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BUILDING A **SAFE AND RESILIENT CANADA**



Assessments of Cross-border Policing Programs

Annotated Bibliography

RDIMS # 618809

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Executive Summary

This annotated bibliography is based on a systematic literature review using open source, academic and grey literature developed following the terrorist attack in the United States (US) on September 11, 2001(9/11), to the present, relating to assessments of cross-border policing programs. Its primary focus is to identify relevant research papers that could inform the Canada-US cross-border policing programs of lessons learned from those in place elsewhere, particularly the European Union (*Convention Implementing the Schengen Agreement*).

The annotated bibliography followed the Campbell Systematic Review, using explicit, criterion set out, limiting hidden biases and assumptions, and enabling a straightforward replication of the research by others. Fifteen English language databases and one French language database were searched using the keywords in the Boolean abstract search, resulting in more than 6,400 hits. The abstracts were reviewed for relevancy, particularly in relation to subject matter and when the document was published. All documents published prior to attack of 9/11, were excluded from this bibliography. All documents relating to terrorism and trade issues instead of cross-border policing were also excluded.

As a result, thirty-one documents are included in the annotated bibliography relating to an assessment of cross-border policing programs. Part of the challenge relates to the uniqueness of the Canada-US border program and the lack of publically available evaluations of cross-border policing programs, particularly in the European Union. The research contains annotations from only two performance audits undertaken by the US Government Accountability Office and two evaluations conducted by the Royal Canadian Mounted Police on the Canada-US perimeter programs.

1.0 Introduction

Following the tragic events of September 11, 2001 (9/11), governments and their police forces became increasingly concerned with the provision of law enforcement and security, trying to cope with increased border-crossings and transnational crime due to the globalization of trade and enhanced mobility of people. Cross-border and transnational cooperation in security matters continues to be a high priority for police domestically and internationally.

In Europe, the creation of the ‘Schengen Agreement’ and the establishment of Europol in Den Haag, The Netherlands are prominent examples. In North America, inter-agency partnerships and joint operations have improved the coordination of border intelligence information, communication, efficient use of resources and operations between Canada and the United States (US). Canadian and American law enforcement agencies are responsible for Canada-US border security interdiction and investigations, and participate in a number of inter-agency partnerships. For the purposes of this paper, the Integrated Border Enforcement Teams (IBETs) and joint operations, such as the Shiprider Program, are considered.

Police cooperation across borders has been a subject of study of academics from diverse disciplines, and a body of research literature has been created. Many of these enquiries have focused on processes of multi- and transnational building of regional institutions such as Europol, or the consequences of the Schengen Agreement and the tragic events of 9/11. Far less attention has been given to evaluation of cross-border police cooperation or the effectiveness of such arrangements on a bilateral or regional basis.

2.0 Methodology

This annotated bibliography is based on a systematic literature review of open source, academic and grey literature developed following the terrorist attack in the US that took place on 9/11 to the present relating to assessments of cross-border policing programs. Its primary focus is to identify relevant research papers that could inform the Canada-US cross-border policing programs of lessons learned from efforts made to date. This includes efforts made elsewhere, particularly the European Union (EU) (*Convention Implementing the Schengen Agreement* (CISA)).

This annotated bibliography followed the structured and objective procedures of the Campbell Systematic Review.¹ By having explicit, transparent criterion set out, it limits hidden biases and assumptions, and enables a straightforward replication of the research by others. Using this methodological approach, the annotated bibliography includes a systematic review of assessments or evaluations of the effectiveness of strategies related to transnational policing in Canada-US and the EU. Fifteen English language databases and one French language database

¹ Hammerstrøm K, Wade A, and AMK Jørgenson. (2010). “Searching for studies: A guide to information retrieval for Campbell Systematic Reviews,” *Campbell Systematic Reviews 2010: Supplement 1*, DOI: 10.4073/csrs.2010.1.

were searched using the keywords in Boolean abstract search, including the title and keyword fields (see Appendix 1). The set of keywords chosen reflects the wider definition of transnational policing given the purposes of this project.

The database searches resulted in more than 6,400 hits. The abstracts were reviewed for relevancy, particularly in relation to subject matter and when the document was published. First, all documents published prior to 9/11 were excluded from this bibliography, which is the point where the tragic events of that date led to the current approaches to transnational policing and border security. Second, all documents relating to terrorism and trade issues, rather than cross-border policing, were also excluded. Third, within the academic literature there seems to be more research addressing aspects of police cooperation under the perspective of political and legal treaties and negotiations, such as the *Convention Implementing the Schengen Agreement* (CISA), and the *North American Free Trade Agreement* (NAFTA). There has been much less has been written about the local and regional levels of cross-border policing. Finally, evaluations of cross-border policing programs are scarce, particularly in the EU. Efforts were placed on looking at lessons learned (where available) in each of the articles selected for the bibliography.

3.0 Annotated Bibliography

The annotated bibliography provides a concise summary of each source, by identifying its purpose or research question, its methods of investigation (where available), and its main conclusions.

Ackleson, Jason. "From 'Thin' to 'Thick' (and Back Again?): The Politics and Policies of the Contemporary US-Canada Border." *American Review of Canadian Studies*, 39(4), 2009:16.

By reviewing open source, academic and grey literature, Ackleson assessed the forces and policies relating to the US-Canada border agenda. He identified four factors relating to the ongoing dynamics of the post 9/11 US-Canada border period: (1) capacity issues; (2) new linkages between criminality and terror; (3) the loss of momentum for bi- and tri-national border initiatives, such as the Smart Border Accord; and (4) the debut of several US border regulations. These involved significant changes in US admission procedures under the Western Hemisphere Travel Initiative (WHTI), new border policing resources and protocols, as well as new customs and inspection fees.

Ackleson indicated that a smoothly operating border may involve, to some degree, a security point of view of a continental security perimeter concept. He ventured this approach would involve robust applications of smart border management, including intelligence-sharing, joint-law enforcement efforts, such as expanded Integrated Border Enforcement Teams, and strengthened pre-clearance and movement of goods and individuals. Noting that border control is a politically-based, interest-driven process, Ackleson suggested that there are ways to enhance domestic preferences and foster better border management outcomes.

Atger, Anaïs Faure. “The Abolition of Internal Border Checks in an Enlarged Schengen Area: Freedom of Movement or a Web of Scattered Security Checks?” *CEPS Challenge Programme*, Research Paper 8, March 2008:23.

Atger examined the main questions related to the implications and practicalities from the removal of internal borders in an enlarged EU. This research was conducted by assessing the revised legislative framework following the formal removal of its internal borders. He also reviewed open source, academic and grey literature, and interviewed European Commission (EC) and member state officials who were involved in this transition. Atger observed that the current borderless Europe was achieved through successive waves of lifting borders occurring among seven states in 1995. In 2008, there were 24 countries.

Atger noted that in specific circumstances, Article 2(2) of the *Convention Implementing the Schengen Agreement* (CISA) could be invoked for temporary re-introduction of internal border controls for a short period if “deemed in the interest of national security” and was subjected to a consultation process prior to its re-instatement. This practice has been widely used when a political or sporting event takes place, such as the G8 Summit in Heiligendamm, Germany. Terrorist threats are also used to invoke Article 2(2) of the CISA, such as the July 2005 bombings in London.

According to Atger, the de-securitization project within the Schengen common area has been successful. Atger identified mobility within the EU should be kept under review since the nexus between crime and open borders has negatively impacted on the freedom of movement and security of individuals. Atger concluded that the Europeanization process has been weakened by the enlargement of the Schengen area.

Block, Ludo. “Cross-border Liaison and Intelligence: Practicalities and Issues.” *The Handbook of Intelligent Policing*, Clive Harfield, Allyson MacVean, John Grieve, David Phillips, editors, Oxford University Press, 2008:183-194.

Block described the practicalities and issues of cross-border liaison and intelligence policing in the Russian Federation based on his review of open source literature of criminal intelligence. The use of liaison officers in cross-border law enforcement cooperation emerged in Europe during the latter half of the 1970s. Liaison officers are law enforcement officers stationed in their respective embassies in another territorial jurisdiction without any formal powers. They are tasked with maintaining contacts and acting as intermediaries between their home agency and the law enforcement agencies in the host country. According to Block, the rationale for liaison officers was due to drug-trafficking and combating organized crime and counterterrorism.

Since 2000, a steady growth of liaison officers can be attributed to new EU Member States deciding to establish their first liaison posting. Block noted that EU liaison officers have considerably different backgrounds and functional areas. Although most liaison officers are police officers with a background in criminal investigations, other officers have either a customs investigations, border guard or immigration background.

Block identified a number of obstacles to cross-border intelligence exchange as a liaison officer. These are roughly divided as legal and organizational in nature. Each EU member state having a liaison officer posted in the Russian Federation has had to conclude one or more bilateral agreement(s) on law enforcement cooperation with the Russian Federation authorities. Each agreement varies in content based on the type of agency involved, such as exchange of information and intelligence to the placement of liaison officers. Organizational obstacles are often due to the complexity of different law enforcement systems, diverging interests and cultural differences. Block concluded that building effective cross-border partnerships requires adequate knowledge and understanding of legal and organizational particulars of the jurisdictions where such partnerships are sought.

Boots, Denise Paquette. "US Border Patrol Critical Issues in Policing: 21st Century Challenges in the National Border Patrol Strategy." *Policing*, 3(3), Oxford University Press, 2009:231-244.

By reviewing open source, academic and grey literature, Boots analysed the National Border Patrol Strategy (NBPS). She identified five key objectives of the NBPS: (1) apprehending terrorists and weapons as they attempt illegal entry between ports of entry; (2) deterrence through improved enforcement; (3) stopping the flow of illegal drugs, immigrants and contraband; (4) using 'Smart border' technology; and (5) crime reduction and better quality of life in border communities. Boots reported that the US Government Accounting Office audit of the US Border Patrol operations was generally viewed as a positive influence in most border corridors countering the trafficking of humans and illicit drugs.

Boots stressed that to be successful in a rapidly changing climate, law enforcement efforts required both international and domestic partnerships, that would be supported by intelligence sharing and joint operations between border patrol agencies.

Daman, Maarten. "Cross-border Hot Pursuit in the EU." *European Journal of Crime, Criminal Law and Criminal Justice*, 16, Martinus Nijhoff Publishers, 2008:171-207.

Daman examined the cross-border hot pursuit conducted by law enforcement officials across the EU member states. He analysed the applicable legislative framework within the EU, and interviewed more than twenty law enforcement officials from Belgium, France, the Netherlands and Germany, to identify the conditions under which border crossings are permitted. Daman identified practical issues faced by EU law enforcement by presenting EU cases. He discussed the practical implications of the legislative framework concerning hot pursuits. The treaties discussed include the *Benelux Treaty* (1962), *Convention Implementing the Schengen Agreement* (CISA) (1990), and the *Benelux Treaty* (2004).

Daman reviewed key elements identified in the treaties regarding hot pursuit such as limitations in distance and time; use of force; apprehension of the pursued person; provisional arrest and release; personal appearance and report; inquiry and liability. He identified certain limitations and potential conflicts in the aforementioned treaties. For

example, the Schengen rules only provide for hot pursuit over land borders. First, the CISA loophole has been moderated by other treaties. Second, there is a 10 km distance limitation from crossing the border. These limits in distance have been very difficult to adhere to in practice. Third, the CISA prohibits access to private residences and places not generally accessible to the public. Since the *Benelux Treaty* does not deal with entry into private spaces and, in the absence of any provision, the CISA rules are fully applicable.

Daman offered lessons for future reforms in the area of hot pursuits. First, since hot pursuits are unpredictable and can require crossing of a border instantly, improved transnational communication is needed in the field of police cooperation. The current lack of a common communication system is one of the biggest operational stumbling blocks. Second, the lack of competencies and trust are problematic. Lack of mutual acquaintance of police on either side of the frontier hampers cooperation. The lack of competencies can be remedied by assigning new powers; the enhancement of trust requires encouraging joint patrols and training, and organizing regular meetings of police officers of all ranks. Third, too many treaties spoil the hot pursuit. The more treaties applying in one country the greater the risk is that they will conflict with each other. Differences in interpretation of a 'service weapon' under the CISA and Benelux provisions are examples of this. The lack of a judicial authority with the right to decide on the binding interpretation magnifies the risk of divergences. Fourth, in addition to the myriad of international treaties, police officers are also required to be familiar with the domestic legal framework in which they are operating. Daman recommended setting up teams consisting of officers from more than one country. This approach is used by the Netherlands (e.g., 'Joint-Hit Teams' (JHT) were established to address the criminality of drug trafficking). Daman concluded that harmonization of criminal law and procedural rules enabled officers to exercise their powers in a host State without these concerns. He also stated there was a need to reduce the different standards and methods of investigation to provide an additional basis to intensify cooperation.

Flemming, Brian, "The New Security Perimeter with the United States," *The School of Public Policy: SPP Research Papers*, 2:12, University of Calgary, September 2011:12.

Flemming assessed the new Canada-US security perimeter by reviewing open source, grey literature. According to Fleming, the negotiation of the joint Canadian-American Declaration: *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness* will be an incremental process. He added it was highly unlikely there would be a proposal to initiate removal of land border crossing facilities in this process.

Flemming indicated that 'an integrated Canada-United States entry-exit system' would require exchange of relevant entry information at the land border crossings. It would allow documented entry into one country to serve and verify exit from the other country. According to Fleming, the most politically sensitive part of this process would introduce biometrics as part of the identification component of the proposal. Currently, both countries use a mixture of common technologies to identify people at the border. For example, the joint Canada-US preclearance programs of NEXUS or FAST (Free and

Secure Trade) use the same technology for identifying people. He noted that there are other American programs using technologies, such as facial recognition, iris scans, fingerprints or hand geometry.

For commercial trans-border traffic, Flemming claimed that a system of upgrades requiring more technology would be needed, such as better global positioning systems (GPS) or electronic tracking systems to be used. He observed that cargo containers from other countries are subjected to limited pre-screening abroad, where Americans already work side-by-side with Canadian inspectors at certain Canadian ports. Flemming offered that improved interoperability will only occur from the establishment of joint border facilities outside North America and along the Canada-US border, such as that in Coutts, Alberta. He noted that downstream issues of harmonization of regulation of Canadian and American product standards or products of internal trade entities continue to face protectionism concerns on both sides of the border.

Garza, Veronica. *Vulnerabilities of the National Border Security Strategy on the U.S. Border Patrol*. Center for Risk and Economic Analysis of Terrorism Events, University of Southern California, Aug. 9, 2005: 32, [accessed 2012-06-04], from: <http://create.usc.edu/research/50792.pdf>.

Garza reviewed the challenges associated with the National Border Patrol Strategy (NBPS) and how these issues affect the mission of the US Border Patrol (USBP) by reviewing open source, academic and grey literature. Post 9/11, the USBP looked at risks and vulnerabilities shaping the NBPS. The northern border strategy of the NBPS focuses on liaison and intelligence, emphasizes technology and equipment, and concentrates on personnel. Garza observed that “despite tripling the number of agents deployed, there was only a minor decline in the number of apprehensions” (Garza 2005, 4). The US Government Accountability Office (GAO) identified threats on northern border federal lands as less serious to that seen on the southern border. The US GAO was concerned that illegal activities, particularly smuggling of contraband, drugs and weapons would increase on remote federal lands, especially Indian lands. For example, the Blackfoot Indian Reservation in Montana is known to the US Drug Enforcement Administration as a primary location for cocaine smuggling.

The NBPS southern border strategy is based on “Prevention through Deterrence,” where more than 90% of USBP agents are deployed to high traffic areas of illicit activity. Garza revealed that despite making border crossings more dangerous and challenging for aliens, the number of apprehended illegal immigrants has increased. Unintended results include an increased number of fatalities along the southwest border, with 50% occurring in federal land areas, such as the Arizona desert.

Garza revealed that there has been heightened concern that “the same groups, methods, and routes used to smuggle migrants and drugs across the border could be utilized to smuggle terrorists and weapons of mass destruction” (Garza 2005, 17). Despite the promise of robust investments and hiring of agents post 9/11, Garza revealed that “insufficient preparation and deficient funding have resulted in scarce technological

advancements on the borders” (Garza 2005, 23). Reports of careless installation of equipment and system failures have led to high attrition rates and low morale among agents. Garza concluded that there is ambiguity relating to the number of agents required to effectively patrol the border, and that “failure to develop and implement a strategy to deploy technology efficiently has left vast areas of ground uncovered” (Garza 2005, 32).

Hale, Geoffrey. “In Search of Effective Border Management.” *A Changing World: Canadian Foreign Policy Priorities*, 3, Canadian International Council, 2009:34.

Hale highlighted the ‘big picture’ for US and Canadian border management approaches by reviewing open source, academic and grey literature. According to Hale, each country’s border management approach was based on the relative proximity of its major population centres to the border. He deduced that border issues have greater relevance for Canada since more than two-thirds of Canadians live within 200 km (120 mi.) of the border. Only five percent of Americans live within a two hour drive of the Canadian border, even though 16 percent of Americans live in the eleven Border States.

Since 2001, security and law enforcement perspectives have dominated US border management. The focus related to the reduction of real or perceived risks of allowing Canada become a conduit or staging point for terrorist attacks against the US. Both sides of the border have made significant investments in new border management systems and infrastructure to increase their capacity and provide effective security.

Hale has emphasized that the ongoing cross-border intelligence and police cooperation is a model for effective cross-border law enforcement. According to Hale, police sources have alleged that the greatest threat comes from organized criminal groups that are smuggling drugs and people. Intelligence and police sources have also noted extensive penetration of ports and airports by organized crime. Hale recognized the close and creative collaboration of Canadian and US law enforcement and border agencies using inter-agency partnerships, such as the International Border Enforcement Teams, distinguishing the quality and effectiveness of northern border management from that along the US-Mexico border. He concluded that a long-term cooperative approach to border security, management and facilitation would involve not only cooperation between the two national governments, but should include the private sector, border communities and civil society to be effective and adaptable to changing global conditions.

Kalacska, Margaret. “Technological Integration as a Means of Enhancing Border Security and Reducing Transnational Crime.” *Foreign Policy for Canada’s Tomorrow*, 2, Canadian International Council, July 2009:35.

Kalacska examined the porosity of the Canada-US border by focusing on the areas between ports of entry (POEs), by reviewing open source, academic literature and conducting informal interviews with certain experts on Canadian border security. Traditionally, the POEs were perceived as low risk areas, but increasing evidence has shown they are susceptible to criminal activities. In the post 9/11 environment, the

number of border patrol personnel, combined with the adoption of new technological measures, has enabled effective apprehension and tracking of the crossing patterns of illegal entrants. Kalacska noted that technology can, and does play a large role in border protection. The adoption of new technological measures does not on its own decrease criminal activity. Kalacska listed three options individuals involved in illicit activities may follow once a new technological measure to mitigate smuggling is implemented. First, they could change the geographical area in which they operate, moving to a location they perceive as 'safer' for their activities. Second, they could ignore the technological advancement attributing any loss of profit as a 'cost of doing business.' Finally, they could adapt their methods by learning the strengths and weaknesses of the technology to reduce the risks of being caught.

Kalacska highlighted successful examples of binational and inter-agency collaboration between Canadian and US agencies, as well as the use of technologies for enhancing border security. Examples of these initiatives are the Integrated Border Enforcement Teams (IBET) and Integrated Border Intelligence Team (IBIT), the Shiprider pilot projects, and the maritime POEs under the jurisdiction of municipal police departments.

She explained why problems occurred with the implementation of the Secure Border Initiative (SBI), a 'program focused on transforming border control through technology and infrastructure,' in particular the SBI network (SBInet). Kalacska explained that part of the problems with the implementation of the SBI was due to a lack of input from the user community during its development. Other problems were due to the arbitrary placement of the sensors. She stated that their location must coincide with the areas that are most heavily exploited by illicit cross border traffic.

Tools in the SBInet include motion activated imaging sensors, below ground sensors, thermal cameras. She noted that they have potential to be useful on the Canada-US border with certain limitations. Kalacska concluded that technology, if used correctly, could be one of the key tools of border protection since the information it provides would serve to improve the effectiveness of field agents, particularly when resources are limited.

Loader, Ian and Walker, Neil. "Locating the Public Interest in Transnational Policing." *EUI Working Papers*, 2007/17, European University Institute, Department of Law, 2007:31.

Loader and Walker examined the basis to which there is a 'transnational' public interest in transnational policing by reviewing open source, academic literature. Since 9/11, transnational policing has developed into an expanding, diverse and complex area of activity globally. According to Loader and Walker, political culture has produced a range of rhetoric, regulation, and processes that regularly transcend national borders. Beside the unilateral declaration of US security interests, there has been a general strengthening of state security institutions. This is based on actions such as an extension of cross-border surveillance activity and information sharing, and an enhanced role for networks of police and intelligence chiefs in Europe.

Transnational policing has continued to expand and diversify its role over the long term due to the proliferation of criminal organization network operations across many EU member states. Their methods involve illicit trafficking of people, drugs, information, nuclear materials, or contraband. According to Loader and Walker, Interpol has been superseded in importance due to the internationalization of US policing, the development of new forms of police networking, such as Europol, and cross-border cooperation, such as the *Convention Implementing the Schengen Agreement (CISA)*, within the EU. Loader and Walker identified and reviewed five models of transnational security, namely: state-centric approach, unilateralism, security regimes or communities, global civil society and cosmopolitanism. These models were drawn from current literature on international relations and globalization of transnational politics.

Loader and Walker underlined the importance of security as a global public good. In their view, “the basis of a principled understanding of the pluralism of levels of the public good of security, none of which can hold a monopoly on ensuring or seeking to optimize the provision of policing as a global public good.”

Marenin, Otwin. *Challenges for Integrated Border Management in the European Union*. Geneva Centre for the Democratic Control of Armed Forces, Occasional Paper 17, 2010:160.

Marenin reviewed challenges related to the expansion of the EU in relation to how the external EU borders can be protected against transnational crime, illegal immigration, trafficking in goods and people, non-legitimate asylum seekers and terrorist-related threats. His research is based on a review of open source, academic and grey literature. Marenin also interviewed members of the European Commission in Brussels, members of FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of Member States in the European Union) in Warsaw, and members of the Justice and Home Affairs in Geneva, who were involved in creating an Integrated Border Management (IBM) Strategy.

With the increasing mobility of persons, Marenin observed that the EU faces a challenge of how to enable fluid border crossings and facilitate the entry of bona fide travellers while enhancing security. According to Marenin, facing this challenge will require further development of the EU IBM Strategy in a comprehensive manner, using new technology options. He proposed that making use of new technologies provides a key element for an effective IBM Strategy in the medium-term. Marenin concluded that a step-by-step approach is needed in developing a long-term IBM Strategy building upon existing initiatives.

Meyers, Deborah Waller. “Does “Smarter” Lead to Safer? An Assessment of the US Border Accords with Canada and Mexico.” *International Migration*, 41(4), Blackwell Publishing Limited, 2003:44.

Meyers reviewed the first year of the two bilateral agreements signed by the United States (US), the US-Canada Smart Border Declaration (December 2001) and the US-Mexico Border Partnership Agreement (March 2002). By drawing on open source,

academic and grey literature, and informal interviews with current and former government officials, Meyers evaluated the successes and failures, and identified additional steps to achieve border security and efficiency.

Meyers viewed the Smart Border agreement as innovative, since it moved away from the traditional border management arrangements to more innovative approaches. These included use of risk management, intelligence-based programs and joint programs with common standards and compatible systems, such as the International Border Enforcement Teams, biometric cards and visa-related databases. Other innovations include: having border functions moved from the physical border to other areas such as overseas consulates; increased use and collection of intelligence by knowing more about goods and people prior to their entry at the land border; enhanced use of technology to support new approaches; and increased reliance on information sharing and coordination.

Meyers saw the US-Mexican bilateral agreement as an important step that recognized their mutual dependence and increased information sharing demonstrated a growing trust between the two countries. Meyers concluded that the three countries, particularly the US, realized that there are major negative economic and social implications from shutting one's borders.

Moens, Alexander. "‘Lessons Learned’ from the Security and Prosperity Partnership for Canadian-American Relations." *American Review of Canadian Studies*, 41(1), Routledge Publishing, March 2011:53-64.

The Security and Prosperity Partnership (SPP) was a trilateral initiative, launched in 2005, to facilitate common border security measures and deepen trade integration. Moens reviewed open source, academic and grey literature to assess related outcomes of the SPP. Although Canada and Mexico each negotiated their own "Smart Border Accords" with Washington, both governments felt more was needed to avoid undermining gains achieved under the NAFTA (*North American Free Trade Agreement*). According to Moens, the SPP tried to take over where NAFTA or the Smart Border Accord had left off. In its first year, more than 112 initiatives were listed. Leaders from each of the three countries agreed to hold annual summits as a stock taking exercise and launch new initiatives. In 2006, the business community from each country involved in trade was invited to participate in the North American Competitiveness Council (NACC), and report their priorities at the SPP Montebello Summit (2007).

Moens identified several problems with the SPP initiative. First, the US failed to establish a Congressional mandate for the SPP. It did not get sufficient buy-in from US Congress, which denied funding in certain instances. Lack of sufficient US political capital for the SPP, combined with the financial and economic crises, and rising protectionism in the US made conditions for the SPP unsound. Second, concerns were raised in Canada and the US about further economic integration within North America. In Canada, the focus was on further loss of sovereignty, while the US focused on potential additional job losses. Third, the US federal executive and legislative branches continued along their unilateral path of rule-making while the SPP talks were ongoing.

Fourth, the perceived secretive manner in which SPP negotiations and discussion had taken place due lack of consultations beyond the NACC. Moens observed that the SPP deepened the Canadian government's resolve to pursue a bilateral rather than a trilateral mechanism for moving quickly on Canadian interests.

Muller, Benjamin J. *Governing through Risk at the Canada/US Border: Liberty, Security, Technology*. Border Policy Research Institute, Western Washington University, Working Paper 2, September 2008:17.

Muller looked at the ramifications of adopting a Risk Management (RM) model as the primary strategy for Canada-US border security based on his review of open source, academic literature. Muller noted that there is potential to quantify security and risk, which is linked to the technologization of security and the centralization of authority. In the case of border security, Muller raised the issue of outsourcing these surveillance infrastructures, ID card systems, biometrics, as well as the extent to which the security professionals responsible for providing these systems construct a field of risk. The use of biometrics, various forms of CCTV surveillance, and ID card systems are based on strong assumptions about risk: what/who the potential risks may be, and how these potential threats are likely to behave.

According to Muller, a critical assessment is required of both the utility and appropriateness of the RM approach in the area of border security, particularly where there is a tendency towards a 'zero risk' tolerance. Although the use of technologies is appropriate in various aspects of border security, Muller questioned whether this is being treated as an end itself. Muller recommended there should be subsequent empowerment of region consisting of the Canada-US border (borderlands) and its stakeholders for any successful long-term strategy for Canada/US border security.

Murphy, Christopher. "'Securitizing' Canadian Policing: A New Policing Paradigm for the Post 9/11 Security State?" *Canadian Journal of Sociology*, 32(4), 2007:449-475.

Murphy described the paradigm shift of Canadian policing from a 'public' policing tradition to a more integrated security-based policing model. His research is based on a review of open source, academic and grey literature. The Canadian federal government identified policing and security integration as one of the central components of Canada's national security policy, endorsing a variety of measures to "fully integrate" diverse government departments, systems, agencies, and the private sector as one integrated security system.

According to Murphy, integrated policing reinforces and facilitates the blurring of public and security policing. Police and security agencies are part of the same policing network, sharing information, engaging in joint operations, pursuing overlapping policing, and security objectives. Murphy revealed that integrated policing increases policing security and effectiveness, but it also increases the potential for error and abuse. See for example the Maher Arar case where the Royal Canadian Mounted Police (RCMP) passed on

unreliable or incomplete information about Arar, a Canadian citizen, to US border security police, leading to US security identifying Arar as a terrorist suspect in error.

In sum, the post 9/11 policing paradigm is still evolving. Murphy concluded that this ongoing evolution should be cause for concern and scrutiny when long-established public policing principles are compromised for the uncertain promise of domestic security.

Nogala, Detlef. "Policing Across a Dimorphous Border: Challenge and Innovation at the French-German Border." *European Journal of Crime, Criminal Law and Criminal Justice*, 9(2), Kluwer Law International, 2001: 130-143.

Nogala described the arrangement of cross-border policing at the 'dimorphous' French-German border, in particular, the joint centre of cooperation for police forces and customs known as the 'cross-border cooperative security system.' Nogala looked at the challenges and innovations associated with policing at the French-German border. His research was based on a review of open source, academic literature. He described three types of borders. First, 'hard borders' were established, such as those existing during the Cold War between the West and the East; crossing them without permission could risk one's health or freedom. Second, 'traditional borders' have been established as boundaries to territories or territoriality, are linked to the existence of diverse social collectives, and are seen as an essential tool of governance. Third, 'dimorphous borders' were established at the nation-state level in Europe, which were created by implementing the *Convention Implementing the Schengen Agreement* (CISA). The French-German border is governed by the Schengen provisions, permitting free movement for citizens, mutual legal assistance, regulation of hot pursuits, information systems and checkpoints (when required on both sides).

His review of literature revealed obstacles that can be traced back to structural legal and political factors. One factor is the philosophy of a member state's organisation, for example, France has a centralized governance system, whereas, Germany has a federal system with 'mixed' competencies. Second, each country has different legal cultures, which can affect both the procedural and institutional levels. For example, in France, there is no special Police Law and the 'institutional standing' of the judiciary in dealing with cross-border cases is more succinct. Third, the emphasis on building a 'cross-border cooperative security system' was not equally developed on both sides of the Rhine River. The Germans appeared to promote the notion of the border as a zone, whereas, the French retained a belief in sovereignty and considered the border as a line separating the two entities. Nogala concluded that shrinking budgets will demand increasing efficiencies from law enforcement entities as they enter into cooperative arrangements with other security entities, including secret services or commercial security firms.

O'Neill, Maria. "EU Cross-Border Policing Provisions, the View from One of the Schengen Opt-out States," *European Journal of Crime, Criminal Law and Criminal Justice*, 18, Martinus Nijhoff Publishers, 2010:73-89.

O'Neill reviewed the complexities related to policing in the EU. Her research was based on a literature review, legal analysis of the legislative framework, and personal communications with EU officials. She looked at the uneven implementation of the EU law enforcement provisions in light of the express 'opt-out' stance of certain EU member states, in particular the United Kingdom (UK). O'Neill noted that there are differences in the allocation of criminal investigation roles across EU member states. In the EU, the definition of 'policing' includes both low and high policing. The high policing role, traditionally defined as the protection of the state or counter-terrorism role, has been allocated to intelligence services in some EU states, and to the police in others.

O'Neill described policing in the UK, by focusing on 'low' policing. 'Low' policing or criminal policing, is the core function of all of the UK police forces and its agencies. The Serious Organized Crime Agency is the UK's designated police force for the purposes of cross-EU cooperation in Schengen Police cooperation and Europol. Its core functions are the 'prevention and detection of serious organized crime' and 'reduction of such crime in other ways including the mitigation of its consequences.'

The UK Schengen opt-out and subsequent partial opt back in again, gives perspective on the UK's involvement in the EU's cross-border policing provisions. The UK opted back into most of Schengen policing and the Schengen Information System provisions, but remains out of the provisions covering 'visas, asylum, immigration and other matters dealing with the free movement of third country nationals.' O'Neill concluded that complexities arising from the UK's policing structures and its current Schengen status have caused confusion for law enforcement personnel who are required to use these frameworks during the course of urgent policing operations. Over time, increasing EU law enforcement organizations' interactions and the legal framework would impact negatively on the interaction of the UK in the EU policing community.

Pawlak, Patryk. "Network Politics in Transatlantic Homeland Security Cooperation." *Perspectives on European Politics and Society*, 10(4), Routledge Publishing, December 2009:560-581.

Pawlak explored the development of the EU border security policies. The case study of the EU-US homeland security cooperation on the collection of personal data for security purposes (e.g. the Passenger Name Record (PNR) agreements, the US-VISIT Programme) illustrates that international developments provide the context for EU policy development. His research was based on a review of open source, academic and grey literature, and was supplemented by a series of interviews of participants from both the EU and the US negotiations. The transatlantic debate over homeland security was dominated by conflicts about the balance of security and liberty. When US Customs and Border Protection (CBP) announced the sanctioning of airlines that did not comply with the US data transfer requirements such as PNR data, the European Commission

(Commission) was struggling with ‘legal compatibility problems’ regarding data protection, computerized reservation systems and cross-border movement of persons and visa policy.

When homeland security issues were discussed in the New Transatlantic Agenda framework, Pawlak revealed that the diversity of participants (diplomats and trade specialists) and cultural differences was problematic. To limit different perspectives in the discussion, the US Department of Homeland Security proposed establishing a separate network of homeland security officials, and as a result launched the High Level Political Dialogue on Border and Transportation Security (PDBTS). The PDBTS provided an informal setting where EU and US representatives could meet and discuss issues of concern. Pawlak observed that the transatlantic homeland security cooperation influenced the perspective of EU officials in the Commission and Council, which shifted towards security objectives. In 2004, the European Commission and Council concluded the first PNR transatlantic agreement, despite the European Parliament’s threats of legal challenge.

Pawlak concluded that when the formal legal and policy-making framework excluded certain actors from the process, they were not powerless and could exercise influence using informal mechanisms creating informal decision-making procedures. The EU-US homeland security case demonstrated that international developments provided the context for European policies to take shape. Pawlak singled out the PNR negotiations to demonstrate the evolution of transatlantic networks – from one based on the geographical and political criteria (i.e., EU versus US, European institutions versus US institutions) towards functionally based networks (i.e., transatlantic diplomats versus transatlantic security specialists, transatlantic executives versus transatlantic legislatives). The latter shift occurred within a highly political process where actions and decisions revolve around network membership, centrality of actors, and a particular role of bureaucrats.

Plecas, Darryl; McCormick, Amanda V.; Levine, Jason; Neal, Patrick; and Cohen, Irwin M. “Evidence-based Solution to Information Sharing Between Law Enforcement Agencies.” *Policing: An International Journal of Police Strategies & Management*, 34(1), Emerald Group Publishing, 2011:120-134.

Using IBM’s Entity Analytics Software (EAS), Plecas et al. tested a technological solution to address two traditional limitations related to information sharing between law enforcement agencies: data quality and privacy concerns. Two tests were conducted with Canadian law enforcement agencies. In the first test, duplicated cases held in the police record system were successfully identified (4%) to a greater extent than SPSS software (1.5%). The test produced 11,954 cases that otherwise would not have been identified as duplicates. In the second test, information held separately by the police and border officials was shared anonymously between these organizations. This approach generated 1,827 alerts, which were attributed to entity matches in both systems. Traditionally, this data could not have been shared, due to privacy concerns, and neither agency would be aware of the relevant information held by the other. Data duplication resulted in an additional 1,041 alerts.

The study demonstrated that the results of one particular technological software EAS, was a possible solution for identity and relationship resolution. Plecas et al. noted that there may be other software solutions having similar capabilities of solving ongoing problems of data quality, duplicate data, privacy concerns, and lack of information sharing. There are some obstacles that need to be addressed prior to using a software solution. First, there is a need to understand the limitation of the software when working with databases. Second, the investment associated with such a software purchase could be substantive. Finally, solutions to data quality issues vary in complexity. Plecas et al. concluded that the EAS is an effective data quality tool. However, it does not add/delete data, fix typographical errors, offer suggestions about reformatting data or provide any other data quality management tools.

Reid, Dana B. *Shiprider: A Joint Capability for Enhancing U.S./Canadian Maritime Cross-border Security*. Joint Military Operations Department, Naval War College, US Department of Navy, 2011:20, [accessed 2012-05-25] from: <http://www.dtic.mil/dtic/tr/fulltext/u2/a546273.pdf>.

Reid examined the importance of securing gaps existing along the US northern border in the post 9/11 environment, by focusing on challenges faced by the US and Canada in the maritime environment. The research was based on a review of open source, grey literature and informal discussions with Joshua L. Sagers of the US Coast Guard, Thirteenth District Office of Law Enforcement. Reid provided an overview of the ‘shiprider’ or integrated maritime cross-border law enforcement (MLE) operations, an integration of US and Canadian law enforcement capabilities. The core agencies comprising the Integrated Border Enforcement Teams (IBET) include the US Customs and Border Protection (CBP), US Coast Guard (USCG), US Immigration and Customs Enforcement (ICE), Canada Border Services Agency and the Royal Canadian Mounted Police (RCMP).

During the 60-day pilot, bi-national forces demonstrated the scalable nature and operational flexibility of ‘shiprider’ for the US-Canadian border security. The value of cross-border units training together and operating jointly provided significant intangible benefits of improved bi-national relationships, coordination and information sharing based on trust and confidence. Reid stated that the critics of ‘shiprider’ opposed the perceived permanent, steady state, cross-border MLE capability since routine operations “go too far” and could produce unintended results such as threatening each nation’s sovereignty and hinder free trade. Reid revealed that the supporters of ‘shiprider’ recognized the MLE environment requires both creativity and maximum flexibility. Reid stated that the potentially unintended results of limiting ‘shiprider’ usage provided the rationale to exercise the capability on a regular basis. “Periodic, non-routine operations frustrate bi-national efforts to maintain interoperability and proficiency requisite for smooth execution” (Reid 2011, 15).

Reid concluded that the MLE pilot program demonstrated that through “a minimal financial investment returns a permanent cross-border law enforcement capability that provided commanders with increased operational coordination, information sharing,

communication, and effectiveness along the northern maritime border” (Reid 2011, 16). Reid recommended an expansion of the current joint concept of operations by establishing a command structure supported by a joint operations centre (JOC) permanently staffed with representatives of both countries. He explained that a ‘shiprider’ operation (both joint and bi-national) without support of a JOC and properly trained control staff can morph into a parallel command structure where clarity on which nation is in command at any given time is lost.

Rosenblum, Marc R. “Border Security: Immigration Enforcement Between Ports of Entry.” *CRS Report for Congress*, Congressional Research Service, R42138, 2012:42, [accessed 2012-05-24], from: <http://fpc.state.gov/documents/organization/180681.pdf>.

Rosenblum analysed key elements of the US Bureau of Customs and Border Protection (CBP) border enforcement strategy. His research is based on review of the relevant US legislative framework, as well as open source, academic and grey literature. Since 2005, CBP has implemented the ‘enforcement with consequences’ policies. In 2010, 1,200 National Guard troops were deployed to provide intelligence work and drug and human trafficking interdiction to CBP. Due to budgetary considerations, this was reduced to 300 by January 2012. “Robust investments in tactical infrastructure and surveillance assets have been associated with a sharp drop in the number of illegal aliens apprehended at the border” (Rosenblum 2012, i). Besides ground-based surveillance assets, CBP’s Office of Air and Marine deploys 270 aircraft and 280 marine vessels to conduct surveillance operations and the interdiction of illegal aliens and illicit drugs.

Rosenblum identified a number of unintended consequences of an enhanced border enforcement strategy. With illegal border crossing becoming more dangerous and expensive, illegal migrants have adapted their behaviour to avoid crossing the border using traditional pathways. Unlike the mid-1980s, illegal migrants are now encouraged by their networks to settle permanently in the US due to enhanced border enforcement. Illegal entries tend to occur between ports of entry. This involves crossing the border at dangerous locations, which may result in migrant deaths, possible damage to fragile border-area ecosystems, and detrimental social and economic effects on border communities.

Rosenblum questioned the effects of the enhanced border enforcement policies on US relations with its continental neighbours, Mexico and Canada. He outlined the US-Canada strong record of collaborative border enforcement, including 15 bi-national, multi-agency, Integrated Border Enforcement Teams (IBETs) operating at 24 locations at and between US-Canadian ports of entry. The release of a US-Canada joint declaration, Beyond the Border Agreement (February 4, 2011), and the subsequent release of its associated Action Plan (December 7, 2011) are intended to enhance security cooperation and move toward a common approach to perimeter security. Rosenblum noted that the US-Mexican border is a major focus of US enforcement, given that drug-related violence in Mexico raises concerns about a potential ‘spill over’ effect on the US side. Although Mexico does not question the US regarding its authority to make and enforce its own immigration laws, concerns have been expressed about the construction of border

fencing, the effects of border enforcement in relation to migrant deaths and protection of vulnerable groups of migrants.

Royal Canadian Mounted Police. *RCMP-USCG Shiprider 2007 Impact Evaluation Final Report*. RCMP Evaluation Directorate, Internal Audit, Evaluation and Review Services, July 28, 2008:33.

The RCMP (Royal Canadian Mounted Police) evaluation team conducted in-person and phone interviews of RCMP and USCG (United States Coast Guard) personnel in the Cornwall-Massena section of the St. Lawrence River and the Blaine-Vancouver area of western Washington State and British Columbia over a two month period from August-September 2007. The interviewees included on-board personnel (Shipriders) and senior managers from both sides of the border. The evaluation examined questions of Relevance, Success, and Design and Delivery in relation to the Shiprider project. Shiprider 2007 represents a continuation of the pilot program in 2005.

From the operational side, it was deemed a success. Any future shiprider approach would continue to be an intelligence-based, threat assessment-based deployment of resources, where individuals undertaking illicit activities were moving to the land frontier since the waterfront frontier was becoming more difficult, which resulted in increased seizures on land.

Royal Canadian Mounted Police. *RCMP-USCG Detroit-Windsor Shiprider Pilot: September 12-25, 2005, Shiprider Proof of Concept Evaluation*. Evaluation Directorate, Internal Audit, Evaluation and Review Services, January 18, 2006:23.

The RCMP evaluation team conducted in-person and phone interviews of RCMP and USCG personnel in Windsor, Detroit and Cleveland from November 22-25, 2005. The interviewees included on-board personnel (Shipriders) and senior managers from both sides of the border. The evaluation examined questions of Relevance, Success, and Design and Delivery in relation to the Shiprider project. The authors identified limitations relating to the process due to timing (i.e., introduced late in the process), no comparison data for previous years and insufficient time allotted to generate the type of data required to correspond to the evaluation logic model. In the Windsor pilot, many of the logistical elements were worked out. From the operational side, the pilot had a high success rate.

Salter, Mark B., "Passports, Mobility, and Security: How Smart Can the Border Be?" *International Studies Perspectives*, 5, Blackwell Publishing, (Malden, MA, USA), 2004:71-91.

Salter examined the challenges associated with border security, passports and global mobility in the post 9/11 environment. His research was based on review of open source, academic and grey literature. The US has attempted to make border access more stringent and the national population more secure from greater discrimination between and surveillance of 'high-risk' travelers. Salter outlined the steps involved. First, the US Department of Homeland Security (DHS) added security features to the US passport.

Second, it integrated the different databases into one system, known as ‘Chimera,’ and established the National Security Entry-Exit Registration System (NSEERS) replacing the United States Visitor and Immigrant Status Indicator Technology (US-VISIT). Third, the US-VISIT special registration program continued its surveillance of ‘high-risk’ individuals within US territory. The ‘upstream’ surveillance relates to the visa and passport system, affecting visitors prior to their arrival on US soil. This addresses the network of ports of entry (POE) to accommodate the global transportation grid.

The *Convention Implementing the Schengen Agreement (CISA)* signed by EU and non-EU countries has displaced the traditional European country borders for the purposes of border crossings. Salter described the borders between Schengen countries as internal borders, while those between Schengen and non-Schengen countries as external borders. Internal frontier border requirements are lax and has led to decentralization of the border’s policing function. However, the external borders of the Schengen area or frontier zones are constantly policed and led to a greater increase in police cooperation and integrated networks of intelligence/enforcement. Within the CISA area, European countries rely on inter-agency cooperation and the integration of databases provides the intelligence to enable effective policing. The European Image Archiving System is used to identify fraudulent documents and uses a computerized image system for sharing images of fraudulent documents. The US Chimera system closely mirrors this system.

Salter identified three primary weaknesses relating to the use of the passport as a border security document: (1) it may identify the individual based on other documents, which may be forged; (2) the passport does not guarantee the intentions of the bearer; and (3) the global mobility regime is not uniform since every state has slightly different intelligence capacities and conflicting foreign policies. The US practice of delocalizing the border, its use of the extended examination of travelers, and the discretionary power to enforce surveillance of ‘suspicious’ travelers addressed these weaknesses.

In contrast, Salter indicated that the Schengen process allows freedom of movement for some and has entailed restriction of freedom for others. The Schengen process portrays migration as a security issue instead of a socio-economic or ethical issue. The displacement of policing from internal borders to the external borders of the CISA area has not decreased the number of police but generalized the policing of the frontier-zones and POEs.

Schneider, Stephen, and Christine Hurst. “Obstacles to an Integrated, Joint Forces Approach to Organized Crime Enforcement: A Canadian Case Study.” *Policing: An International Journal of Police Strategies & Management*, 31(3), 2008: 359-379.

Schneider and Hurst explored the challenges arising in the execution of a joint force operation (JFO) involving multiple law enforcement agencies. Despite the increased frequency and importance of joint force enforcement operations in combating organized and serious crime, Schneider and Hurst indicated that there has been little research conducted examining the issues and challenges that may obstruct inter-agency cooperation. Their primary research identified the level of satisfaction of enforcement

agencies involved in a Canadian-based multi-agency task force mandated to combat organized crime. They used a questionnaire survey of, and semi-structured interviews with, operational and supervisory personnel assigned to the JFO, as well as their senior management. Most of the respondents (91.7%) were members of a Canadian police agency. The rest were from provincial governments, law enforcement agencies in the US, and other foreign law enforcement agencies.

The survey participants believed that the multi-agency task force approach is essential to the effectiveness of the JFO. They found that: there was a high rate of dissatisfaction with intelligence dissemination and sharing by this JFO; there was poor quantity and quality of communication between the JFO and other member agencies; and minimal input by partner agencies into the mandate, objectives and priority-setting, and enforcement approaches. This low level of satisfaction came from survey respondents from participating municipal and provincial police agencies, who consistently had a higher rate of dissatisfaction when compared with RCMP respondents. Schneider and Hurst concluded that the lack of timely sharing of criminal intelligence between JFO members remains the primary obstacle to inter-agency cooperation and coordination, both domestically and internationally.

Sokolsky, Joel J. "Guarding the Continental Coasts: United States Maritime Homeland Security and Canada." *IRPP Policy Matters*, Vol.6, No.1, Institute for Research on Public Policy, March 2005:68, [accessed 2012-06-04], from: <http://www.irpp.org>.

Sokolsky examined the use of maritime security in the context of American homeland maritime security and defence, the roles of the US Navy and the US Coast Guard. His research is based on a review of open source, academic literature. Traditionally, the US Navy was focused on forward defence. Since 9/11, the navy, as well as other parts of the US armed forces, have been reassessing their role in homeland security. Sokolsky examined the impact of establishing the US Northern Command and other US initiatives designed to enhance 'maritime domain awareness' and allow for the early identification and interdiction of seaborne threats.

Sokolsky reviewed Canada's efforts in response to US maritime homeland security concerns such as better monitoring of containers entering Canadian ports. He stressed that there is an ongoing enhancement of the Canadian Navy's role in domestic and Canada-US maritime security. Related increased technological and infrastructure investments to enhance capacity could include items such as new, armed, smaller vessels that would support the RCMP in enforcement operations as well as search and rescue missions on the Great Lakes and inshore waters. Sokolsky concluded that Canada's contributions to the protection of the maritime coasts and oceans, and approaches to the North American continent in cooperation with the US, will also safeguard and assure Canadian maritime security and sovereignty.

Tanguay, Georges A. and Therrien, Marie-Christine. *The Smart-Border Accord and the Schengen Agreement: A Comparative Analysis of Security Policies*. Center for Interuniversity Research and Analysis on Organizations (CIRANO), 2010:36.

Tanguay and Therrien compared the security policies of Europe's *Schengen Agreement* and the Canada-US Smart Border Accord by looking at national security as a public good. Their research is based on a review of open source, academic and grey literature. In 1995, EU and non-EU countries signed the *Convention Implementing the Schengen Agreement* (CISA), which has been revised, post 9/11. As of 2010, 25 EU countries are members of the agreement. The two non-signatories are the United Kingdom and Ireland. The CISA is based on two principles: 1) internal borders may be crossed without any control, and 2) compensatory measures are adopted such as reinforcing border controls, a common visa policy, police and judicial collaboration, and the creation of a common database of undesirable individuals (Schengen Information System or SIS), which is used by embassies to access information on certain individuals. States may individually continue to do random controls close to their internal border. The rules of the Agreement are set by the European Commission, the governance body of the EU, where "the good of the community overrides national interests of an EU member state." Since 9/11, EU member states have significantly enhanced their police and judicial cooperation, and reinforced the external perimeter of Schengen.

Tanguay and Therrien reviewed the Canada-US border arrangements. The Smart Border Accord (Accord) was signed by the US and Canada in December 2001. The two countries have opted for a coordination strategy, with incremental procedures. These procedures composed 30 points or elements of the Accord. Some of these elements are applied to various border crossings, such as NEXUS, FAST or IBETs. Other elements/points relate to items such as visa policies, refugee/asylum claims, compatible immigration databases at the national level, between Canada and the US. In the Accord's implementation, both countries remain sovereign in their policy decisions. Elements of the Accord represent changes that would be made in each country individually, based on coordination of its relevant implementing agencies.

The major difference between the Accord and the CISA is related to economic integration. Canada and the US have a less developed economic integration than the EU, and do not have a developed governance structure, such as with the European Commission. The CISA emphasized coordination between the 25 member states, and the rules were negotiated and applied uniformly within the EU. Tanguay and Therrien submitted that Canada has incentive to increase its border security for two reasons. First, not doing so could lead the US to become more cautious with individuals and merchandise entries from Canada. A more stringent US border could prove costly for Canada since more than 80% of its exports are destined for the US market. Second, a higher US border security could potentially shift terrorist activities to Canada. Given these incentives, they concluded that the US and Canada could reach optimal global security using independent border policies.

United States Department of Homeland Security. (2012). *Northern Border Strategy*, June 2012:22, [accessed 2012-07-04], from: <http://www.dhs.gov/xlibrary/assets/policy/dhs-northern-border-strategy.pdf>

The United States Department of Homeland Security (DHS) issued the 2012 DHS *Northern Border Strategy* (NBS), to guide DHS's policies and operations at their northern border in June 2012. The US-Canada border, the longest common border in the world joins two nations that “enjoy one of the world’s strongest relationships. With communities and businesses that reach both sides of the border, the economies and security of the United States and Canada are inextricably linked” (DHS 2012, 2).

The NBS identifies three goals for the northern border. First, deter and prevent terrorism, smuggling, trafficking, and illegal immigration. Second, safeguard and encourage the efficient flow of lawful trade and travel. Third, ensure community safety and resiliency before, during, and after incidents, including terrorist attacks and natural disasters. Cross-border policing has a primary role in goal one, particularly when conducting threat assessments to “support action by policymakers and operators to secure the northern border” (DHS 2012, 10). To accomplish these goals, DHS will use five key means: 1) partnerships; 2) information, intelligence, interdictions, and investigations; 3) technology; 4) infrastructure and 5) personnel.

The NBS goals support the 2011 United States-Canada shared security vision, *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness* and its associated Action Plan, released on December 7, 2011 by President Obama and Prime Minister Harper. This vision demonstrates “a shared responsibility to enhance our security while expediting legitimate flows of people and goods to enhance economic competitiveness” (DHS 2012, 5).

United States Government Accountability Office. “*Border Security: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands.*” GAO-11-177, Washington, D.C., November 2010:56, [accessed 2012-06-04], from: <http://www.gao.gov/assets/320/312517.pdf>.

The US Government Accountability Office (GAO) conducted a performance audit of the actions of the US Department of Homeland Security (DHS) of addressing illegal activity on federal and tribal lands of the US borders with Canada and Mexico. The performance audit was based on reviews of inter-agency agreements and threat assessments. Their analysis of enforcement dates from 2007 through 2009. Interviews and onsite assessments of the two Border sectors were selected due to a high volume of illegal cross-border activity in Tucson, and a limited ability to detect the activity in Spokane. On the northern border, the Spokane sector is a primary entry point for air smugglers of high-potency marijuana. However, technical challenges prevent full assessment of the borderland threats.

Although DHS agencies have established forums and liaisons to exchange information, GAO found that there has been little inter-agency coordination to share intelligence

assessments of border security threats to federal lands, including development of budget requests, strategies, and joint operations to address such threats. Inter-agency actions should require leveraging of law enforcement partner resources and knowledge for improved border security operations.

United States Government Accountability Office. *Border Security: Enhanced DHS Oversight and Assessment of Inter-agency Coordination is Needed for the Northern Border*. GAO-11-97, Washington, D.C.: December 2010:55, [accessed 2012-06-04], from: <http://www.gao.gov/assets/320/314220.pdf>.

The US Government Accountability Office (GAO) conducted a performance audit of ongoing efforts of the US Department of Homeland Security (DHS) to address the threat of illegal activity on the US northern border. The performance audit was based on interviews and onsite assessments of four Border Patrol sectors: Blaine, Spokane, Detroit and Swanton since they comprise a mix of differences along the northern border regarding geography (western, central, and eastern border areas), threats (terrorism, drug smuggling, and illegal immigration), and threat environment (air, marine, land). Securing the Canada-US border is the primary responsibility of various components within DHS, in collaboration with other federal, state, local, tribal, and Canadian law enforcement agencies.

GAO found that a majority of interviewees indicated that DHS had improved its northern border security coordination using inter-agency forums and joint operations. These forums were beneficial in establishing a common understanding of security, while joint operations forged an integrated and effective law enforcement response. Identified challenges included the inability to resource the increasing number of inter-agency forums and raised concerns that some efforts may be overlapping. Moreover, GAO found that DHS has established and updated inter-agency agreements, but oversight by management at the local level has not had consistent compliance with provisions of these agreements, particularly those related to information sharing.

Willis, Henry H.; Predd, Joel B.; Davis, Paul K. and Brown, Wayne P. *Measuring the Effectiveness of Border Security between Ports-of-Entry*. RAND Corporation, Homeland Security and Defense Center, 2010:48.

Willis et al. provided recommendations based on their research relating to strategic-level measures of assessing the effectiveness of border-security efforts between ports of entry, and informing program decisions within and across the US Department of Homeland Security (DHS) missions. Their research was based on informal interviews with American DHS officials, and a review of open source, academic and grey literature. Measures identified for border security effectiveness were: sound (reflect what is important), reliable (easy to interpret and difficult to manipulate), useful (can be monitored), and general (can be broadly applied to DHS border-security efforts).

The model was applied to three special DHS interest areas of illegal drug control, counterterrorism, and illegal migration. Willis et al recommended measuring the

performance of three fundamental functions where border-security efforts contribute to achieving national policy objectives. These included: interdiction (disrupting illegal movements across borders), deterrence (convincing potential felons not to attempt illegal border crossings), and exploiting networked intelligence (contributing to and using shared intelligence information across organizational boundaries). The report identified a set of border security measures reflecting the contributions DHS programs make toward the three fundamental functions: interdicting illegal flows, deterring illegal flows, and exploiting networked intelligence.

Willis et al. identified steps for practical implementation of these measures that would be based on more concentrated analysis. These steps included: (1) creating models supporting planning (and performance evaluation, in certain instances); (2) identifying and exploiting opportunities to estimate attempted illegal crossings; (3) translating studies of adversary decision-making into doctrine for deterrence; (4) identifying best practices for exploiting networked intelligence; and (5) using layered portfolio-analysis methods to evaluate past or ongoing border security efforts. This approach will allow for evaluating forward-looking border security options, and relating results to the levels of success in portfolio agencies.

4.0 Observations

This paper offers an annotated bibliography relating to cross-border policing programs in the post September 11, 2001 (9/11) environment. It places emphasis on such programs and publically available policies relating to the northern and southern borders of the US. It identifies US actions taken on a bilateral basis, such as the *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness* agreement with Canada, and on a multi-national basis, such as with a number of Passenger Name Record agreements with the EU.

The literature indicated that Canada's pursuit of a bilateral mechanism may advance Canadian interests more quickly than other approaches based on its successful outcomes in border operations and trade issues with the US. The release of the US Department of Homeland Security policy, the *Northern Border Strategy* (NBS) highlights the importance of the 2011 US-Canada shared security vision, *Beyond the Border* and its Action Plan (DHS 2012).

A number of papers reviewed and contrasted the EU and US approaches to border control and cross-border policing. From the research, the US as well as the EU has made robust investments in security and cross-border policing to address terrorism and border security. Since 9/11, Canada and the US have increased their deployment of personnel and made robust investments in technological solutions for enhanced border security.

The performance audits and the evaluations did not provide publically available quantitative data for future analysis to allow for costing of these cross-border operations. Most of the articles were based on qualitative reviews of open source, academic and grey literature. Some articles were also based on informal interviews and a review of relevant legislative frameworks.

5.0 Appendix 1:

Proposed Databases and Keywords for Literature Review

English databases

1. Academic Search Primer
2. Canadian Public Policy Collection
3. Criminal Justice Gray Literature Database
4. Criminology: a SAGE Full-text Collection
5. EBSCO databases
6. Emerald Management Xtra
7. Education Resources Information Center (ERIC)
8. IngentaConnect
9. Journal Storage (JSTOR)
10. National Criminal Justice Reference Service (NCJRS)
11. Psychology & Behavioural Sciences Collection
12. Social Science Research Network (SSRN)
13. Social Sciences Citation Index (SocINDEX)
14. Theses Canada

French databases

1. Cairn

English keywords

Search 1: (cross border policing* OR border security OR integrated policing*) AND (Canada-US border OR US-Canada border) AND (data)

Search 2: (cross border* OR trade* OR smuggling*) AND (*policing)

Search 3: (*policing) AND (evaluat* OR assess* OR effect* OR outcome* OR systematic review)

French keywords

Recherche 1: (police transfrontalière* OU la sécurité des frontières OU services de police intégrés*) ET (frontière canado-américaine) ET (données)

Recherche 2: (*transfrontalière OU *commerce OU contrebande*) ET (*maintien de l'ordre OU *police)

Recherche 3 : (*maintien de l'ordre OU *police) ET (évaluer* OU l'effet des résultats* OU examen systématique)