Converging and conflicting ethical values in the
internal/external security continuum in Europe

European Commission, 7th Framework Programme

Milestone 3.4:

Value Premises for EUROPOL Cooperation

**Milestone report submitted September 2009 (M19) in fulfillment of requirements of the
FP7 Project, Converging and Conflicting Ethical Values in the Internal/External
Security Continuum in Europe (INEX)**

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SUMMARY

This milestone report highlights the significant findings in the work produced by the *Work Package 3 (WP3)* on *"Value dilemmas of security professionalism"*. It also identifies the future work ahead. This Milestone report is based on deliverable D.3.1; *State-of-the Art Review on the ethics research and knowledge among security professionals.* This milestone report focuses on the ethical and value dilemma inherent in European public policing. WP3 have acknowledge from current literature that there are certain ethical codes, foremost falling under the European code of police ethics that should stand as a guiding tool for the standards and ethics of policing. These ethical codes seem to constitute a substantial part of the organizational and individual values of police. However there are certain difficulties of compliance and adherence to these rules that may be situated in police culture, personal qualities and the sense of police morality. These factors may also vary amongst nations; whereas a certain behavior may be regarded with less seriousness in one country it can prove to be vital in another. Other findings focus more on the changing societal and political context of policing giving rice to a transformation of the role of the police as a whole. Policing have been said to be a subject of different waves changing the style and roles of public policing. In turn this has a tremendous impact on the ethical values of policing. Public policing has increasingly become a risk business and the influence of new technologies in practice and methods is profound. The development of new threats such as terrorism certainly have influenced public policing and the increasing competition in the security field currently including private security companies and other agencies forces the police to compete for its relevance. All of these aspects possess serious challenges to the ethics and inherent values in public policing and provide the ground for questions on a democratic deficit in European police cooperation. The WP3 argues that there is a need for a new institutional frameworks and standards that can safeguard the legitimacy and authority of the police, which in turn is linked to democratic accountability. WP3 calls for future work to be less biased in favor of American research and signal that their is a need for empirical longitudinal research, thus the compliance with ethical standards in security organization can only be explored properly when measured over a longer period of time, in stable professional environments. The future work will mainly focus on preparations for the upcoming workshop in March 2010 where value dilemmas in security policing will be further discussed.

I. INTRODUCTION

The Workpackage 3 of the INEX project, labeled *"Value dilemmas of security professionalism"*, primary task is to "document and analyze the value assumptions and ethical challenges involving the rapidly changing role of security professionalism in Europe and to produce political recommendations to address them".[1] This objective fall in line with the overall aim with the INEX Project which is to: contribute to the existing understandings of European security through an analysis of the value-based premises and ethical consequences of the 'internal/external security continuum'[2]

This milestone report titled *Value premises for EUROPOL cooperation* is based on the progress and workflow produced by WP3 until M.18. This report sets out the key findings and presents the key issues identified by the work documented and brought from the preparation of the deliverable D.3.1; *State-of-the Art Review on the ethics research and knowledge among security professionals.* This milestone report will draw on the findings by WP3 regarding the values of the European police by highlighting the underlying ethics and the transformation of the public police sector currently taking place. These aspects will both have a profound impact and possess a serious challenge for future EUROPOL cooperation.

The report is divided into two sections. The first one will present the key findings of the WP3 on the ethics in Europe and variation in values amongst nations. Furthermore it will highlight the ethical challenges that are brought by the transformation of the environment the police is operating in, by identifying certain aspect of importance. The final section will lay out the future path of the work to be performed by the Working package.

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[1] Annex I: Description of Work, INEX Project: Converging and conflicting ethical values in the internal / external security continuum in Europe, prepared 31st January 2008, p. 30.

[2] Annex I: Description of Work, INEX Project: Converging and conflicting ethical values in the internal / external security continuum in Europe, prepared 31st January 2008.

II. KEY FINDINGS

The question that the work pursued by WP3 so far rests on and that will be presented in this report is "which value assumptions and ethical consequences are contained in the internal/external security continuum".[3] WP3 call for an expansion of the scope of ethics research to new security arenas, including international intelligence-led policing, cross-border policing, peacekeeping missions, international counterterrorism, co-operation and information sharing between different intelligence organizations, and security reform projects.[4] Ethics is of particular importance when discussing policing and European police cooperation, since the police force operates "on the front line of society and holds the monopoly of power".[5] The police thus have the discretion to conduct and follow through on decisions that may affect the life, liberty and property of citizens. If police ought to act as the caretakers and protectors of norms and rules in society they are to adhere to these themselves. The ethics of policing is a dynamic concept hence contains many variables and factors. The discussion on the ethics of policing is intertwined with discussion and conclusions on policing and the culture of policing, the role and function of police in society, and the environment police is operating in. The environment and the social context the police are operating in plays a key role in shaping the terms of the debate about ethics and the police. This has been given substantial attention in the work pursued by WP3 so far and will here be further outlined. However, before doing that it is necessary to look more generally into the relationship between ethics and policing in Europe, and the national differences on the assumptions of police ethics and values. [6]

Ethics in European policing

A popular approach when looking at ethics and policing is to explore the formal codes of ethics that regulates policing in Europe. Codes of ethics may be explained as: "public statements in which professional organizations articulate standards that should characterize

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[3] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). p.7
[4] Ibid. p.8
[5] Ibid, p.10
[6] Ibid

their membership or operations and that would therefore mediate their provision of goods or services".[7] Important steps were taken in the European context of ethical policing with the adaption of the *European Code of Police Ethics* by the Council of Europe in 2001. The intentions of the signing parties was to straight-out the question marks surrounding ethical problems by making it possible to easier understand and adapt solutions. It was also promoted that a formal police code of ethics that determined common standards, purpose and values among the police would strengthened public trust for the police force.[8] As valuable it may seem with an adoption of a common framework for police cooperation in terms of ethics, researchers have focused on underlying factors that may influence police behavior and hence how they respond to ethical challenges. It seems as police behavior can be interpreted and explained by several factors such as police morality, certain police cultures and personal attitudes.[9] Interesting to note is that these factors may be having different weight and various meaning amongst nations, hence constituting a challenge to police cooperation. However it needs to be said that most studies focusing on police culture and police attitudes is American centered which means that the field contains and American bias.[10]

The once focusing on different European police cultures and their variation provide interesting observations. For example a ,"British bobby coming from a tradition in which officers are keepers of the peace, has a different emanation than a French gendarme, coming from a centralized para-military police force tradition".[11] In the Netherlands police are view themselves as peace keepers rather than crime fighters. In a study including 14 countries (not all European) one could both identify differences in level of integrity and misconduct as well the appreciation of violations of police integrity. Sources and solutions regarding police integrity in Austria, Finland and Hungary had few similarities with similar problems in Croatia and Poland (and Japan). Acknowledging the differences among different cultures makes one to conclude that there are different police cultures. Other aspects influencing how police thinks about ethics and how they actually behave according to certain standards may be found in increasing diversity in the workforce; with the inclusion of women and minorities in the police force. Other researchers and scholars have given greater attentions to the changing

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[7] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). p.11
[8] Ibid
[9] Ibid, p.22
[10] Ibid, pp. 31-32
[11] Ibid, p. 32

– societal and political context of policing in order to explain the dilemmas of policing behavior. Hence a change in the environment may have a great influence on how the police operate and how it behaves and comply with ethical standards. [12] When observing the ethics of policing with regard to the currents societal and political context one may refer to a transformation of public policing. This shall now be further explored.

The transformation of public policing and ethics

Wood and Shearing recognize that public policing is characterized by six particular waves transforming its role in society.[13] They acknowledge that the shifts in the social and cultural make up of the populations in western countries have forced the police to rethink how they could embrace diversity, at the same time as maintaining their image of "iconic representatives" of public interest.[14]

The first wave may be understood as "re-imagining policing as an essentially community based activity".[15] In other words a form of policing is emerging that aims to foster strategic and symbolic links with everyday citizens in the light of "increasing social diversity and cultural heterogeneity".[16] This further involves a symbolic change in the conception of the police as one focusing on providing services by thus viewing the public as clients with different needs and expectations. The second wave is the transformation in the conception of policing as law enforcers to instead re-imagine themselves as problem solvers. This conception has however been challenged by another re-imagining of policing as business driven by economic imperatives that emphasize the scope of problem oriented policing as more effective in the use of police service. At the same time a third wave where citizens and communities are seen as responsible and integrated participants in security provision and risk orientation have emerged. Here the picture of police officers is re-imagined once again this time as taking the role as partnership facilitators.[17]

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[12] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). pp. 31-32
[13] Wood, J. and C. Shearing (2007) *Imagining Security*. Uffculme: Willan Publishing
[14] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). pp.34-35
[15] Ibid, p. 34
[16] Ibid
[17] Ibid, pp.34-35

The fourth wave may be seen in the emergence of policing as restorative justice. The instruments and *symbolic dimension* inherent in restorative justice may have the effect of reorienting the police and related institutions of criminal justice towards risk management "while at the same time articulating a new communitarian vision of collective life and collective responsibilities".[18] A fifth wave "is policing as fixing broken windows". An approach that falls into the category of fixing broken windows is zero tolerance, where police focuses more on though law enforcement with greater emphasis of producing results. Hence this brings the coercive power of the police back in together with the risk oriented thinking and the "communitarian vision of collective life". The final wave outlined by Wood and Shearing is the emergence of intelligence led policing. This notion re-imagines how the police may become brighter in using its unique authority and capacities by making use of new information and communication technologies. Underlying this approach is a general thought that crime may be prevented by acting in a proactive way using the latest and smartest technologies to locate potential targets.[19]

These waves have their own challenges in regard of ethics. The crime fighting approach may run the risk of rather focusing on the "ends of victory than on the means of battle. In this context it is important to view security as a pursuit and not as an attainable goal, and the values we wish to preserve as integral to defining that end".[20] This places increasing importance to regulatory institutions and agencies capable of managing ethical dilemmas of policing. In the Netherlands the changing police environment has been described as "changing the soul of Dutch police". General public fears, terrorism and crime have put police officers in a dilemma between "liberal ideas and burning security issues".[21]

Other findings emphasize the notion of policing becoming a risk business and introduce the new concept of policing risk. Policing risk contains the development of certain tools like risk assessment, the profiling of high-risk groups, the identification of high-risk locations, and potentially, with DNA technology, the prediction of offending behavior. Hence policing is gradually more expected to protect the public and manage serious threats at the same time as

[18] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). p.35
[19] Wood, J. and C. Shearing (2007) *Imagining Security*. Uffculme: Willan Publishing, p.57.
[20] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). p. 35
[21] Ibid, pp.34-35

"communicating risk".[22] Such a role contains a special burden in terms of ethical dilemmas and posses new risks for policing. Focusing on surveillance for managing risk basically means that everyone is presumed to be guilty until the use of risk profiles proves them innocent. As an example one may refer to the high security and the generalized suspicion occurring at airports around the world. To a greater extent such security provisions that until fairly recent were constrained to certain zones of security (as airport) have "spilled over" into everyday life and common and ordinary places. This brings about the risk of people losing liberty and privacy often suffered by a minority.[23]

Another aspect influencing policing is new forms of public management or managerialism. Determining police performance is a complex business since there is no clear purpose or expectations about what the police shall deliver. In this context the new forms of public management seems to put greater emphasize on control at the expense of discretion. Hence the performance by the police rather becomes quantitative as judged by numbers. According to several scholars this may become a great challenge towards human rights and the maintenance of certain ethical standards in public policing. To reverse this trend, monitoring performance within the police needs to be rethought, including a focus beyond hitting numerical targets to monitoring "police practice against professional and ethical standards".[24]

The ethics of policing is furthermore influenced by the threat of terrorism. The threat of terrorism tend to bring about a strong response which often involves the promotion of new emergency legislation that provide for an extension of the powers of the police and/or security services. Albeit, often presented as temporary measures they tend to become a subject of normalization in which a gap between daily policing referred to as normal policing, and special policing becomes even more narrow and may eventually even disappear. Since 9/11 a number of debates on the effects of combating terrorism on the ethical standards of policing have reached surface, however history witnesses that this has been an inherent dilemma in public policing for a long time. During the troubles in Northern Ireland British security forces deployed a number of counter insurgency tactics, including the abolition of trial by jury, the use of brutal methods of interrogation, abuse of army and police powers of arrest, stop and

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[22] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). pp.36.
[23] Ibid, pp.35-36.
[24] Ibid, p.37.

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search, the use of supergrasses to obtain convictions and the adoption of a shoot-to-kill policy. Such a methods indicate a clear shift from normal policing towards special policing that have substantial effects to the overall ethics and accountability of police officers, hence blurring the line between normal and counterinsurgency tactics. The influence from counterterrorism can also be broken down on a smaller scale. The promotion of the strategy of winning hearts and minds often seen in community policing may be put under pressure "to be valued only as a function of intelligence gathering on suspected communities".[25]

Related to counter-terrorism, or maybe one of its consequences that has influenced public policing is the emergence of new technologies. New technologies give rise to a shift in the nature and applicability of surveillance which in turn changes the nature of trust. Hence, trust is given to a greater extent to abstract security systems based on new and ground breaking technology. This has serious implication both for traditional policing largely based on national or local community consent as well as the role of the police in a competitive security environment.[26] Moreover, several observers tend to point out the fact that the police force is only one node or component in the current security field.[27] This is often referred to as plural policing whereas public police force is challenged by private security companies and private security solutions[28]. Hence transformation in policing aside from changes in the social context is not only driven by strategic and normative aspirations of police authorities. As leaders within the police force acknowledge that their operational field is characterized by a *nodal contest* they will develop strategies enabling them to make themselves relevant in the governance of security.[29] The ethical implication of this shift towards plural policing remains to be seen, however it is likely that for instance accountability and integrity will be understood differently among private security companies than by the public police.[30]

Finally, usually the critique on European police cooperation is framed among scholars with regard to a democratic deficit. This is a challenge whether one speaks about EUPOL, common counterterrorism policies, or the integration of informal police networks. One interpretation

[25] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). p.38

[26] Ibid, p.36

[27] Ibid, pp.38-39

[28] See, Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO).

[29] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). pp.38-39

[30] Ibid, p.39.

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would be to conclude that increased cooperation may give rise to a form of transnational solidarity between police officers on shared peculiarities of the job. This can in turn give rise to new working practices and methods amongst police officers "moved by the common threat of the transnational criminal other".[31] Moreover including the external aspects of the security continuum, trends such as the conclusions by the so called Future Group of the European Union that call for a more integrative police cooperation with neighboring states, and in particular with the US and Russia, may give rise to even greater challenges in terms of accountability and legitimacy. With "the increasingly blurring borders between 'external' and 'internal' security, cooperation between police services and military organizations, and the cooperation between police forces from countries with a different history and different perspective on ethical issues like investigative powers, human rights concerns" different police cultures and accountability constitute a great challenge for the ethics of policing in the future.[32] The nature of policing and emerging new approaches taking it beyond existing frameworks of democratic control and accountability signal a crucial need for the emergence of new forms of institutional frameworks and standards. Legitimacy and authority are hence crucial for attaining democratic accountability in any future European police cooperation.[33]

III The way forward

WP3 acknowledges that there is a need for empirical longitudinal research, thus the compliance with ethical standards in security organization can only be explored properly when measured over a longer period of time, in stable professional environments. The work performed, and that lies ahead for WP3, have established a pressing need to expand the range of ethics research to new security arenas, "including international intelligence-led policing, cross-border policing, peacekeeping missions, international counterterrorism, co-operation and information sharing between different intelligence organizations, and security reform projects".[34] Also important and highly relevant for the INEX – project is the urgent need to

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[31] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). p.40.
[32] Ibid
[33] Ibid, p.39.
[34] Ibid, p.6.

focus on the European context as there seems to be a bias in most available research and knowledge in favor of American findings. [35]

Next, the researchers in WP3 will conduct a workshop scheduled for April 2010.[36] The workshop will bring close attention primarily to further discussions on value dilemmas in security policing. Furthermore, WP3 will continue its close collaboration with other work packages even in its future work. During the preparations of the performed deliverables cross referencing and thematical cooperation was in particular carried out with WP1.

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[35] Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA). p.6.
[36] See: Project Periodic Report, INEX, converging and Conflicting Ethical Values in the Internal / External Security Continuum in Europe, 2009.

IV.   REFERENCES

Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO).

Annex I: Description of Work, INEX Project: Converging and conflicting ethical values in the internal / external security continuum in Europe, prepared 31st January 2008.

Project Periodic Report, INEX, converging and Conflicting Ethical Values in the Internal / External Security Continuum in Europe, 2009. (http://www.inexproject.se/)

Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA).

Wood, J. and C. Shearing (2007) *Imagining Security*. Uffculme: Willan Publishing