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REPORT ON PERSPECTIVES ON IMPACT, LEGITIMACY & EFFECTIVENESS OF EU BORDER CONTROL DATABASES – LAW ENFORCEMENT OFFICERS PERSPECTIVES

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Work Package 4

PROJECT FULL TITLE	Securing Europe through Counter-Terrorism - Impact; Legitimacy & Effectiveness
PROJECT ACRONYM	SECILE
	Collaborative Project funded under the 7 th Framework European Security Research Programme
GRANT AGREEMENT	313195
STARTING DATE	1 st May 2013
DURATION	18 months

DOCUMENT MANAGEMENT

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HISTORY OF CHANGES

Vn	Status	Date	Organisation / Person responsible	Reason for Change
V1	Draft	22 May 2014	King's / Cian Murphy	First draft
V2	Draft	23 June 2014	King's / Cian Murphy	Second draft
Vf	Final	14 July 2014	King's / Cian Murphy	Final draft

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EXECUTIVE SUMMARY

- The European Union uses a wide range of databases and systems of information exchange as part of its border control efforts. After the attacks on 11 September 2001 discussions of border controls became part of wider debates on counter-terrorism law and policy.
- This report sets out the results of a focus group with seven current and former law enforcement officials, both civilian and military, with experience and expertise in the use of border control databases and systems of information exchange, that took place at King's College London on 12 December 2013 as part of the SECILE Research Consortium's Work Package 4. The officials' experience lay, in particular, with the Schengen Information Systems I and II.
- The officials had a strong sense of the importance of external borders and that databases and systems of information exchange could play a role in the protection of those borders. Some participants saw the use of border controls as an important corollary to the removal of internal EU borders and the free movement of persons within the EU. The participants suggested that further data was necessary to ascertain the role that border controls play in counter-terrorism and in broader crime control.
- The participants were, however, careful not to overstate the role of border control databases and systems of information exchange, and were also careful to point out the challenges that databases can pose, both to law enforcement officials and to the citizens subject to the systems.
- These challenges arise in particular in relation to the complexity of the border control databases and systems of information exchange, in respect of the necessity of training in the operation of those systems. Such challenges may grow because of the increasing number of public databases and the potential for further use of private databases by law enforcement officials. Training is therefore necessary to ensure the ongoing effective and ethical use of databases in the future.

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- A further challenge in this field is the degree of willingness to exchange information – in counter-terrorism and in broader crime control. There may, the participants held, be various sensitivities about certain data or classes of data that may affect the willingness to co-operate with authorities in different Member States.
- The participants were also of the view that although it is legitimate to use databases it is necessary for there to be appropriate transparency as to their use and oversight of operations using databases and information exchange.

1. Introduction

EU involvement in policing the borders of its Member States long pre-dates the attacks on 11 September 2001. European co-operation in immigration and asylum law and policy has been a cornerstone of integration in Justice and Home Affairs since, and even before, the formal establishment of the EU by the Treaty of Maastricht.¹ While the EU does not have its own police or border force, it does assist the border forces of its Member States and it oversees the operation of a wide array of legal instruments that aim to facilitate co-operation in this field. After the 11 September 2001 attacks, greater emphasis was put on the role of border controls in aiding counter-terrorism efforts. The idea that terrorism is an ‘external’ threat and that it can be subject to prevention through strict border controls is prevalent in public policy in the post-11 September 2001 world.

The use of databases and systems of information exchange has long been a central part of EU efforts in border control and broader immigration policy. Amongst the EU databases in border control (and criminal justice) are the Customs Information System, the EUROPOL databases, the EURODAC database, the Visa Information System, as well as the proposed Smart Borders Package and the Passenger Name Records system. The system to which most frequent reference was made in the focus group for this research was the Schengen Information System (SIS) in both its SIS I and SIS II developments. The role of national law enforcement authorities in the operation of these systems is the central focus of this report.

Despite being in the academic, and often the public spotlight, there remains much work to be done to develop an understanding of the operation of border control databases on the basis of empirical legal research. The SECILE consortium sought to further this work, at least in part, through the carrying out of this case study. This report is the product of fieldwork involving seven research participants comprising of civilian and military law enforcement officials. In light of the small number of research participants the report does not claim to offer a comprehensive treatment of the subject. Rather, it offers a critical exposition and analysis of the views of the research participants on the impact, legitimacy and effectiveness of EU border control databases to inform both public policy and future research agendas.

¹ See, for a comprehensive account, S. Peers *EU Justice and Home Affairs Law* 3rd Edition (2011 Oxford University Press).

2. Methodological Background

This section offers a brief overview of the methodology for this case study – a full account of the methodological approach taken by the research team is available in Appendix A. The fieldwork for this case study consisted of a focus group involving law enforcement officers, which was coordinated by King's College London, and took place in London on 12 December 2013.

Focus groups were selected as the principal data collection method for this research because they enable programme implementation, utility and efficacy to be understood. Their utility has also been recognized in respect of qualitative research in criminal justice. Thus, focus groups may generate understanding as to the participants' experiences and beliefs about a particular topic of inquiry, and are a useful method of data collection in a field that has been the subject of little empirical research. The limitations of this data collection method should also be understood. Focus groups rely on a small number of research participants and a small sample of the subject population is unlikely to be representative of the population as a whole. Moreover, focus groups in the field of criminal justice require access to, and successful recruitment of, data subjects that may be difficult to reach. This can further limit the degree to which the results are representative of perspectives in the subject population in general. It is necessary therefore to emphasize the limitations of generalizability of the data in this case study.

The King's research team relied on a range of open-source materials to identify relevant national authorities with experience of EU border control databases, particularly in the context of counter-terrorism. In addition to approaching individuals in EU Member States authorities, the research team also relied upon nomination of research participants through existing networks. While the research team sought to involve participants from authorities in all EU Member States the total number of participants was seven. These research participants were from four EU Member States, as follows: Participant A (Spain); Participant B (Ireland); Participant C (Spain); Participant D (Latvia); Participant E (Greece); Participant F (Greece) and Participant G (Spain). The participants all had experience as law enforcement officials – six of whom were current or former civilians law enforcement officials and one was a military officer. During the focus group, the participants were asked a series of questions to ascertain their perspective on the impact, legitimacy and effectiveness of EU databases and systems of information exchange, particularly in the context of counter-terrorism. The questions are set out in Appendix A. The audio recordings of the focus groups were then subject to transcription, coding, analysis, and writing-up as section 3 of this report.

3. Focus Group Report

The seven participants that took part in the focus group came from four different Member States. At the outset, it should be noted that the participants, perhaps as a result of their professional background, were somewhat reticent to speak at great length, or with a high level of detail, about their particular experiences. In addition, given the very small number of participants and Member States, it is necessary to stress that it would be inappropriate to seek to generalize on the basis of the results of this focus group.

3.1 Impact of Border Control Databases

The perspectives of the law enforcement officers on the impact of border control databases covered two main points: (i) the impact on European security; and (ii) the relationship with the free movement of people.

(i) Impact on European Security

There was a notable divergence of views between participants with respect to the impact on European security of border control databases and systems of information exchange. For instance, in response to the question ‘Do you think that EU databases or systems of information exchange make Europe more secure?’, one participant from Spain replied ‘[a]bsolutely, yes.’² Moreover, in response to the converse question, namely ‘Do you think that EU databases and systems of information control make Europe less secure?’, the same participant answered ‘I think this is just the contrary.’³

Another participant agreed, commenting that ‘[f]rom a maritime perspective it definitely is working.’⁴ This participant, from Ireland, elaborated on her response as follows:

‘I suppose in Ireland we...would say for years we’ve been sea blind with respect to the maritime borders – focusing on the European borders and never really worried too much about the sea borders whereas now we can, with this new maritime surveillance, we can actually eliminate all white traffic which is perfectly fine and legitimate, right down to different layers and coming up with, ultimately what we would term, black traffic, which is unidentified and potentially vessels of interest...This information is feeding in from different agencies, both domestically in Ireland and from Europe, so I think from that perspective it’s definitely working for us anyway.’⁵

² BOR-Q1-A – Spain.

³ BOR-Q2-A – Spain.

⁴ BOR-Q5-B – Ireland.

⁵ BOR-Q5-B – Ireland.

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Another participant, however, appeared to be more skeptical. He considered that while such databases helped law enforcement officers to do their job more efficiently, it would be a mistake to overstate the importance of such databases or to base European security on them alone. He argued:

‘I think that they help...in our job in law enforcement area. They help us...do our jobs more...efficiently. But...we cannot base our security...only on databases and using those databases.’⁶

The view that the role of databases should not be overstated was reiterated by other participants. For instance, while agreeing that databases could play a useful role in promoting security, a participant from Greece thought that their role should not be ‘overestimated’ because... ‘we need databases but [we] don’t need *only* databases.’⁷

In this context, a participant from Spain added that the key question was whether we had the correct databases.⁸ This was an important question in view of the wide array of available databases -both formal and informal - and is considered in more detail in the section on effectiveness.⁹ This participant considered that if the correct databases were deployed, this could ‘reduce the impact of terrorism.’¹⁰

Furthermore, a participant from Greece held that the question was not only how useful databases are, but also:

‘How useful they are in the condition in which we use them. I think that’s the correct question: about the conditions that we use the databases, not whether we have database[s].’¹¹

This point is related to the question of training, which is discussed in the section on effectiveness.

One of the participants made reference to certain problems with the development of the databases,¹² and the increasing complexity of certain databases such as the SIS II that requires ‘a lot of information to get in.’¹³ These factors may serve to impinge on the impact that such databases may have on European security. One participant maintained that it would be misguided to think that the use of such databases could reduce the threat of terrorism. According to this participant ‘the threat remains the same, the threat

⁶ BOR-Q1-F – Greece.

⁷ BOR-Q1-E – Greece.

⁸ BOR-Q6-C – Spain.

⁹ Amongst the various formal databases which were referred to during the discussion were: the Advanced Passenger Information system, the Europol databases and the Schengen Information Systems (SIS) I & II.

¹⁰ BOR-Q6-C – Spain.

¹¹ BOR-Q1-E – Greece.

¹² BOR-Q1-E – Greece.

¹³ BOR-Q8-E – Greece.

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from outside.¹⁴ When asked to explain what he considered the ‘outside,’ this participant exclaimed ‘everywhere... everywhere.’¹⁵

This participant considered that the role which technology could play in reducing the threat of terrorism or, indeed, in preventing acts of terrorism, was limited and other instruments and measures would also be necessary. This was because of the many variables involved in the process. For example, he said:

‘Actually, I don’t think that technology can reduce the threat, especially in the terrorism field...I think not only...database[s] or technology in general [would be necessary] but many other measures will be needed to do that.’¹⁶

The participant concluded that while, therefore, the role of databases in reducing or preventing the threat of terrorism could be limited, law enforcement officers who worked with these databases could play a role in assisting the authorities to prosecute terrorists:

‘Reduce the threat? No. I think no, but we help the authorities to prosecute. Not to prevent. Not to reduce the threat but afterwards to prosecute.’¹⁷

A participant from Spain, however, did not appear to agree that databases and systems of information exchange played a limited role in reducing the threat: ‘I think the exchange of information helps to prevent from having [criminal acts].’¹⁸ Thus, according to this participant, the impact of such databases and systems of information exchange in crime reduction was greater than the previous participant had appeared to contend. Further, this participant emphasized the need for more data and ‘facts’ in order to assess the impact of these measures: ‘I think, the answer is facts – how many bombs [were] exploded this year, last year.’¹⁹

(ii) Relationship With the Free Movement of People

Some participants observed that the use of databases and systems of information exchange had to be seen as a necessary corollary of the principle of free movement of people within the EU. In particular, the participant from Spain who answered ‘[a]bsolutely, yes’ to the first question above, made this point quite intensely in several of his interventions. For example, in explaining his answer, he stated:

¹⁴ BOR-Q6-F – Greece.

¹⁵ BOR-Q6-F – Greece.

¹⁶ BOR-Q5-F – Greece.

¹⁷ BOR-Q6-F – Greece.

¹⁸ BOR-Q5-A – Spain.

¹⁹ BOR-Q5-A – Spain.

‘My point is, we don’t have internal borders. That is, if we don’t use high technology in order to check external EU borders it would be impossible to [ensure] a safe society. In order to keep the peace, [and] criminal control, we need to...use high technology [and to work towards]...a continuous improvement in the use of that.’²⁰

This participant made the point that, without internal borders, criminals and terrorists could ‘move around Europe without control, without borders’.²¹ He referred, for example, to the ability of members of the Basque separatist movement, ETA, to move to France.²² In this regard, he emphasized the need for appropriate exchange of information between the law enforcement agencies of the various Member States. Another participant, also from Spain, agreed strongly with this view and, in particular, with the need to have systems of information exchange in order to ensure the early detection of criminal and/or terrorist organisations. In his view, members of such organisations:

‘... move around all the space, without control, because they have no controlled borders. So we have to...have an instrument to fight [...these types] of organisations[...]. If we don’t have these instruments we can’t make an early detection of these organisations. So of course, it’s necessary to have instruments to exchange information in this way.’²³

The subject of the exchange of information between law enforcement officers is discussed further below, in the section on effectiveness.

3.2 Effectiveness of Border Control Databases

As in the case of impact, there seemed to be a divergence of views in the debate about the effectiveness of border control databases and systems of information exchange in the context of counter-terrorism. While one participant advocated that, from a maritime perspective, the system was ‘definitely working’,²⁴ when the moderator asked: ‘do I see concurrence on the point that it is working [...?]’, there was some muttering in the group and some negative body language was observed. Indeed, the same participant exclaimed - partly in jest - ‘maybe not on land!’²⁵ As will be noted below, it would be fair to say that a mixed picture emerges from the discussion of the effectiveness of border control databases and systems of information exchange in the context of counter-terrorism.

²⁰ BOR-Q1-A – Spain.

²¹ BOR-Q1-A – Spain.

²² BOR-Q1-A – Spain.

²³ BOR-Q1-C – Spain.

²⁴ BOR-Q5-B – Ireland.

²⁵ BOR-Q5-B – Ireland.

The discussion on effectiveness of EU databases and systems of information exchange centred around the following four themes: (i) the vast array of databases; (ii) increasing complexity and the role of training; (iii) information exchange and mutual trust; and (iv) databases being more effective against organised crime.

(i) The Vast Array of Databases

Most of the participants in this focus group had experience working with a variety of databases and one of the main points to emerge from the discussion was the vast array of databases - both formal and informal, public and private – which law enforcement officers could potentially use. Therefore, before one could discuss the effectiveness of such databases, one had to specify which databases were being envisaged, as different databases could potentially entail varying levels of effectiveness in the context of counter-terrorism. A participant from Greece made this point when he asked:

‘Do we mean databases, official databases of the State, that the State has? When we speak about databases...or the private sector has?’.²⁶

As this participant made clear, in addition to the official databases, there were many ‘databases in the private sector, the databases that the banks have, that [...the] healthcare has, [as well as] other kinds.’²⁷ In another intervention, this participant also made reference to the databases of the telecommunications enterprises, noting that ‘we use, in Greece, the database of telecommunication enterprise [...] by [...] permit.’²⁸ The need to specify clearly which databases were being envisaged was reiterated by other participants. For instance, referring to a previous intervention, a participant from Spain asked:

‘So when you say databases of the states...and official databases, are you speaking about the databases of the European Union?’.²⁹

Another participant commented that the police had the possibility to collect information from various kinds of databases, ‘they collect different databases.’³⁰ In addition to public (EU-level and country-level) databases, and the databases of private enterprises such as banks, the healthcare system and telecommunication enterprises, one participant also referred to ‘big data coming from Facebook [...and] Twitter.’³¹ Another participant agreed that ‘there is the possibility for the police to...learn...a lot of things

²⁶ BOR-Q6-E – Greece.

²⁷ BOR-Q6-E – Greece.

²⁸ BOR-Q4-E – Greece.

²⁹ BOR-Q6-C – Spain.

³⁰ BOR-Q6-A – Spain.

³¹ BOR-Q6-A – Spain.

from private sector databases.³² However, he hastened to add that such databases should only be used with appropriate permission.³³

While different databases could have varying levels of effectiveness in the area of counter-terrorism, the growing heterogeneity, complexity and the potential non-interoperability, of the various databases itself threatened to impinge on their effectiveness, a subject which is considered next.

(ii) Increasing Complexity and the Role of Training

In discussing the effectiveness of border control databases and systems of information exchange, one participant from Spain acknowledged the need to distinguish between ‘institutional databases and non-institutional databases.’³⁴ He made the point that, while institutional databases were relatively easy to use and manage and, in general, were seen to work (‘it’s easy to work with because you know the type of data, the number of data.’),³⁵ in the future, as the number of non-institutional databases grew more complex and heterogeneous, it would become increasingly more difficult to use them and special tools had to be developed to manage ‘big data.’³⁶ While he recognised that this ‘revolution’ was ‘the future,’ he was not sure how effective such tools will be (‘we don’t know if they really work or not’).³⁷

While this participant emphasised the need for the ‘continuous improvement’ in the use of technology, particularly in the context of controlling the EU’s external borders,³⁸ other participants expressed concern at the growing size and complexity of databases. For instance, in discussing the development of SIS II, one participant noted that ‘we are trying to have over 70 million [records] in 5 years – more or less - [including] finger prints, pictures, some kind of biometrics data...’.³⁹ Another participant went on to say that this should serve as an important reminder about ‘why we have *huge* databases...There’s always a new database, more and more data,’⁴⁰ and these databases every year tend to be ‘more complicated.’⁴¹ In this light, this participant thought that, it was natural that the police force ‘want to have...much data...for their

³² BOR-Q6-E – Greece.

³³ BOR-Q6-E – Greece.

³⁴ BOR-Q8-A – Spain.

³⁵ BOR-Q8-A – Spain.

³⁶ BOR-Q8-A – Spain.

³⁷ BOR-Q8-A – Spain.

³⁸ BOR-Q1-A – Spain.

³⁹ BOR-Q8-A – Spain.

⁴⁰ BOR-Q8-E – Greece.

⁴¹ BOR-Q8-E – Greece.

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role.⁴² However, the problem was that the increasing size of databases could create ‘a panoptical system.’⁴³ Another participant expressed concern that:

‘We create a huge number of databases, we store a huge amount of information, and finally, we can’t manage with [the] information stored on [the] database. We need specialists to deal with the stored data. It’s too difficult to deal with huge databases with millions of information.... And the problem is, how can you[?]... I don’t know.’⁴⁴

The same participant went on to note that, in view of this complexity, it was sometimes difficult to manage the various databases and to find the ‘correct answer to my question which I put in [the] database.’⁴⁵ In this regard, this participant stressed the importance of ‘experience and training.’⁴⁶

In relation to this, another participant said:

‘I think that there are...many levels of using databases. Every specialist, every officer, [doesn’t] use databases [in] the same way. There are...quite a lot of levels...and...it needs some experience to take all the value from any database. When you spend a lot of time, education, knowledge etc. to use correctly this database.’⁴⁷

The importance of experience and, especially training, in using databases was underscored by several participants. A participant from Spain observed that databases could be used more effectively if their users received special training.⁴⁸ He went on to highlight that in Spain, law enforcement officers, such as police and border control forces, receive special training in the use of relevant databases.⁴⁹ Another participant, also from Spain, agreed strongly with the need for training, stressing that ‘of course, you need training...for these databases.’⁵⁰ Furthermore, a participant from Greece also underscored the need for such training to cover considerations of ethics, particularly in relation to the use of private sector databases.⁵¹ This would serve to ensure that the use of such databases would be undertaken ‘under ethical conditions.’⁵²

⁴² BOR-Q1-E – Greece.

⁴³ BOR-Q1-E – Greece.

⁴⁴ BOR-Q8-F – Greece.

⁴⁵ BOR-Q8-F – Greece.

⁴⁶ BOR-Q1-F – Greece.

⁴⁷ BOR-Q1-F – Greece.

⁴⁸ BOR-Q4-C – Spain.

⁴⁹ BOR-Q4-C – Spain.

⁵⁰ BOR-Q4-A – Spain.

⁵¹ BOR-Q4-E – Greece.

⁵² BOR-Q4-E – Greece.

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However, as the following short exchange seems to indicate, there was a slight divergence of views on the relative importance of having good tools (databases) vis-à-vis the importance of having experienced users:

Participant A: More than experience, one of the things you have to have [is] a good tool...

Participant F: A good?

Participant A: Tool. Good tools. Good applications.

Participant F: Yes, yes.

Participant E: This is only one part, the other part is the user...⁵³

According to the participant who emphasized the need for good tools, training was only the ‘basis’ or prerequisite for using databases and much depended on the database ‘you are working on.’⁵⁴ The point here is that training alone may not suffice if one did not have ‘good’ tools with which to work.

Some of the participants observed that the utility of databases was largely dependent on the data records that they contained, which in turn depended on the information that was exchanged and inputted by the Member States. The question of information exchange was another major theme of the discussion and is considered next.

(iii) Information Exchange and Mutual Trust

Several participants underscored the importance of information sharing and having instruments that facilitated this process. For instance, in the context of sharing information on criminal organisations which move across borders, one participant held that:

‘If we don’t have these instruments we can’t [effect the] early detection of these organisations. So of course, it’s necessary to have instruments to exchange information in this way.’⁵⁵

Making a similar point, another participant reflected that, owing to globalisation, those who wish to commit acts of terrorism may move about from country to country, and so information exchange, particularly for the purpose of countering terrorism, was ‘very important.’⁵⁶

Such information exchange was important in the context of the protection of both land and sea borders. With respect to land borders, a participant from Spain emphasised the importance of such exchange

⁵³ This exchange of views occurred in the context of the question ‘Do you think that EU databases or systems of information exchange make Europe more secure?’ (Q1).

⁵⁴ BOR-Q4-A – Spain.

⁵⁵ BOR-Q1-C – Spain.

⁵⁶ BOR-Q3-G – Spain.

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between Spanish and French police in a scenario where a member of the Basque separatist group ETA could move from Spain to France. With respect to sea borders, the participant from Ireland observed that ‘information sharing is paramount for military security at sea.’⁵⁷ She also mentioned a project that she was working on, which related to the military side of a common information sharing environment in the area of maritime surveillance.⁵⁸

However, while acknowledging the importance of information exchange, several participants thought that the issue of mutual trust impacted the degree to which, or indeed whether or not, information was shared through databases. One participant observed that ‘the states or the organisations in the State don’t trust the others, don’t trust the users and don’t share the...important information in database[s].’⁵⁹ This participant elaborated:

‘Many States...use bilateral exchanges and don’t use the databases especially in terrorism matters. They prefer it, because they don’t trust it to put their data in the databases of international organisations – or in [the] EU organisation.’⁶⁰

Other participants also stressed the challenges of information exchange. One participant from Spain, for instance, considered that the need-to-know principle was ‘too restraining [and...] the intelligence made for one country is not shared with all.’⁶¹ This participant considered that the sharing of information on the basis of this principle was not sufficiently effective.⁶² The participant from Ireland also emphasized the importance of this issue, observing that:

‘I think that’s a big issue...the information [is] there but it’s not exchanged for one sensitivity or another, that there’s issues over it and it’s also the case that, as Participant A was saying, you’re fighting all different aspects of crime, and to an extent, some of them can be interlinked - so someone might be dealing with someone with narcotics or fisheries and it might turn into...a terrorism issue and it’s important that that information is exchanged but it’s not always. That’s an issue certainly that I’ve come across in the research I’ve done.’⁶³

Some participants also noted that sometimes Member States authorities may only share ‘irrelevant details,’⁶⁴ which could hinder the effectiveness of these databases. One participant expressed concern that

⁵⁷ BOR-Q1-B – Ireland.

⁵⁸ BOR-Q1-B – Ireland.

⁵⁹ BOR-Q3-F – Greece.

⁶⁰ BOR-Q4-F – Greece.

⁶¹ BOR-Q4-A – Spain.

⁶² BOR-Q4-A – Spain.

⁶³ BOR-Q3-B – Ireland.

⁶⁴ BOR-Q3-F – Greece.

‘maybe they don’t share with other Member States from the EU the information apart from the [broader] tendencies...’.⁶⁵ In this context, some participants suggested that databases and systems of information exchange could be more effective in the fight against organised crime more generally than perhaps, in counter-terrorism, a subject which is considered next.

(iv) Databases Are More Effective in Organised Crime

Several participants took the view that terrorism and organised crime had to be distinguished. One participant, for instance, noted that ‘the object of the criminals in general is money...but...terrorists fight against other things or targets [which] could be more important for this society.’⁶⁶ In general, participants considered that databases were more effective in fighting organised crime than terrorism. For instance, one participant from Greece held that at the national level:

‘Databases are more effective in organised crime, especially the narcotic crimes, illicit drugs...illicit immigration and financial crimes[...] they are highly effective in those areas.’⁶⁷

This distinction may, in part, stem from a greater reluctance on the part of Member States to exchange information relating to terrorism. Thus, for instance, one participant observed that, while the information in databases may be ‘very useful to fight organized crime...[and to] fight crime in general, but it’s not enough for terrorism.’⁶⁸

Another issue, however, raised by some participants, was the definition of terrorism. Before databases could be used to fight terrorism, one participant emphasized that ‘we have to agree our definition of terrorism.’⁶⁹ Particularly in the area of prevention, which another participant described as a ‘keyword,’⁷⁰ it was necessary to define exactly what constituted terrorism. This participant noted that ‘to help prevention [of] terrorism we have to define exactly what we mean by terrorism.’⁷¹

3.3 Legitimacy of Border Control Databases

The law enforcement officials’ perspectives on the legitimacy of EU border control databases had three principal themes: (i) lawfulness as legitimacy; and (ii) challenges in transparency and rights protection.

⁶⁵ BOR-Q4-A – Spain.

⁶⁶ BOR-Q3-C – Spain.

⁶⁷ BOR-Q4-F – Greece.

⁶⁸ BOR-Q6-E – Greece.

⁶⁹ BOR-Q3-C – Spain.

⁷⁰ BOR-Q3-E – Greece.

⁷¹ BOR-Q3-E – Greece.

Throughout the focus group discussion was an underlying sense that border controls, which play a role in ensuring territorial integrity, is legitimate as a central function of the state.

(i) Lawfulness as Legitimacy

One participant's straightforward response to the question of the legitimacy of border control databases was 'Yeah, my opinion is: it's legal'.⁷² However, the participants went on to discuss the question of lawfulness in more detail. Thus, another participant said: '[use of databases] have to be legal – this is the first condition. The second, has to be ... control the use of databases in the right way.'⁷³ This suggests that mere legality is not sufficient. In a similar vein a participant from Greece said:

'When the SIS I was established, it was simple, ... there was the possibility for one country to see the database of another country. Only that! Nothing more – nothing less! But with SIS II there are a lot of needs, a lot of information to get in... it's a motivation I think. Not only that each country has national law... it's the need to have other information... and to motivate national law against human rights. So when we speak that what we do now is legal, its legal under the law that are more conservative let's say.'⁷⁴

This suggestion, that the increasing sophistication of the SIS II system, raises questions as to the quality of the law in this area, was the subject of further discussion. Thus, the same participant said:

'It's what Participant C says – the balance between human rights and effectiveness, so I think is the discussion about databases is something about the law... but only what says the law... And sometimes it depends for the period that we speak. The period after 11 September 2001, I think that there was a great motivation all over the world, in the laws against terrorism and a great motivation against human rights, it was very strong... but sometimes it works, it still works. And the balance of course, is something that we ask it about. I think as yet, we try to find ways to balance between effectiveness and human rights'.⁷⁵

In the words of Participant C, 'organisations have to be transparent to society to say "okay, there are information, and the usage is correct. I mean, it's in this way, we've seen that this usage is correct, no?'.⁷⁶

This raises the related question of challenges in terms of transparency and the protection of human rights.

⁷² BOR-Q7-A – Spain.

⁷³ BOR-Q7-C – Spain.

⁷⁴ BOR-Q8-E – Greece.

⁷⁵ BOR-Q7-E – Greece.

⁷⁶ BOR-Q7-C – Spain.

(ii) Challenges of Transparency and Human Rights Protection

Although the participants were clear that they saw the use of border control databases as legitimate because of its lawfulness they also saw the need for accountability through external controls. Thus, for a participant from Greece:

‘I think it’s a legal tool but I think that we need more transparency. We need more external control from organisations like NGOs etc.’⁷⁷

Another participant from Greece made reference to ‘the judicial system’ and the need to ‘justify very well’ the operation of border control databases.⁷⁸ However, a challenge to such external controls was the lack of awareness by European citizens of the systems that operate. Thus, another participant from Greece said:

‘We agree but if you are a single citizen... I’m not sure that citizens know what databases exist and which of their personal data are stored in those databases. Every European citizen must know that, and today, our citizen does not know.’⁷⁹

There was laughter, and general agreement amongst the group, in response to this statement. However, there was also an acknowledgement that there are, in general, concerns about the uses of personal data by law enforcement agencies and about how adequate data protection laws are. The participant from Ireland said:

‘I think people get very worried about data protection laws when it comes to information sharing in general, and I think that’s across the board, not just when it comes to terrorism but certainly I think, yes it is legal and once you can justify the access to the information then, you know, most data protection laws, in the EU anyway, will cover you as a crime fighting agency or state.’⁸⁰

Another participant, from Spain, said that ‘we all have very restrictive laws about the personal information and it’s very complicated to ask for... access to personal information’.⁸¹ Thus, despite the acknowledge that data protection law is necessary, and that it contributes to a sense of legitimacy, there was some difference of opinion on whether it struck the right balance between the protection of personal data and the need to provide data to law enforcement. It is a question as to whether ‘the ends justify the means’ for one

⁷⁷ BOR-Q7-F – Greece.

⁷⁸ BOR-Q4-E – Greece.

⁷⁹ BOR-Q7-F – Greece.

⁸⁰ BOR-Q7-B – Ireland.

⁸¹ BOR-Q4-C – Spain.

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participant.⁸² As he put it: ‘the problem is, if the databases create a panoptical system then sometime is more anti-secure than, what we want to say, secure. The citizen is perhaps afraid about a crime but if we...go to the level to be afraid about the state then ... we have nothing to protect’.⁸³

⁸² BOR-Q7-E – Greece.

⁸³ BOR-Q1-E – Greece.

4. Conclusion: ‘We don’t have internal borders...’

Perhaps as a result of their professional background, the law enforcement officers who participated in this focus group were somewhat reticent and did not speak about their experiences with a high level of detail. Moreover, they had expertise in using different EU border control databases, although most had experience using SIS. Furthermore, the participants generally held divergent views on the questions of the impact, legitimacy and effectiveness of EU border control databases and it was therefore difficult to ascertain common ground.

4.1 Analysis of Perspectives on Impact of Border Control Databases

Some participants considered that the use of EU border control databases had to be seen as a corollary of the principle of free movement of people within the EU. However, there was a significant divergence of views with respect to the impact of these databases on European security. Some participants were skeptical of the role which such databases could play, noting that their role should not be overstated. They took the view that the threat of terrorism, which they conceived of primarily as an external threat, remained the same. On the other hand, those who considered that such databases played an important role in making Europe more secure emphasized the need for the use of ‘correct’ or appropriate tools, as well as the need for the continuous improvement of technology with respect to such tools.

4.2 Analysis of Perspectives on Legitimacy of Border Control Databases

There was an underling sense emerging from the discussions that border controls constituted a central and legitimate part of the functions of State. In their consideration of the question of legitimacy, participants generally acknowledged the State’s responsibility to keep society safe within the boundaries of the law. While participants mentioned the lawful use of EU border control databases as a condition for their legitimacy, they also generally took a broader view of legitimacy, which took into account issues of transparency, accountability and human rights considerations. For instance, some participants called for greater transparency in the use of such databases, particularly in light of a lack of awareness by European citizens of the systems that operate in this field. Some participants also called for greater accountability in this area, both formal (courts of law) and informal (such as civil society scrutiny), particularly with respect to data protection safeguards for citizens.

4.3 Analysis of Perspectives on Effectiveness of Border Control Databases

As in the case of impact, a mixed picture emerged from the discussions on the effectiveness of EU border control databases. Participants referred to the vast array of databases which law enforcement officers could potentially use, including: public (EU-level and country-level) databases; databases in the private sector, such as those held by banks, healthcare systems and telecommunication enterprises; as well as social networking sites. These databases could have different levels of effectiveness in the area of counter-terrorism. Some participants noted the growing size and sophistication of these databases (such as in the case of SIS II) which, in the view of some, could render them unmanageable. It was in this context that the importance of experience and training was underscored. Participants placed emphasis on the need for training, in order for specialists to use them more effectively and to know how to derive better value from particular databases. The point was made, however, that such training should also cover issues of law and ethics, in order for such databases to be used under ethical conditions.

Perhaps one of the greatest challenges to the effectiveness of the operation of EU border control databases, particularly in the context of counter-terrorism, was information sharing. Some participants noted that, sometimes, such databases only contained irrelevant details or tendencies. Participants mentioned the lack of trust between the authorities of Member States and/or the lack of trust in the integrity of infrastructure of the international or EU databases, as the main stumbling block to information sharing. They noted that, particularly in the field of counter-terrorism, Member States may prefer bilateral arrangements, because they may not trust putting their sensitive information in such international or EU databases. As a result, some participants felt that EU border control databases tended to be more effective in the context of fighting organized crime (such as narcotics crimes, irregular migration and financial crimes) than in the context of counter-terrorism.

4.4 Final Conclusions

The limitations of this case study have been set out earlier in this report. No broad generalisations are therefore offered by way of conclusion. It was clear that the participants in the focus group had a strong sense of the importance of external borders and that databases and systems of information exchange could play a role in the protection of those borders. The participants were careful not to overstate that role, and were also careful to point out the challenges that databases can pose, both to law enforcement officials

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and to the citizens subject to the systems. This field is ripe for further research to detail these challenges and to better understand the role of 'high technology' in border control.

Appendix A: Methodology

Under the terms of the Securing Europe through Counter-Terrorism-Impact, Legitimacy and Effectiveness (SECILE) Grant Agreement (Description of Work), King's was responsible for conducting an empirical study on border surveillance - which focused on EU border control databases - taking into account the perspectives of a dedicated end user group engaged with such databases.¹ The Agreement further specified that a focus group methodology would be employed for this research.²

1. Ethics Approval

As a first step in the process, the King's team completed an ethics application and the research project was granted approval from the Law Research Ethics Panel, King's College London, on 2 October 2013.

2. Research Design

At the outset, the King's team reviewed available literature to assess the use of focus group methodology with respect to criminal justice and security studies. It emerged from the literature that focus groups, as a useful means of conducting qualitative research in these fields, has generally been recognised.³ The literature review was conducted primarily using legal databases, namely SAGE publications, HeinOnline and Westlaw. These databases were searched using the following query: 'focus group' AND 'terrorism.' The literature review also drew on other sources, including the report of the DETECTER project, a European Union Framework Programme 7-funded project, which sought to survey applications of detection technologies in counter-terrorism across the EU and which included a focus group of retired or serving police officers and counter terrorism professionals.⁴

From the literature it was evident that, while some studies employed focus groups to assess the effectiveness of counter-terrorism measures within particular jurisdictions,⁵ it was not possible to locate specific scholarship which adopted this methodology to undertake research from a distinctly European perspective.

2.1 The Focus Groups Method

¹ Securing Europe through Counter-Terrorism-Impact, Legitimacy and Effectiveness (SECILE) Grant Agreement 313195, Annex I (Description of Work), 24.

² SECILE Grant Agreement, 13.

³ See, for instance, Croft, 'Images and Imaginings of Security', 20 *International Relations* (2006) 387, p.389 and 390 and Borell, 'Terrorism and Everyday Life in Beirut 2005: Mental Reconstructions, Precautions and Normalization', 51 *Acta Sociologica* (2008) 55, p.59.

⁴ Hadjimatheou, van der Hilst, Guelke, and Draper, 'A Double-edged Sword: Counter-Terrorism Professionals' Perceptions of the Practical and Ethical Factors Affecting the Use of Surveillance Technology in Their Work', in William Webster (ed.), *The State of Surveillance* (2012), p.74. See also <http://www.detecter.eu/>

⁵ Mythen, Walklate and Khan, 'Why Should We Have to Prove We're Alright?': Counter-terrorism, Risk and Partial Secularities', 47 *Sociology* (2012) 383, p.387.

Focus groups may generate important insights into potential or existing strengths and weaknesses of existing or proposed programmes. They enable programme implementation, perceived utility and efficacy to be documented.⁶ This method has been considered particularly useful in assessing perceptions to emerging areas of practice.⁷ Specifically, focus groups can generate a wealth of understanding of the participant's experiences and beliefs about a particular topic of inquiry.⁸ Solorzano et al. have summarized four strengths in which focus groups may enrich the research process. They consider that focus groups provide a methodology to:

- a. Explore and discover concepts and themes about a phenomena about which more knowledge is needed;
- b. Add context and depth to the understanding of the phenomena;
- c. Provide an interpretation of the phenomena from the point of view of the participants in the group; and
- d. Observe the collective interaction of the participants.⁹

In this context, the focus group methodology has been contrasted with, for instance, interview polls, in which the interviewer poses questions that require answers within seconds, usually entailing a simple choice among a small number of alternatives.¹⁰ Unlike such polls, 'focus groups generate an environment in which respondents have the opportunity to reflect on the question posed, and can then discuss their reflections with other participants.'¹¹ It has also been noted that participants in focus groups tend to be more 'candid and forthcoming with their views than the questionnaire interviewees,'¹² making focus groups a particularly useful tool for eliciting people's reasoning.¹³ Indeed, focus groups have been recognised as a particularly useful means of exploring knowledge, perceptions and concerns.¹⁴

2.2 Challenges with the Focus Group Methodology

However, it has to be borne in mind that qualitative research methods, such as focus groups, may give rise to 'impressionistic and piecemeal findings that are not replicable or comparable,'¹⁵ and it is therefore important that the specific limitations of this research method be recognised.¹⁶

⁶ Joshi, 'Focus Group interviews', in Ling and van Dijk (eds.) *Performance Audit Handbook* (RAND Europe, 2009), p.54.

⁷ See Borell, p.55, and Gebbie, Merrill, Hwang, Gupta, Btoush and Wagner, 'Identifying Individual Competency in Emerging Areas of Practice: An Applied Approach' 12 *Qual Health Res* (2002) 990, p.994. For a useful survey of the strengths and weaknesses of focus groups, see also Hollander, 'The Social Contexts Of Focus Groups', 33 *Journal of Contemporary Ethnography* (2004) 602, p.606 (Hollander a).

⁸ Solorzano, Allen and Carroll, 'Keeping race in place: Racial microaggressions and campus racial climate at the University of California, Berkeley', 23 *Chicano-Latino L. Rev.* (2002) 15, p.32.

⁹ Solorzano, p.32. In addition, other benefits of focus groups may be identified, such as that they are usefully 'relatively more cost-effective research than individual interviews': see Somer, Buchbinder, Peled-Avram and Ben-Yizhack, 'The Stress and Coping of Israeli Emergency Room Social Workers Following Terrorist Attacks', 14 *Qual Health Res* (2004) 1077, p.1080.

¹⁰ Roberts, 'Public Opinion, Crime, and Criminal Justice', 16 *Crime & Just.* (1992) 99, p.106.

¹¹ Roberts, p.106.

¹² Wallace, 'Findings from a concurrent study on the level of community involvement in the policing process in Trinidad and Tobago', 85 *Police Journal* (2012) 61, p.71.

¹³ Donnelly, 'The police officer as social scientist', *Police Journal* (2013) 53, p.53.

¹⁴ Santos, Helmer, Fotiadis, Copeland and Simon, 'Developing a Bioterrorism Preparedness Campaign for Veterans: Using Focus Groups to Inform Materials Development', 8 *Health Promot Pract* (2007) 31, p.38.

¹⁵ Donnelly, p.59-60.

¹⁶ Donnelly, p.59-60.

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Focus groups normally rest on a very small sample of participants and it has been emphasised that ‘a small discussion group will rarely be a representative sample, no matter how carefully it is recruited.’¹⁷ Moreover, focus groups may raise issues of access and/or recruitment of key participants or may otherwise not manage to attract participation from key subgroups. For instance, in his research on paramilitary groups in Northern Ireland, Knox underscored the difficulty of accessing those who have been subjected to paramilitary beatings.¹⁸ In his research of interfaith dialogue, Michael acknowledged that his focus groups had ‘failed to attract participation from some of the important parts of the community.’¹⁹ In view of these limitations, it has been stressed that ‘in spite of the benefits of using focus group discussions, the results cannot be used to draw statistically based conclusions about the larger population.’²⁰ Indeed, in utilizing data generated by focus groups, one has to resist the temptation of making broad generalizations.²¹ Focus group findings ‘are not necessarily generalizable to the target population relevant to the audit.’²²

With respect to the focus group on EU border control databases conducted by King’s, invitations to participate were sent to *all* Member States authorities. However, even after sending several reminders, a number of Member States authorities simply did not respond to this invitation.

Furthermore, it has been observed that, ‘the group pressures inherent in focus groups make them a problematic method for measuring individual thoughts or beliefs.’²³ Hollander argues that, given that focus group discussions are shaped by multiple social contexts or group pressures (including associational, status, conversational, and relational contexts), these contexts may foster both problematic silences (when participants do not share their relevant thoughts or experiences with the group) and problematic speech (when participants offer opinions or information that do not represent their underlying beliefs or experiences) in group discussion. Thus, these processes limit the usefulness of focus groups as a tool for understanding individual thoughts, feelings, or experiences.²⁴ These considerations may be particularly relevant in the context of criminal justice and security. In this respect, in the focus group conducted in the context of the DETECTER project, it was observed that:

‘[N]one of the participants were able to be completely open about their experiences, partly because they were bound by confidentiality agreements with their employers, partly because they recognized the ethical tension between protecting operations and participating in research, and possibly because they were aware that the researchers and/or readers of the research might be critical of their work.’²⁵

2.3 Methods of Recruitment for Focus Group

A number of factors may have a bearing on the recruitment of participants. These include: (1) the research legitimacy; (2) the issue of ‘outsiders’; and (3) the confidentiality of discussions. With respect to research

¹⁷ Zikmund, *Business Research Methods* (Dryden Press, 1997), p.110.

¹⁸ Knox, ‘Establishing research legitimacy in the contested political ground of contemporary Northern Ireland’, 1 *Qualitative Research* (2001) 205, p.209.

¹⁹ Michael, ‘Developing a Regional Interfaith and Intercultural Network in Melbourne’s Northern Suburbs’, 4 *Contemp. Readings L. & Soc. Just.* (2012) 15, p.34.

²⁰ Wallace, p.71.

²¹ Roberts, ‘Public Opinion, Crime, and Criminal Justice’, 16 *Crime & Just.* (1992) 99, p.108. In this context, the literature indicates that different qualitative research methodologies may generate different data and, in general, a multi-method approach may furnish a fuller understanding of the phenomenon: see Hutton, ‘Beyond populist punitiveness?’, 7 *Punishment & Society* (2005) 243, p.245. Indeed, it has been noted that ‘focus groups are not as useful as a stand-alone method when the primary research objective is to measure outcomes across an entire setting or programme or to determine the cause of effects of an implemented programme: see Joshi, p.54.

²² Joshi, p.55.

²³ Hollander, ‘Resisting Vulnerability: The Social Reconstruction of Gender in Interaction’, 49 *Soc. Probs.* (2002) 474, p.478 (fn 3) (Hollander b). See also Somer et al, p.1080.

²⁴ Hollander a, p.603.

²⁵ Hadjimatheou et al, p.80.

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legitimacy, the literature suggests that if the research and/or researcher are not perceived to be legitimate by his/her research subjects, this may raise suspicions over the research objectives.²⁶ The first requirement for the researcher is, therefore to establish their good faith. A key component of this is the need to demonstrate objectivity in one's approach to the study.²⁷ There is also the need to be open and transparent on the objectives of the research.

With respect to the issue of 'outsiders,' the Duke University Guidelines for Conducting a Focus Group (the 'Guidelines') state that '[i]n an ideal focus group, all the participants are very comfortable with each other...'²⁸ The Guidelines place emphasis on the importance of a homogenous group of participants in focus groups in order to promote more open discussions. . This is of particular relevance to the context of law enforcement officers and counter-terrorism professionals, who may be considered 'difficult-to-reach population[s]'.²⁹ This is because of the restricted and confidential nature of the information they may own or have access to, and the potential reluctance (or, indeed, legal constraints arising from confidentiality agreements) of several professionals to take part in focus group research.

It was important to bear in mind that the success of recruiting law enforcement officers and counter-terrorism professionals (and the extent to which they may be prepared to speak openly) would be, in part, reliant on who the other participants were, and whether they were perceived as 'outsiders'. It was for this reason that, while the importance of the perspectives of certain 'outsiders' was acknowledged, such as civil society, academics and defence lawyers, these were not invited to participate in the focus group conducted by the King's research team. However, a separate focus group, gathering the perspectives of civil society and academics, was organized for this purpose.

With this in mind, The Guidelines provide several different ways in which focus group participants can be recruited. Some of the most popular include:

1. Nomination – Key individuals nominate people they think would make good participants. Nominees are familiar with the topic, known for their ability to respectfully share their opinions, and able to volunteer their time. In the DETECTER project, this technique was used in conjunction with snowballing.³⁰
2. Random Selection – If participants will come from a large but defined group, names can be randomly selected until the desired number of verified participants is achieved.
3. Membership of a Group – Sometimes an already existing group serves as an ideal pool from which to invite participants.
4. Role/Occupation – Depending on the topic, the pool might be defined by position, title or condition.
5. Volunteers – When selection criteria are broad, participants can be recruited with flyers and newspaper ads.³¹

The King's team used the following method to recruit focus group participants. Firstly, the King's team developed an EU-wide list of law enforcement officers, including end users within national SIS/SIRENE bureaus, from open sources, such as the contact points designated in Council Framework Decision

²⁶ Knox, p.206.

²⁷ Knox, p.211.

²⁸ Office of Assessment, Trinity College, 'Guidelines for Conducting a Focus Group', p.3. Available at: http://assessment.aas.duke.edu/documents/How_to_Conduct_a_Focus_Group.pdf

²⁹ Brown, 'Visa as Property, Visa as Collateral', 64 *Vanderbilt Law Review* (2011) 1047, p.1074.

³⁰ Hadjimatheou et al, p.1074

³¹ Office of Assessment, Trinity College, p.3.

2006/960/JHA.³² The recruitment process was supplemented by nomination and snowballing. As noted, while invitations to participate were sent to all Member States authorities, a total of seven participants were recruited as follows: Participant A (Spain); Participant B (Ireland); Participant C (Spain); Participant D (Latvia); Participant E (Greece); Participant F (Greece) and Participant G (Spain). These participants included military officials and border guards.

2.4 Method of Moderation

The Focus Group was held at the King’s Strand campus, in London, on 12 December 2013. The focus group was conducted by ‘a team consisting of a moderator and assistant moderator. The moderator facilitates the discussion; the assistant takes notes and runs the tape recorder.’³³ Indeed, it is usual practice for focus group discussions, which generally last between one and two hours, to be audio-recorded and transcribed, and for an assistant moderator to be present to take notes and record dynamics such as nonverbal cues.³⁴

At the start of the focus group session, the moderator used a prepared script to welcome participants, which reminded them of the purpose of the session, offered a basic framework and structure for the discussion and also set the ground rules. The ground rules for the focus group included an assurance to the participants that the information gathered would be confidential and that everyone’s views were important. Participants were also reminded to speak clearly and to not talk over the top of one another.³⁵

The King’s team set a questioning route which moved from more general, to more specific, question sequences.³⁶ The King’s questioning route is found below:

Engagement Questions

1. Do you think that EU databases or systems of information exchange make Europe more secure?
2. Do you think that EU databases and systems of information control make Europe less secure?

Exploratory Questions

3. What is the first thing that comes to your mind when you would think about EU databases and systems of information control... [er] systems of information exchange, excuse me, and the fight against terrorism?
4. Whether there are aspects of such system of information exchange and EU databases which you would consider are effective in countering terrorism in Europe?
5. Whether the impact of EU databases and systems of information exchange has been to make Europe more secure particularly with respect to counter terrorism?
6. Whether you feel that the use of EU databases and systems of information exchange has not

³² See Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. See also the list of N.SIS II Offices and the national SIRENE Bureaux, (2013/C 103/02), OJ C 103/117, 9 April 2013; and the Guidelines on the implementation of Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union, 8083/09, 7 April 2009.

³³ Office of Assessment, Trinity College, p.7.

³⁴ Santos et al, p.34. See also Gebbie et al, p.995, and Joshi, p.57.

³⁵ Joshi, p.55.

³⁶ Joshi, p.55; and Office of Assessment, Trinity College, p.3.

significantly reduced the threat of terrorism, long term, in Europe?

7. Whether you feel the use of EU databases and information exchange is a legitimate tool to counter terrorism in Europe. What are your views on this?

Exit Question

8. [Summarise main points of the discussions] Is that a fair summary of what we discussed? Are there any other points which one would include or exclude?

An important challenge for the King's team was the reduction of bias. They were aware that the data generated can be 'influenced by the method of inquiry, the degree of information provided and the framing of the accounts.'³⁷ Therefore, the King's moderator was careful not to take the focus group in a particular direction and tried to encourage all participants to contribute to the session.

2.5 Confidentiality & Anonymity with Focus Group Research

Without exception, in the literature reviewed, the identity (and other identifying information) of all focus group participants had been anonymized. Various techniques had been used to achieve this. For instance, in the DETECTER project, pseudonyms were assigned to all focus groups participants (eg. FGP1, FGP2, FGP3, etc).³⁸ Brown used initials to anonymize the identity of her focus group participants (eg. 'DR1, MK, DR2, AB, WM...').³⁹ And, in other cases, participants were identified by certain qualities/characteristics. For instance, Solorzano et al. identified their focus group participants by reference to their race/gender/position (eg. 'a Black male scholar'; 'an Asian American female student', etc).⁴⁰ Finally, some studies only made use of generic terms, such as 'a participant' or 'a man.'⁴¹

In the research conducted by the King's team, each participant was assigned a letter (e.g. Participant A, Participant B, Participant C, etc). During discussions, participants could then refer to each other using their assigned letters and, later, researchers could maintain the anonymity of participants during the coding process.

2.6 Data Analysis

In analysing the data, the King's team followed, broadly, the 'Long-Table Approach.'⁴² Firstly, the principal investigator and the co-investigator independently analysed the transcript and coded it in accordance with the overall framework of (1) impact, (2) legitimacy and (3) effectiveness. Secondly, the data within each theme was analysed to distil and refine further sub-themes.

³⁷ Hutton, p.246.

³⁸ Hadjimatheou et al, p.75. See also Hardgrove, 'Liberian Refugee Families in Ghana: The Implications of Family Demands and Capabilities for Return to Liberia' 22 *J. Refugee Stud.* (2009) 483, p.485.

³⁹ Brown, p.1074 (fn. 75).

⁴⁰ Solorzano et al, p.36.

⁴¹ For instance, Friedman and Immerwahr, 'Discussing Foreign Policy with the Post-Cold War Public', 3 *The Brown Journal of World Affairs* (1996) 259, p.262.

⁴² See Kreuger, Richard A. and Casey, Mary Anne, *Focus Groups: A Practical Guide For Applied Research* (3rd edn, SAGE Publications 2000) p.132.