Mobility, control and technology in border areas : discretion and decision-making in the information age
Dekkers, T.J.M.

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Author: Dekkers, T.J.M.
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Appendix 1: Observation Form[100]

Observation Form MSM:

Observer: □ Jelmer   □ Tim   □ Maartje

Observation number: _____

Date and time: _____

Light: □ Daytime   □ Sunset   □ Dark

Location: _____

Weather:

MSM explained?   □ Yes   □ No

Vehicle

Origin license plate: _____

Vehicle type: □ Three door   □ Five door   □ SUV
                            □ Station   □ Sport car   □ Cabrio
                            □ Motorcycle   □ Van   □ Touringcar
                            □ Truck   □ Other

Brand and type: _____

Color: _____

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100   The original form used during the observations was in Dutch.

Estimate age vehicle: ☐ New ☐ Several years old
                       ☐ Old ☐ Oldtimer

Rental: ☐ Yes ☐ No

@migo hit: ☐ Yes ☐ No

Other remarks vehicle: _____

_____

_____

_____

Occupants

Number of occupants: _____

Sex drive: ☐ Male ☐ Female

Sex passenger(s): ___ Male ___ Female

Nationality driver: _____

Nationality passenger(s): _____

Date of Birth driver: _____

Date of Birth passenger(s): _____

Clothing driver: ☐ No remarks ☐ Remarks

_____

Clothing occupants: ☐ No remarks ☐ Remarks

_____

Remarks driver: _____

_____

_____

Remarks passenger(s): _____

_____

Behavior

Behavior occupants: _____

_____

_____

Interaction RNLM: _____

_____

Language: _____

Can the driver continue? _____

Appendix 2: Topic List Focus Groups[101]

Guide MSM research Leiden University

Introduction

My name is Maartje van der Wouden, lecturer criminal law and criminology and senior researcher. These are my two colleagues Jelmer Brouwer and Tim Dekkers, both junior researchers and lecturers. We work at the Institute of Criminal Law and Criminology at Leiden University.

What did we do and what will we be doing?

Gain insight in the MSM, in particular the way in which decisions are made in the context of the MSM: decisions to use certain profiles, the decision to stop vehicles and profiling based on experience and professional intuition. Besides that we will address the opinion of civilians: why do they think they are selected and what do they think of the MSM checks and the RNLM.

This first phase of the research, in which all three of us did a manifold of ride-alongs with the RNLM and spoke to civilians, is almost done. A lot of information has been collected in this first phase, but also several themes that we would like to discuss with you further. In this second phase of the research we will do that using focus groups or group conversations. During these focus groups we will give a first insight in our results up until now which we will use to discuss the themes. Depending on the size of the brigade, we will do at least two focus groups at each brigade.

What will be the procedure?

The idea is that we will have a conversation about several themes that I will introduce. As I have said, these are themes that proved to be important or are questions we had after all we have seen. To prevent the conversation from getting chaotic, I will act every once in a while to keep the conversation focused, give individuals the chance to speak or ask additional questions. There are no right or wrong answers, having

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101   The original guide used during the focus groups was in Dutch.

different opinions is ok, interrupting each other as well, but keep it to a minimal and let's make it informal.

What I think is important to emphasize is that this research is independent. That means we were not asked to do this study by the RNLM. It is based on our own initiative and our funding. Also important to note is that we have signed a non-disclosure agreement and have been screened by the Military Intelligence and Security Service.

The conversation will be recorded so we will have to write as least as possible. After today we will transcribe and delete the recording. In our report we will anonymize all information: nothing will be traceable to a person or brigade. Are there any questions or are things unclear about what we will be doing today?

Who is present?
Ask everyone present to introduce themselves and ask for these specific points:

- Name
- Rank
- Position
- Years in service
- Age

Note: draw map of everyone present.

1. Opening question (about 10 minutes)
What is your most memorable situation, negative or positive, related to the MSM?

2. Introductory question (about 10 minutes)
During the observations we paid attention to the factors that play a role in the decision to stop a vehicle or person. We get the idea that the selection decision is an interplay of different factors and indicators.

Could you explain if there are one of more indicators/factors that are more important than others and, if so, what those are?

3. Transition question (about 10 minutes)
Based on our current information we can conclude that certain nationalities are over-represented in the selection process.

What are the expectations for these nationalities?

4. Core Questions (about 60-90 minutes)
Theme 1: Risk profiling and intelligence-led policing

We often heard that profiling and selection is 'people's work' and noticed officers have a lot of knowledge in this regard. How do you learn this, in other words, how do you learn to profile and select?
What do you think of the development towards intelligence-led policing and profiling?
Did you change the way you work because of the development of intelligence-led policing and selection?

Theme 2: self-identification and mission statement

How would you describe your task in the context of the MSM?
What is the main purpose of the MSM?
Reaction to statement 'Police people and immigration people' – what do you think of this?
Does the current legal and policy framework give you enough space to fulfill your task?
Reaction to statement 'It's always playing with the legal powers' – what do you think of this?
How are you kept up to date regarding changes in legislation and regulation?
Training and communication with higher ranks?

5. Closing question (about 20 minutes)
Reflection question: if you could change two things – anything, even outside of what was discussed today – to the MSM (operational, organizational, communication etc.), what would that be?

Note: have everybody present respond to the question.

6. Finishing up

Many thanks for your openness and willingness to participate in this conversation. We expect the report with our findings will be finished in about a year. In the meantime you will see us for the remaining observations, but we hope to come back to give a presentation on our findings as well. Please contact us before than in case you have any questions or want to share anything.

Note: leave business card – Maartje as main contact.

Appendix 3: Topic List First Round of Interviews

Opening question: in what way are you involved in the MSM?

Task & Regulation

1. What is according to you the most important goal of the MSM?
2. Has the goal of the MSM changed throughout the years?
   a. In what way?
   b. If yes, what influenced the change?
   c. How was the transition from Mobile Aliens Monitor to Mobile Security Monitor communicated?
3. Will there be any changes to the MSM in the near future?
4. Does the current regulatory and legal framework offer enough opportunity to reach the intended goals of the MSM?
5. How are you notified of changes in relevant legislation and regulation?
6. Respond to statement: 'Police officers and immigration officers – what does this mean according to you? What is your opinion on this statement?
7. Respond to statement: 'It is always playing with your legal powers' - what does this mean according to you? What is your opinion on this statement?
8. There is a discretionary space in the legal framework of the MSM. To what extent is this discretionary space regulated by guidelines?

Risk Profiling and Intelligence-led Policing

1. How do you view the development towards intelligence-led policing and profiling?
2. What were the reasons to initiate the intelligence-led policing program for the RNLM?
3. The discourse analysis shows that intelligence-led policing is associated with efficiency, effectiveness and objectivity by politicians. How do you view these ascribed benefits of intelligence-led policing and for what reason?
4. To what extent should information and risk analysis guide street-level officers?
5. How was the shift towards intelligence-led policing communicated to the street-level?

6. Why was the decision made to develop a system like Amigo-boras? What were the expectations?
7. Preparations are being made to apply Amigo-boras to the enforcement of criminal law.
   a. Why was decision made?
   b. How do you view that development?
8. How do you view the role of technology in the MSM or border policing in the future?
9. If you could make two changes – not necessarily related to what was discussed today – to the MSM (execution, organization, perception etc.), what would those changes be and why?

Appendix 4: Topic List Second Round of Interviews

Introduction
Explanation of research
Data analysis procedure
Anonymity

Topic 1: Amigo-boras
Why did the RNLM decide to develop Amigo-boras?

The original focus of Amigo-boras was the enforcement of migration law. Why was it decided to use it for criminal law enforcement as well?

What are the legal possibilities for using Amigo-boras for crime control purposes?

What data will be available to Amigo-boras with the expansion to criminal law?

Are there any projections or expectations on how Amigo-boras will be used in practice after the expansion?

Topic 2: Border surveillance
The new application of Amigo-boras introduces a new element of criminal law enforcement in the MSM. Is this seen as a necessity by policy-makers?

Policy documents indicate that the focus of the application of Amigo-boras in the field of criminal law should be on human trafficking and human smuggling. During the fieldwork we noticed a variety of other types of criminal offences were encountered by border patrol officers. With that in mind, how do you envision the use of Amigo-boras and the MSM in general in the future?

Topic 3: Technology and border surveillance
Technology is increasingly used in border surveillance. How do you view this development?

A4

When is it decided to develop or acquire a new technology for border surveillance purposes?

Is there any insight in the effectiveness and efficiency of border technologies used by the RNLM?