resolution PDF Version of Figure 7.1

Creator:
Tamie Helana Fennig

Description:
The full-blown process of international police and judicial cooperation, contained in a 1-page high resolution PDF file. This file is ready for printing at a professional print shop to create the 5 foot by 15 foot (i.e., 1.5 metres high by 4.6 metres long) poster referred to in Chapter 7 of this dissertation.

Source:
Qualitative data for the present study.

Filename:
Figure 7.1 – The Full-Blown Process of Cooperation Poster – 1 Page PDF.pdf