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An inspection of the UK International Crime Bureau

A function of the National Crime Agency

July 2016

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1. Summary

Introduction

Her Majesty's Inspectorate of Constabulary (HMIC) is an independent inspectorate which is required to carry out inspections of the National Crime Agency (also referred to as "the NCA" or "the Agency"). Following an inspection, we must report to the Home Secretary on the efficiency and effectiveness of the NCA.¹

HMIC's inspection report was submitted to the Home Secretary in March 2016. Our report included observations on certain NCA operational matters which, because of their sensitive nature, are not in the public domain.

The Home Secretary subsequently asked HMIC to advise on what form a publishable version of the inspection report might take. In response we prepared this report, which the Home Secretary has instructed us to publish.

Law enforcement organisations around the world have worked together to tackle crime for decades. Now, the growing international reach of criminals – enabled by 21st century communication technology, low-cost travel and, in some parts of the world, free movement across borders – represents a major challenge for law enforcement.

In the UK, the NCA plays an important role in helping police forces and law enforcement agencies to respond to that challenge. The United Kingdom International Crime Bureau (hereinafter referred to as 'the UKICB' or 'the bureau') within the NCA was created for this purpose.

Our terms of reference for this inspection were as follows:

"In relation to the functions of the International Crime Bureau:

- Are risks identified and assessed in a timely and prioritised manner?
- Are appropriate measures taken to mitigate the identified risks?
- How efficient and effective is the International Crime Bureau?

The inspection of the International Crime Bureau will include all its functions except child exploitation referrals."²

¹ Section 11(3), Crime and Courts Act 2013

² Child exploitation referrals were considered outside the scope of this inspection as this area was already under independent scrutiny and, during the inspection, this part of the bureau was realigned under the governance of the Child Exploitation and Online Protection Command.

Are risks identified and assessed in a timely and prioritised manner?

We examined the skills, training and experience of the UKICB officers, and the systems and working practices they use to help them identify and assess the risks presented by each case.

We found that a significant proportion of officers were not from a law enforcement background and that positive steps had been taken to ensure their development.

However, we do consider that the UKICB would benefit from a bureau-wide training needs analysis and training plan. This would help to inform the priorities of the NCA learning and development team.

Recommendation 1

- By 31 July 2016, the Head of the UKICB, in consultation with the Head of Learning and Development, should conduct a training needs analysis and produce a training plan.

The UKICB deals with European arrest warrants³ issued by other European Union member states. The bureau is then responsible for ensuring that the details of the person subject to the arrest warrant are circulated on the Police National Computer as 'wanted' within four hours.

In achieving this four-hour commitment we saw a significant improvement since the inception of the Sirene bureau in April 2015. The data we examined showed, between late July and September 2015, that there had only been one instance where the four-hour limit had been exceeded.

The UKICB conducts a risk assessment in order to determine what to do with each European arrest warrant, in particular whether to look actively for a fugitive who may be in the United Kingdom.

We were concerned that the basic checks did not include searches of the Police National Database. We consider that the NCA should make better use of this database and we acknowledge the NCA's quick response to our findings.

³ A mechanism by which individuals wanted in relation to specific crimes are extradited between member states to face prosecution or to serve a prison sentence for an existing conviction.

Recommendation 2

- By 31 May 2016, the Head of the UKICB should amend policy and guidance so as to describe the circumstances under which the UKICB will refer to the Police National Database in the course of risk assessments in relevant cases.

Recommendation 3

- By 31 May 2016, the Head of the UKICB should create and implement an action plan for the creation of the necessary capacity to undertake the Police National Database checks in accordance with the policy and guidance.

We learned that, in addition to its work on European arrest warrants, the UKICB handles matters from other countries known as Part 2 provisional arrest requests. The responsibility for these matters was shared with the Metropolitan Police Service Extradition Unit. We found that there was a need for underpinning guidance and clarity about where responsibility for this function lies.

Recommendation 4

- By 1 October 2016, the Head of the UKICB and the Head of the Metropolitan Police Service Extradition Unit should establish shared guidance for the handling of Part 2 provisional arrest requests.

Recommendation 5

- By 30 November 2016, the Director General of the NCA, in consultation with the Commissioner of the Metropolitan Police Service and the Senior Director of International and Immigration Policy, should determine whether it would be more efficient and effective for the police handling of Part 2 provisional arrest requests to become the responsibility of one organisation rather than two. If it is so determined, arrangements should be made for the transfer of responsibility as soon as practicable thereafter.

Are appropriate measures taken to mitigate the identified risks?

Once we had established the manner in which the UKICB identified and assessed risks, we sought to establish how well the UKICB mitigated them.

In instances where caseworkers had exhausted all lines of enquiry in the search for a person who might be in the United Kingdom, these cases were filed pending reviews at a later date.

Review dates were generally not set based on the seriousness of the offence or aggravating factors, nor was there written guidance on this point. We consider that the seriousness of the offence and any aggravating factors should be taken into account when setting review dates, and that guidance should be provided.

Recommendation 6

- By 31 May 2016, the Head of the UKICB should issue guidance on the setting of review dates, which should take into account the seriousness of the offence and aggravating factors.

We examined how decisions were recorded by senior managers and by officers within the case information management system. We found that the systems for recording decisions and the rationale behind those decisions could be better.

Recommendation 7

- By 31 May 2016, the Head of the UKICB should provide guidance that sets out the categories of decisions that must be recorded and the manner in which such decisions and their accompanying rationale must be recorded.

Overall, we considered the internal audit process to be a valuable and appropriate measure for the mitigation of risks. Furthermore, when speaking with supervisors we found they were enthusiastic about the audit process and recognised its benefits. This tends to suggest a healthy culture in relation to the mitigation of risks.

We found that there was a business continuity plan in place. The plan was fit for purpose and had been tested.

We found that the handling of messages from other INTERPOL bureaux that contained fraud allegations was problematic. At the time of our inspection, we found that there was confusion between different teams in UKICB concerning how to deal with these messages. At the time our fieldwork ended, there was not an effective arrangement in place with Action Fraud.

Recommendation 8

- By 1 October 2016, the Head of the UKICB and the Head of Action Fraud should establish and begin operation of an effective arrangement for the processing of INTERPOL messages containing fraud allegations.

How efficient and effective is the International Crime Bureau?

The findings from the first two questions within our terms of reference relate to the efficiency and effectiveness of the UKICB. This inspection also revealed the extent to which the UKICB's efficiency and effectiveness is influenced by other law enforcement bodies (and vice versa).

We found that the UKICB was using a sophisticated case information management computer system. Although we considered the case information management system to be a significant improvement on the system that was in use at the time of a previous inspection,⁴ we consider that additional 'system rules'⁵ are required in order to further improve data quality.

Recommendation 9

- By 30 June 2016, the Head of the UKICB should take the steps necessary to improve the quality of data used for case management.

We found that there was no process for further developing the case information management system. Officers provided us with various suggestions for changes to the system which, if implemented, would improve the UKICB's efficiency. We consider that the NCA should establish a process for dealing with suggestions from UKICB officers for system improvements.

Recommendation 10

- By 30 April 2016, the Head of the UKICB, in consultation with the Head of Information Technology, should establish and begin the operation of a process to record and consider suggested system improvements by UKICB officers.

⁴ *European Arrest Warrants – An inspection of the Serious Organised Crime Agency's data, systems and processes for dealing with European arrest warrants*, HMIC, June 2013. Available from: www.justiceinspectorates.gov.uk/hmic/publications/european-arrest-warrants/

⁵ This term describes the manner in which the system is programmed, whereby users must enter data that conform to certain parameters for the system to accept them.

We were advised that a calculation of the time served in custody by each detainee facing extradition has to be provided to each receiving country by the NCA. We found that the NCA was not always in possession of the information it needed in order to make the calculation.

We consider that, in the interests of the efficiency and effectiveness of the UKICB, responsibility for making the calculation should more properly rest with the National Offender Management Service which has access to the data required.

Recommendation 11

- By 30 September 2016, the Director General of the NCA should engage with the National Offender Management Service to secure alternative arrangements whereby the National Offender Management Service rather than the NCA makes the calculation of time already served by a person being extradited. This information should then be provided to the NCA.

We learned that, because of the regularity with which people are extradited to Poland, special arrangements are in place. We do not consider the demands on the UKICB to co-ordinate this process, or the requirements on police forces to facilitate the custody of extradition prisoners, to be effective and efficient.

Recommendation 12

- By 31 December 2016, the Director General of the NCA, in consultation with the National Police Chiefs' Council, the Home Office, the Ministry of Justice and Her Majesty's Prison Service, should seek to establish a more efficient system for the transportation of detainees from prisons to ports in the course of extradition.

With bureau functions such as those performed by the UKICB, risk can be inherent in particular working practices. We found that risks matters were not always managed in a systematic way or escalated⁶ beyond the UKICB as and when required.

Recommendation 13

- By 30 April 2016, the Deputy Director (International), in consultation with the Head of the UKICB, should establish and begin operation of a system for the assessment and, where necessary, escalation of the risks associated with running the bureau.

⁶ Escalation is the referral of a matter to the next tier of management because it cannot be resolved.

2. Introduction

Our commission

Her Majesty's Inspectorate of Constabulary (HMIC) is an independent inspectorate which is required⁷ to carry out inspections of the National Crime Agency (also referred to as 'the NCA' or 'the Agency'). Following an inspection, we must report to the Home Secretary on the efficiency and effectiveness of the NCA.⁸

This inspection was carried out as part of HMIC's inspection programme for 2015–16, which was drawn up after public consultation, and was approved by the Home Secretary.

This is our second inspection of the NCA which covered two distinct areas:

- an inspection of the United Kingdom International Crime Bureau (hereinafter referred to as 'the UKICB' or 'the bureau'); and
- a revisit of recommendations and areas for improvement from our first inspection of the NCA.

This report concerns our inspection of the UKICB and the revisit will be covered separately.

Our report was submitted to the Home Secretary in March 2016. The report included information concerning certain NCA operational matters which, because of their sensitive nature, are not in the public domain.

The Home Secretary subsequently asked HMIC to advise on what form a publishable version of the inspection report might take. In response we prepared a publishable version of the report in consultation with the NCA and the Home Office. We did so in order to identify parts of the original inspection report that may need to be excluded from publication if, in the Home Secretary's opinion, publication of those parts:

- “(a) would be against the interests of national security,
- (b) could prejudice the prevention or detection of crime, the apprehension of offenders, or the prosecution of offences, or
- (c) might jeopardise the safety of any person.”⁹

⁷ Section 11(1), Crime and Courts Act 2013

⁸ Section 11(3), Crime and Courts Act 2013

⁹ Schedule 6, paragraph 3(2) (a)-(c), Crime and Courts Act 2013

We removed such parts from the report and presented this version to the Home Secretary, who instructed HMIC to publish it.

Background and context

Since the creation of INTERPOL¹⁰ in 1923, law enforcement organisations around the world have worked together to tackle crime.

Now, the growing international reach of criminals – enabled by 21st century communication technology, low-cost travel and, in some parts of the world, free movement across borders – represents a major challenge for law enforcement.

In the UK, the NCA plays an important role in helping police forces and law enforcement agencies to respond to that challenge. The UKICB was created for this purpose. The bureau caters for various requirements which are created by the United Kingdom's participation in international law enforcement ventures, in particular, INTERPOL, Europol¹¹ and the Schengen Information System.¹²

A condition of membership of the Schengen Information System is to make arrangements for the automated sharing of certain criminal intelligence and European arrest warrants, in the form of a 'Sirene bureau'.¹³

Creation of the United Kingdom's Sirene bureau, which is part of the UKICB, was a major undertaking for the UKICB. The Sirene bureau became operational in April 2015. Our inspection took place five months later, during which time the UKICB was still dealing with additional work that resulted from the Sirene bureau's creation.

¹⁰ INTERPOL's role is to facilitate international police co-operation and enable police around the world to work together by ensuring that they have access to the tools and services necessary to carry out their work effectively. Each member country of INTERPOL has a National Central Bureau which acts as a focal point for all incoming and outgoing INTERPOL enquiries. See Article 32 of the INTERPOL constitution: www.interpol.int/content/download/9429/69209/version/9/file/Constitution.pdf

¹¹ An organisation which exists to support the authorities of European Union member states in combating serious organised crime. This is done through the collection and analysis of intelligence with a focus on providing operational support. Every member state shall have a national unit as required by Article 8, European Union Council Decision, 6 April 2009 (2009/371/JHA). See: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009D0371&rid=4>

¹² European-wide IT system that helps facilitate European co-operation for law enforcement, immigration and border control purposes.

¹³ Every European Union member state signed up to the second generation Schengen Information System (SIS II) must designate an authority as a single point of contact for exchanging supplementary information related to alerts. This contact point is referred to as Sirene – Supplementary Information Request at the National Entries. See Article 7, European Union Council Decision, 12 June 2007 (2007/533/JHA): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:205:0063:0084:EN:PDF>

Composition and structure of the UKICB

The UKICB is comprised of approximately 200 officers. The UKICB's structure contains seven units, of which six are housed at the NCA's Warrington office in north west England. These are:

1. the casework co-ordination unit which receives incoming messages, approximately 27,000 messages per month, from a variety of sources – including INTERPOL countries, Sirene countries, and NCA international liaison officers – and passes them to one of the other units for action;
2. the fugitives unit which deals with extradition matters and includes some of the functions of the Sirene bureau;
3. the translation team which provides translation and interpretation services;
4. the Europol national unit which facilitates engagement between other member states and Europol on behalf of the NCA, police and UK law enforcement bodies;
5. the international liaison team which helps to support the work of NCA officers based overseas; and
6. the strategy and support team which performs functions such as internal audit.

The functions of the Sirene bureau are shared between the casework co-ordination unit and the fugitives unit.¹⁴

In addition to these six units, the UKICB has officers deployed to a multi-agency team called the UK liaison bureau, which is housed at Europol's offices in The Hague. This team provides a UK law enforcement presence alongside similar teams from other European Union member states.¹⁵

A diagram of the UKICB's composition and structure can be found at Annex A.

¹⁴ Other European member states have a distinct Sirene bureau entity which we were told did not commonly have a function that traced fugitives.

¹⁵ The UK liaison bureau is made up of: NCA officers; seconded police officers from the Metropolitan Police Service and Police Scotland; and personnel from Immigration Enforcement, the Association of Chief Police Officers Criminal Records Office (ACRO) and Her Majesty's Revenue and Customs.

Our terms of reference

In drawing up the terms of reference for our inspection, we consulted with the NCA Director General and the Director General of the Office for Security and Counter-Terrorism.¹⁶

Our terms of reference were as follows:

"In relation to the functions of the International Crime Bureau:

- Are risks identified and assessed in a timely and prioritised manner?
- Are appropriate measures taken to mitigate the identified risks?
- How efficient and effective is the International Crime Bureau?

The inspection of the International Crime Bureau will include all its functions except child exploitation referrals."¹⁷

In the context of this inspection, the risks we examined were, in the main, risks to public safety and to justice (rather than risks to the NCA). Risks of this nature can arise when those who have committed offences become fugitives from justice, moving from country to country in order to evade capture.

There are grave risks to public safety when those who commit violent offences become fugitives. Because the vast majority of the UKICB's work relates to information that arrives in the United Kingdom about people from other countries, we concentrated our attention on risks to public safety in the United Kingdom rather than risks to public safety in other countries.

Methodology

The full details of the methodology are set out in Annex B.

In summary, we conducted our inspection between September and November 2015 and spoke to approximately 50 officers¹⁸ within the NCA. We also spoke with others within law enforcement who work with the UKICB.

¹⁶ The Office for Security and Counter-Terrorism within the Home Office works to counter the threats from terrorism and serious and organised crime. Its work is covered in the government's counter-terrorism strategy CONTEST and in the Serious and Organised Crime Strategy.

¹⁷ Child exploitation referrals were considered outside the scope of this inspection as this area was already under independent scrutiny and, during the inspection, this part of the bureau was realigned under the governance of the Child Exploitation and Online Protection Command.

¹⁸ The NCA refers to each member of its workforce as an 'officer'. For the purpose of clarity, we have used the same term throughout this report.

We reviewed a series of documents regarding the working of the UKICB. We also consulted a number of chief officers to obtain their views about services provided by the UKICB. A list of these consultees is also set out in Annex B.

3. Are risks identified and assessed in a timely and prioritised manner?

Introduction

For this aspect of our inspection we sought to establish how well the UKICB identified and assessed the risks to the public and to justice that are inherent in the cases the bureau deals with. Part of the challenge facing the UKICB is how to identify the most risky cases quickly and accurately, where such cases may be concealed within the considerable volume of cases the bureau handles each day.

We examined the skills, training and experience of the UKICB officers, and the systems and working practices they use to help them identify and assess the risks presented by each case.

This aspect of the inspection revealed a generally well-led, committed and professional team with an emphasis on risk awareness and a well-defined way of working. A significant proportion of UKICB officers were not from a law enforcement background but they had good access to the guidance, support and supervision they needed in order to help them identify and assess risks. Their training needs were not fully met though, and certain aspects of the risk assessment process in use concerned us.

Findings

Skills and experience

We found that a significant proportion of the officers in the casework co-ordination unit, while committed and professional, were not from a law enforcement background. Consequently, they did not have a foundation of experience (that we found in other areas of the UKICB) upon which to draw when making decisions about what to do with each case. They relied on comprehensive guidance documents and experienced colleagues for advice.

Prior to the inspection the NCA had recognised this. We learned that in October 2014 a 'skills confidence questionnaire' was devised for all officers within the casework co-ordination unit to complete.

The questionnaire identified a number of issues: 78 percent of officers had (in 2014) less than a year's service in the NCA; they had received little or no formal training; and 67 percent of officers had no previous law enforcement experience.

We were encouraged to see that the casework co-ordination unit managers had taken steps to address the lack of previous experience. A number of officers within the UKICB, who had the necessary experience to act as mentors, had been

identified and a training record had been set up to record the training and development needs of officers.

Training

We found that all officers within the casework co-ordination unit (and some other officers elsewhere in the UKICB) had undergone e-learning on use of the National Decision Model.¹⁹

Throughout 2015, officers in the casework co-ordination unit had also received training in the use of databases that they were required to search as part of the process they followed in order to assess risks.

However, we found that the NCA-wide learning and development team lacked the necessary capacity to assist the UKICB with its significant training need. In particular, there was an identified need for training in the use of the Police National Computer²⁰ and the NCA's corporate knowledge system.²¹

At the time of the inspection, Police National Computer training had been delivered (by an external provider) to all the officers who required it but training in the use of the corporate knowledge system had been provided to only 21 officers among the 80 whom the UKICB deemed to require it.

We also established that the NCA learning and development team had been unable to facilitate the extensive training that was required for the introduction of the Sirene bureau. Consequently the UKICB provided the required training using three of its officers who were suitably qualified. These officers had brought their qualification from previous roles. Their availability was described to us as "fortunate but not planned" and provision of the training took them away from their normal duties.

We consider that the UKICB would benefit from a bureau-wide training needs analysis and training plan. This would help to inform the priorities of the NCA learning and development team.

Recommendation 1

- By 31 July 2016, the Head of the UKICB, in consultation with the Head of Learning and Development, should conduct a training needs analysis and produce a training plan.

¹⁹ A decision-making process that is used by police forces across the United Kingdom.

²⁰ A database which UK law enforcement uses that holds records of people who are of police interest, criminal records, vehicle records and stolen property.

²¹ A computer system which the NCA uses for intelligence purposes.

Backlog of messages

We found that, in September 2015, there was a backlog of approximately 5,000 messages in the casework co-ordination unit. We understand that this backlog resulted from the demands associated with the launch of the Sirene bureau and other demands in relation to child exploitation and online protection cases.

We were informed that each of these messages had been deemed low priority. Nonetheless, because of the scale of the backlog, we examined the nature of the messages and the approach taken by UKICB managers to reduce it.

We found that the 5,000 messages equated to fewer than 5,000 cases. This was because, in some instances, there were multiple messages in relation to the same case. Our dip-sampling of messages provided reassurance that they were of a low priority. While these messages required action, they posed little risk.

We found that team leaders, who were responsible for the backlog of messages held within their teams, were well aware of the backlogs and examined them on a weekly basis and sought to reduce them. We were satisfied with their approach.

It was suggested to us that vacancies within the unit were a contributing factor to the backlog. We looked at vacancy rates across the UKICB from the data supplied to us. We found an overall vacancy rate of 10 percent (9.5 percent if including posts that were to be filled with successful candidates). We were told that no posts were being held to achieve vacancy savings and we found that there was active recruitment for existing vacancies.

Because of the inexperienced nature of the teams, we also looked at the distribution of officers by grade across each team, in order to establish whether the ratio of supervisors to junior officers was sufficient. We found that it was.

The casework co-ordination unit provided the first line of quality assurance to ensure that cases were effectively prioritised. We found that there was good supervision within the unit (including scrutiny in other units which provided further lines of assurance). The expectation was that supervisors should be informed of any high-risk matters and consulted when officers are unsure. In our contact with officers during fieldwork, it was evident that matters were raised to supervisors when required and that officers had good access to the support they needed.

We found that steps had been taken to reduce the scale of the backlog by identifying and dealing quickly with messages that were of low priority. We learned that the bureau received a high number of messages that had no viable lines of enquiries, such as reports of theft or lost property from air passengers who had passed through the UK while in transit to other destinations. At the time of our inspection, a management decision had just been made to thank the originating country for the information but to close those messages. This decision is likely to reduce the backlog.

We also found that overtime had been made available so that staff could work out-of-hours in an attempt to clear the backlog.

European arrest warrants – timeliness

The Sirene bureau function deals with European arrest warrants²² issued by other European Union member states.

Information on these European arrest warrants is circulated electronically between member states using a Europe-wide computer network called the Schengen Information System II (SIS II), to which the UKICB has access. Circulations are known as 'Sirene alerts'.

The Sirene bureau examines the warrant and paperwork that accompanies each Sirene alert. This examination is necessary to ensure that there are no administrative errors and that the offence referred to in the warrant is enforceable in the United Kingdom.

The Sirene bureau is then responsible for ensuring that (if the paperwork is in order and the offence is enforceable) the person subject to the arrest warrant is circulated on the Police National Computer as 'wanted'. The Sirene bureau is under an obligation to complete the process, which is known as 'validation', within four hours²³ from receipt of the Sirene alert.²⁴

We found that, at the time of the inspection, the Sirene bureau usually met this obligation.

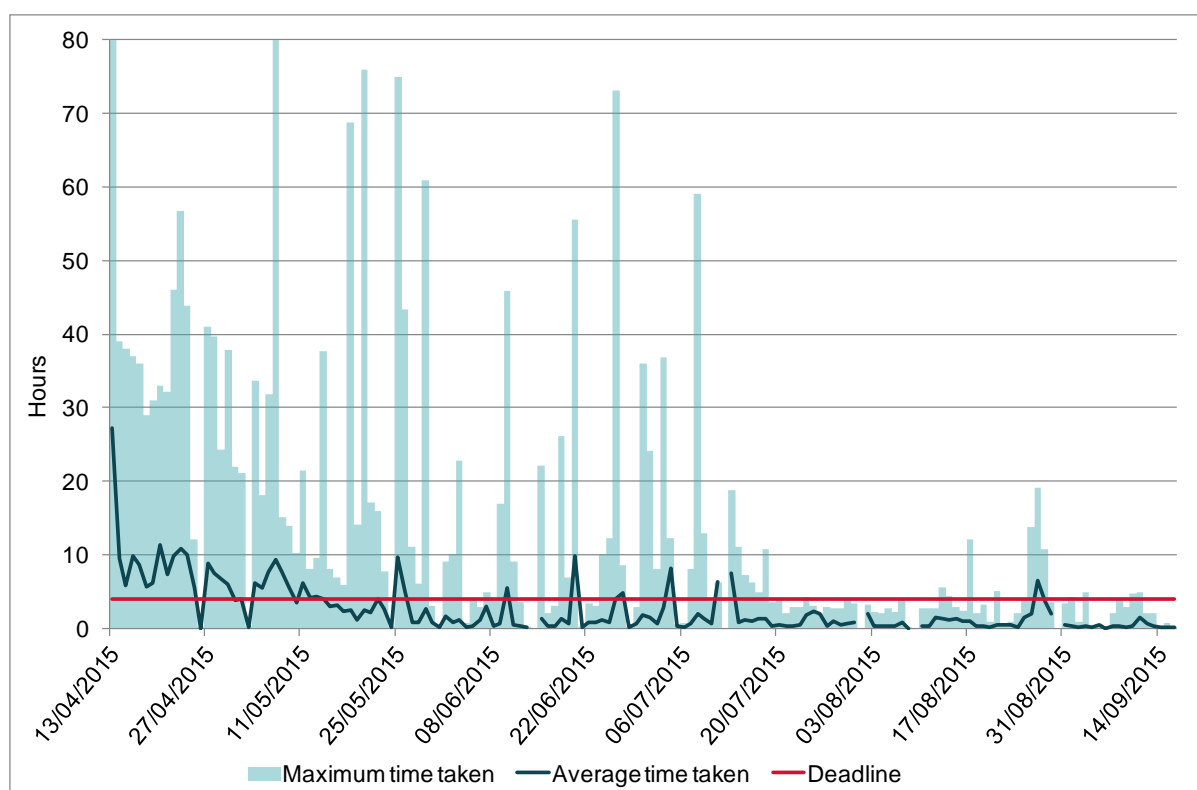
Figure 1 below shows the daily average and maximum times taken to validate European arrest warrants. This indicates that, after often failing to meet the four-hour obligation during its first month of operation, the Sirene bureau became more effective. Since late July 2015, the daily average time taken to validate European arrest warrants exceeded four hours on one instance only.

²² A mechanism by which individuals wanted in relation to specific crimes are extradited between member states to face prosecution or to serve a prison sentence for an existing conviction.

²³ To comply with conflicting requirements (derived from European Union Framework and SIS II Council Decisions) that Sirene Alerts should be made available to end users immediately, but that each alert is also assessed against a specific set of criteria, it was agreed by the SIS II Programme Manager and the Home Office Minister, that a four-hour time limit for validating a Sirene Alert is a reasonable compromise.

²⁴ If the required information is not provided to allow the warrant to be validated, the person concerned is placed on the Police National Computer as a person to be located. This allows the country which has requested the arrest to provide the information required within 24 hours. By inputting a person's details on the Police National Computer it ensures that a record of interest is in existence at the earliest opportunity should this person come to the notice of the police.

Figure 1: daily average and maximum times taken to validate European arrest warrants²⁵



Source: UKICB case information management system, given to HMIC on 16 September 2015

We recognise that delays in the validation process may not necessarily be attributable to the UKICB, but rather to law enforcement agencies in other member states in circumstances where UKICB officers have to seek further information from them in order to complete the validation process.

European arrest warrants – risk assessment

We established that, after the validation process, the UKICB conducts a risk assessment to determine what to do with each case, in particular whether to look actively for a fugitive who may be in the United Kingdom. This risk assessment process involves a series of basic checks and a 'prioritisation matrix'.

We consider the risk assessment to be of particular interest in this inspection because, in each case, the outcome of the process determines the lengths to which the UKICB will go after validating the warrant.

The principles of the risk assessment appeared straightforward and logical to us. We found that it was well understood and consistently applied by officers; part of its strength is its simplicity.

²⁵ Some maximum times are in excess of 80 hours. Where breaks in the blue line appear, this is because, on the corresponding dates, there was no data on cases being created.

However, we also found that the basic checks were not sufficient to inform the assessment process and that the scoring mechanism, while generally sound, had one feature that needed refinement.

The risk assessment process prompts the officer conducting it to answer three questions for each case:

- How serious is/are the offence/s to which the warrant relates?
- Are there any aggravating factors indicated, such as the use of weapons?
- Are there any indications that the person subject to the warrant has a connection with the United Kingdom (and may therefore present a risk to the public here)?

The outcome for each question results in a score of 1-3, with 3 representing the highest risk against each question.

Each of the three scores is then multiplied together to create a final score, thus the minimum final score is 1 (1x1x1: minimum risk) and the maximum final score is 27 (3x3x3: maximum risk).

In relation to the first question, there was a table of offence types to which officers referred when determining the seriousness of the offence.²⁶ We considered that the table, while helpfully simplifying offence types, did not deal adequately with certain offences. For example, burglary was deemed to be the lowest risk offence regardless of the circumstances; these could range from a daytime garden shed break-in to a night-time occupied dwelling break-in. This feature of the prioritisation matrix needs refinement.

In relation to the second question, the accuracy of the assessment was reliant on the quality of the information available to officers, part of which they obtained from the European arrest warrant and accompanying paperwork. Officers informed us that the quality of these warrants varied from country to country and they were sometimes lacking sufficient detail.

In relation to the third question (United Kingdom connection), officers would – in addition to examining the Sirene alert – conduct a series of basic checks. These began with searches of NCA intelligence systems and the Police National Computer to see if they contained a record of the person subject to the warrant. Officers would also arrange for searches of databases held by the National Health Service and, if the offence was serious enough, the Department for Work and Pensions.

²⁶ *Fugitives Co-ordination Team Manual of Guidance Sirene and Non-Sirene processes v2.63*, NCA, Appendix 1, page 45.

We considered this third question to be the most critical part of the process. This was because, regardless of the seriousness of the offence and any aggravating factors, only in those cases where the basic checks had revealed an apparent connection between the person named on the warrant and the United Kingdom was there any further action taken to trace and arrest the person.

In all other cases the record was filed in the UKICB's computerised case information management system without further action (albeit the person sought was circulated on the Police National Computer as wanted). Officers we spoke to estimated that approximately 85 percent of cases were filed in this way.

We were concerned that the basic checks did not include searches of the Police National Database before cases were filed, particularly those that involved serious offences with aggravating factors. Our examination of the case information system records revealed that, between April and September 2015, there were only 29 recorded searches of the Police National Database.

We found that access to the Police National Database and understanding of its functionality were generally poor within the UKICB. Officers cited two issues for this: insufficient user licences and limitations on the time available to process the high volume of cases. We later established from the Home Office that the NCA as a whole had been allocated 500 user licences, and that a significant proportion were not in regular use. We were unable to establish what proportion of these licences were held by UKICB officers.

There are far more 'person' records on the Police National Database than there are on the Police National Computer (approximately 80 million versus 12 million). Also, the Police National Database's search functions are much more powerful than those on the Police National Computer (they search across the 0.75 billion 'event' records on the Police National Database).²⁷

We considered that, because searches of the Police National Database may reveal connections with the United Kingdom while other checks may not, the NCA should make better use of it.²⁸

Our concerns in relation to the lack of use of the Police National Database for European arrest warrant cases also applied to other cases handled by the UKICB.

²⁷ Data supplied by the Home Office Police National Database team, 7 February 2015.

²⁸ In instances where an offender is known to a United Kingdom police force, but has not been arrested or convicted and is not otherwise known to the NCA, a Police National Database check rather than a Police National Computer check would be necessary in order to reveal the United Kingdom connection.

Recommendation 2

- By 31 May 2016, the Head of the UKICB should amend policy and guidance so as to describe the circumstances under which the UKICB will refer to the Police National Database in the course of risk assessments in relevant cases.

Recommendation 3

- By 31 May 2016, the Head of the UKICB should create and implement an action plan for the creation of the necessary capacity to undertake the Police National Database checks in accordance with the policy and guidance.

Before the fieldwork had ended, we discussed our concerns with the NCA, which acted quickly, creating a plan to make better use of the Police National Database.

Extradition Act 2003: Part 2 provisional arrest requests

We learned that, in addition to its work on European arrest warrants, also known as 'Part 1' cases, the fugitives unit handles incoming provisional arrest requests from other countries. Such requests are normally received through INTERPOL notices. These are known as 'Part 2' provisional arrest requests.²⁹

We visited INTERPOL in Lyon, France in order to understand and assess the working relationship with the UKICB. Staff at that organisation expressed the view that the UKICB had good arrangements in place for assessing the risks associated with INTERPOL notices (including Part 2 provisional arrest requests) and they viewed the UKICB's case information management system as a strength in this respect (albeit that information had to be copied manually – see page 31).

We found that the UKICB conducted basic checks for Part 2 provisional arrest requests in order to assess whether, in each case, there was an apparent connection between the person named on the notice and the United Kingdom.

Where such a connection was established, these cases were not dealt with by the NCA. Instead, they were passed to the Metropolitan Police Service Extradition Unit.

²⁹ This terminology relates to Parts 1 and 2 of the Extradition Act 2003. The Fugitives Unit receives incoming arrest requests in the form of European Arrest Warrants. These are known as Part 1 cases as they relate to category 1 countries (in effect, European member states). It also handles incoming provisional arrest requests from other countries normally received through INTERPOL notices. These are known as Part 2 provisional arrest requests as they relate to category 2 countries (in effect all other countries with extradition agreements not listed in category 1). Full extradition requests for category 2 countries are handled by the Home Office.

This applied to all Part 2 provisional arrest requests with a United Kingdom connection, not just those with a London connection. Where a United Kingdom connection was not established, they were filed on the UKICB's case information management system without further action.

We established that there was not any agreed joint practice in relation to risk identification and assessment between the UKICB and the Metropolitan Police Service Extradition Unit. Neither was there a persuasive explanation as to why extradition work should be shared between the NCA and the Metropolitan Police Service in this manner.³⁰

Officers we consulted in the Metropolitan Police Service Extradition Unit were of the opinion that the UKICB should conduct more detailed intelligence checks in order to establish whether for Part 1 cases, a London connection is apparent, and whether for Part 2 provisional arrest requests, a United Kingdom connection is apparent.

Recommendation 4

- By 1 October 2016, the Head of the UKICB and the Head of the Metropolitan Police Service Extradition Unit should establish shared guidance for the handling of Part 2 provisional arrest requests.

Recommendation 5

- By 30 November 2016, the Director General of the NCA, in consultation with the Commissioner of the Metropolitan Police Service and the Senior Director of International and Immigration Policy, should determine whether it would be more efficient and effective for the police handling of Part 2 provisional arrest requests to become the responsibility of one organisation rather than two. If it is so determined, arrangements should be made for the transfer of responsibility as soon as practicable thereafter.

Out-of-hours arrangements

The European Union is comprised of countries in various time zones, and the membership of INTERPOL extends around the world. Consequently, risks that need prompt identification and assessment by the NCA may arise at any time.

While the UKICB does not operate throughout the 24-hour period, the NCA control centre (based in the same building in Warrington) does. Therefore, the control centre

³⁰ It was suggested to us that, at the time of the NCA's creation, responsibility for Part 1 cases was simply transferred to the NCA from the Serious Organised Crime Agency without detailed consideration of the role of the Metropolitan Police Service Extradition Unit.

deals with urgent UKICB work when the bureau is not staffed. To assist with the UKICB cover out of hours, the bureau has provided twelve posts to the control centre to ensure there is capacity to carry out the UKICB function. We found that this cover is enhanced by joint training between the UKICB and the control centre.

For us to answer fully our terms of reference, we visited the control centre and inspected the out-of-hours arrangements. We found the control centre to be well staffed by officers who displayed a good understanding of the need to prioritise and progress specific cases (for example, European arrest warrants) within agreed timescales. This led to an out-of-hours service that generally met the needs of the UKICB and helped to mitigate risk.

We observed the daily handover process between the casework co-ordination unit and the control centre and examined previous handover documents. These handover documents were used to transfer cases of note that have been dealt with out of hours.

We learned that the handover process was not always accompanied by a face-to-face discussion between the relevant UKICB and control centre supervisors. We consider that such a discussion would be helpful in ensuring that supervisors are prompted to give relevant cases the care and attention they needed.

We found that senior managers from both sides had taken an active interest in handovers. They had identified cases that required attention from a learning and compliance perspective.

4. Are appropriate measures taken to mitigate the identified risks?

Introduction

Once we had established the manner in which the UKICB identified and assessed risks, we sought to establish how well the UKICB mitigated them.

This generally involves UKICB making enquiries to establish where in the United Kingdom international fugitives may be hiding, making the relevant police forces aware and providing those police forces with sufficient information so that they can make arrests. Once arrests have been made, the UKICB helps to facilitate the extradition of detainees from the United Kingdom to the countries in which they are wanted for offences.

Consequently, to answer our terms of reference, we examined how the UKICB established the whereabouts of fugitives hiding in the United Kingdom and how well it worked. We also examined how well the UKICB worked with police forces, in respect of the timeliness and quality of the information the UKICB provided to police forces to help them to assess risks, prioritise cases and effect arrests. We examined how well the NCA co-ordinated the ensuing extradition processes. Finally, we examined the UKICB's internal audit processes, which existed to provide assurance that cases were being handled properly.

This aspect of the inspection revealed a professional, motivated team; however, some of the team's efforts were hampered by limitations in systems and working practices that were beyond their control. The demands from the co-ordination of post-arrest extradition cases limited the time available for pre-arrest work to trace fugitives.

Findings

As we explained earlier (on page 20), only those cases where there is an apparent United Kingdom connection are referred for further enquiries.

We learned that these cases with apparent United Kingdom connections are referred to caseworkers, who conduct further enquiries in order to establish where in the United Kingdom international fugitives may be hiding.

We found that caseworkers were generally well trained, motivated and professional. They made good use of the internet to search databases in the hunt for United Kingdom addresses for fugitives. Examples of these included Experian and Equifax. They also made enquiries via the Driver and Vehicle Licensing Agency.

Caseworkers did not have direct access to social media websites or the Police National Database and therefore could only obtain searches (carried out by other NCA officers) by completion of NCA application forms. In relation to searching the Police National Database, enquiries with the Home Office Police National Database team revealed that the NCA could, and should, have direct access to this facility.

Police National Computer warning markers

Another matter we identified during our fieldwork related to information known as warning markers. These are commonly placed on the Police National Computer records of persons who may present a particular risk to police officers who encounter them in the course of their duties. Examples of warning markers include those that alert officers that the person might be in possession of a gun or alert officers that the person has a propensity for violence.

We found that UKICB officers were unable to create warning markers when the information in front of them (in the Sirene alert, to which the police do not have direct access) led them to believe that a warning marker was required. This situation was an unintended consequence of the Sirene bureau's introduction as the design of the system would not allow officers to manually update the Police National Computer. It is of particular concern because, unlike in other European countries, the British police are not routinely armed and are therefore less able to defend themselves and others when dealing with the most extreme circumstances.

We were pleased to see that the UKICB was taking action to deal with the situation. Officers were asking law enforcement personnel in other member states to include warning signals in the information supplied with European Arrest Warrants. This action sought to ensure that the Police National Computer was updated accurately in the first instance. The Head of the UKICB was also preparing a paper to highlight this matter for consideration at an international meeting of Sirene bureau heads in December 2015.

Fugitive profiles

We learned that, in instances where caseworkers have successfully established the possible whereabouts of a fugitive in the United Kingdom, they send the relevant police force a set of documents called a 'fugitive profile', which is intended to provide the force with the information and guidance it needs to deal with the matter. We asked police force international liaison officers (police officers who act as the primary point of contact between their force and the UKICB) whether the information contained in fugitive profiles met their needs.

These police officers were generally very satisfied with the service they received from UKICB. However, they told us that the profiles did not usually contain certain important information such as foreign convictions and intelligence. They stated that this information was needed in order to enable them to make an informed decision

about the risk each case presented and, therefore, the priority they ought to give it. Furthermore, they said that fugitive profiles usually lacked the detailed information that they provided for other countries in connection with outgoing European arrest warrants leaving the UK.

We recognise the concerns of the police and acknowledge that the issue is not created by the NCA; the Agency was not usually in possession of the required information and was, therefore, not withholding it from forces. An improvement in information supplied by European member states is continually sought by the UKICB through its formal engagement with other Sirene bureau heads.

We established that, following receipt of a fugitive profile, police forces would often approach the Association of Chief Police Officers³¹ Criminal Records Office (ACRO) for foreign conviction details, which ACRO would obtain on their behalf from the relevant country.

We consulted ACRO and learned that European conviction information is normally provided within ten days.³² This does present a short delay when forces request such information to consider any risks.

Cases filed pending review

In instances where caseworkers had exhausted all lines of enquiry in the search for a person who might be in the United Kingdom, these cases were filed pending reviews at a later date. We found that the case information management system allowed caseworkers to file these cases for a period of their choice, and that it was common practice among caseworkers to set review dates based on their prevailing workload (which tended to be high, so review dates were often commensurately long).

Review dates were generally not set based on the seriousness of the offence or aggravating factors, nor was there written guidance on this point. We consider that the seriousness of the offence and any aggravating factors should be taken into account when setting review dates, and that guidance should be provided.

³¹ The role of the Association of Chief Police Officers transferred to the National Police Chiefs' Council in April 2015 but ACRO retains the name as part of its title.

³² The ten-day deadline does not apply to convictions for non-European countries and is set out in Article 8, European Union Council Framework Decision, 26 February 2009 (2009/315/JHA). See: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009F0315&from=EN>

Recommendation 6

- By 31 May 2016, the Head of the UKICB should issue guidance on the setting of review dates, which should take into account the seriousness of the offence and aggravating factors.

Limited capacity for work to trace fugitives

Our findings in relation to casework need to be read in the context of a wider issue. We were told that, because of the complexities associated with many of the cases involving extradition proceedings, caseworkers' time tended to be consumed by these cases (for which strict legal time limits exist). This left them little time to conduct the enquiries necessary to establish the whereabouts of fugitives in the United Kingdom.

Recording of decisions

Processes such as the risk matrix and scoring mechanism were designed to provide a framework for decision-making. However there are still circumstances where decisions don't fit neatly into this as highlighted below.

It was accepted by a number of officers we interviewed that the systems for recording these decisions and their rationale could be better. We found, for example, that if a decision is required by a senior manager, that manager would not necessarily use the case information management system to record it. Instead, the decision and rationale were often recorded in an email trail.

We found that the case information management system contained a 'rolling case log' and, while actions were recorded, if an officer needed to account for decisions weeks or months later, it would be unlikely that the officer would be able to say why they had taken certain actions in a particular case.

Recommendation 7

- By 31 May 2016, the Head of the UKICB should provide guidance that sets out the categories of decisions that must be recorded and the manner in which such decisions and their accompanying rationale must be recorded.

Internal audit process

One area of particular note was the approach taken by the UKICB to assurance. The head of the UKICB invited the Home Office assurance team in September 2014 to look at UKICB ways of working prior to the launch of the Sirene bureau. The UKICB had an established internal audit process, which we examined.

We found that, on a monthly basis, the performance manager (a UKICB officer) randomly selected 5 percent (approximately 150) of high-risk cases that had been worked on within the UKICB during the preceding thirty days along with 10 percent of medium or low-risk cases. Of the medium and low-risk cases, specific themes were selected, for example the use of database checks. These selected cases were then allocated to one of the five supervisors within the casework co-ordination unit to audit.

The supervisors checked the cases against set criteria that were designed to establish whether:

- the case profile, status and priority were all correct;
- all necessary checks had been carried out;
- all databases had been updated;
- relevant partner organisations had been contacted; and
- overall the case had been managed effectively.

The performance manager dip-sampled those cases that had been audited to confirm compliance. A record was then made of all those cases that had been audited, in order to help identify themes of non-compliance or repeated errors by individuals.

Information relating to these themes and errors were then reported to the senior managers in each unit within UKICB. All significant issues were circulated on the UKICB weekly communications bulletin for officers.

The UKICB also operated a 'near miss' register, where errors were recorded. We reviewed the register which had 43 incidents recorded over the previous two years.

We found that the report from the assurance regime produced by the performance manager, while provided to other managers, was not a standing item on the senior leadership meeting agenda. We also found that the audit process we have described was not in use across all units in the UKICB. The fugitives unit self-selected cases for audit but reported the results to the performance manager.

Overall, we considered the internal audit process to be a valuable and appropriate measure for the mitigation of risks.

Furthermore, when speaking with supervisors we found they were enthusiastic about the audit process and recognised its benefits. This tends to suggest a healthy culture in relation to the mitigation of risks.

Business continuity plan

We found that there was a business continuity plan in place. The plan was fit for purpose and had been tested.

Limitation on the use of fingerprints

We found that fingerprints often accompany the INTERPOL notices and Sirene alerts that the UKICB receives, but there was a limitation on how these were exploited to make useful intelligence links.

Fingerprints that accompanied INTERPOL notices were routinely uploaded to the national fingerprint system.³³ This allowed for those fingerprints to be searched against others on the system. Searches of this manner would establish whether the fingerprints of the person named on the INTERPOL notice were already present on the national fingerprint system, thus providing useful intelligence such as addresses, aliases and links to other crimes.

Fingerprints that accompanied Sirene alerts were not uploaded or searched in this way. This was because, although the technology had been built deliberately to enable such uploads and searches, a European Union Council Decision has precluded its use.³⁴ We were informed that, at the time of the inspection, the UKICB was awaiting advice from the Home Office on whether the technology may be switched on in the future.

We consider that, if and when it is deemed to be lawful and appropriate, the uploading and searching of fingerprints from Sirene alerts – in the same manner as already happens for INTERPOL notices – would be an important action to mitigate risks to the public.

Fraud allegations

We found that the handling of messages from other INTERPOL bureaux that contained fraud allegations was problematic. In 2014, a backlog had gone undiscovered. The UKICB subsequently dealt with this backlog effectively, working with Action Fraud to do so. However, in July 2015, further problems arose when a third-party contractor that was involved in the process went into liquidation, and returned emails went unnoticed in UKICB until September 2015.

At the time of our inspection, we found that there was confusion between different teams in UKICB concerning how to deal with these messages. One team was telling

³³ The process of uploading was carried out by ACRO rather than the UKICB.

³⁴ Article 22, European Council Decision of 12 June 2007 (2007/533/JHA): before this search functionality is implemented, the Commission is required to present a report on the availability and readiness of the required technology. See: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007D0533&from=EN>.

INTERPOL bureaux in other countries to report frauds to Action Fraud directly. Other teams were simply filing the messages on the case information management system.

We referred to *INTERPOL's Rules on the Processing of Data*.³⁵ It seemed clear to us that, because the UKICB performed the function of an INTERPOL National Bureau, the UKICB's responsibility was to process the messages and refer them to Action Fraud. It was not to encourage similar bureaux in other countries to send messages directly to Action Fraud.

At the time our fieldwork ended, there was not an effective arrangement in place with Action Fraud.

Recommendation 8

By 1st October 2016, the Head of the UKICB and the Head of Action Fraud should establish and begin operation of an effective arrangement for the processing of INTERPOL messages containing fraud allegations.

³⁵ *INTERPOL's Rules on the Processing of Data* [III/IRPD/GA/2011 (2014)], Article 20. See: [www.interpol.int/content/download/13042/90082/version/30/file/20%20e%20rpd%20update%20\(14y2089\)%20\(or\).pdf](http://www.interpol.int/content/download/13042/90082/version/30/file/20%20e%20rpd%20update%20(14y2089)%20(or).pdf).

5. How efficient and effective is the International Crime Bureau?

Introduction

We recognise that the findings we have already reported in the preceding two chapters all relate in some way to the efficiency and the effectiveness of the UKICB.

For this chapter, we report our remaining findings from this inspection that do not principally concern the identification, assessment and mitigation of risk by the UKICB, but are nonetheless relevant to the questions of efficiency and effectiveness in the UKICB.

This inspection revealed the extent to which the UKICB's efficiency and effectiveness is influenced by other law enforcement bodies (and vice versa). This is particularly so for the process of extradition, which commonly involves the NCA, domestic and foreign police forces, Westminster Magistrates' Court, the Administrative Court, the Prison Service and air transport providers. Consequently, our fieldwork for this aspect of the inspection involved us consulting some of these bodies.

Where we considered it appropriate to do so, we have included in this chapter our observations on the general arrangements for extradition and their impact on the efficiency and effectiveness of the UKICB and other bodies.

Findings

Case information management system

We found that the UKICB was using a sophisticated case information management computer system which had been custom-designed to reduce double-keying,³⁶ thus improving efficiency.

The system, which we were informed took six years to design, automatically copied information from Sirene alerts and generated case files for use by officers. It did not do so for INTERPOL notices, which had to be manually copied.

Although we considered the case information management system to be a significant improvement on the system that was in use at the time of a previous inspection,³⁷ we consider that additional 'system rules'³⁸ are required in order to further improve data

³⁶The duplication of an original record.

³⁷ European Arrest Warrants – An inspection of the Serious Organised Crime Agency's data, systems and processes for dealing with European arrest warrants, HMIC, June 2013.

³⁸ This term describes the manner in which the system is programmed, whereby users must enter data that conform to certain parameters for the system to accept them.

quality. Such rules would also be helpful for the setting of case review dates (see page 27).

We found that, despite the various system rules that existed, there were persistent problems with data quality. One officer had to spend approximately two days each month finding and correcting errors, which were caused when officers either omitted to update relevant database fields or updated them with inaccurate information. When we tried to analyse data from the case information management system, we found that because some data were absent, it was problematic to do so.

Recommendation 9

- By 30 June 2016, the Head of the UKICB should take the steps necessary to improve the quality of data used for case management.

We found that there was no remaining budget or process for further developing the case information management system. It became clear to us that, since the system went live in April 2015, those who used it had built a comprehensive understanding of its strengths and weaknesses. Officers provided us with various suggestions for changes to the system which, if implemented, would improve the UKICB's efficiency.

We consider that, within the context of the NCA's Information Technology Strategy 2020 (which seeks to reduce the number of case management systems in use across the Agency), the UKICB should establish a process for dealing with suggestions from its officers for system improvements.

Recommendation 10

- By 30 April 2016, the Head of the UKICB, in consultation with the Head of Information Technology, should establish and begin the operation of a process to record and consider suggested system improvements by UKICB officers.

Double-keying of information for Border Force

We found that the UKICB was routinely double-keying information from certain INTERPOL notices (where there was a potential UK connection), in order to make this information available to Border Force. This process, which could take up to two minutes per transaction, had been used for 3,082 INTERPOL notices between April 2015 and September 2015; it amounted to two weeks' work for one person. Furthermore, we found that the UKICB was using a similar process for certain Sirene alerts.

We were informed that work was underway to introduce a new computer system called 'digital security at the border' which would obviate some of the double-keying, although this would not be completed before July 2016. In the interim, we consider the arrangement to be inefficient.

Computer synchronisation problems

As we indicated earlier in our report (on page 10), the introduction of the Sirene bureau was a major undertaking for the UKICB. We were informed that, from April 2015 and during the months that followed, there had been serious problems with the link – known as the synchronisation – between the Schengen Information System II and the Police National Computer. The synchronisation should result in the regular automatic copying of records from one system to the other, but had proved unreliable.

This unreliability meant that officers had to copy manually thousands of records from one system to the other, which was not efficient. By the time our inspection began, the synchronisation process was improving but was still not reliable.

During the morning of one of our fieldwork visits to the UKICB in September 2015, officers told us that, due to a synchronisation problem the previous night, in excess of 9,000 discrepancies had occurred, all of which had to be manually resolved. We found that some good risk management processes were put in place by the UKICB to manage the discrepancies while they were being resolved.

After the inspection, we were informed by Home Office officials that the synchronisation problems had been fixed but we were unable to verify this in person because the fieldwork had ended.

Part 1 extradition process and appeals

We found that the number of arrests leading to extraditions has remained fairly constant over the past two years (1,660 arrests in 2013/14 and 1,585 arrests in 2014/15). There has been, however, an increase of 15.5 percent³⁹ in arrests in the seven months since the introduction of the Sirene bureau in April 2015 compared with the same period in the previous year. We view this as good evidence of an improvement in effectiveness, whereby the timelier arrest of more people has a direct correlation to increased public safety.

In general terms, there are strict legal time limits associated with each step of the extradition process.⁴⁰ It is the responsibility of the UKICB to monitor closely the progress of each case and ensure that relevant police forces and other bodies are

³⁹ Figures are indicative and not validated until year end.

⁴⁰ Time limits are set out in the Extradition Act 2003.

alerted to important events such as court hearings and deadlines, so that time limits are not breached and the process remains effective.

Following arrest, detainees must be taken promptly to Westminster Magistrates' Court. We found that the UKICB worked closely with Westminster Magistrates' Court and, just prior to our inspection, had agreed new information-sharing arrangements that were intended to secure greater efficiency for both organisations.

For those who go on to face extradition, the Extradition Act 2003 contains provisions that, if certain conditions are met, allow for appeals.⁴¹

Appeals are heard by the Administrative Court. The Criminal Procedure Rules⁴² require the appellant to serve an appeal notice on the Administrative Court and the Director of Public Prosecutions but not on the NCA.

We found that the NCA relied on the Administrative Court for the provision of relevant information concerning appeals. We found that officers were not confident that communication with the Administrative Court was sufficient. They described various examples of problems: no notification that an appeal had been lodged; inaccurate information received about appeals; and information not being received in a timely manner.

Due to the strict time limits, there are risks associated with inaccurate or late information, principally that extradition proceedings will fail if time limits are inadvertently breached.

We found that, because of their lack of confidence in communication with the Administrative Court and their concern about cases failing, officers were emailing the Administrative Court on a regular basis to ask for updates on a case-by-case basis. This was not an efficient use of their time.

At the time of our inspection, the NCA was seeking an amendment to the Criminal Procedures Rules which (if agreed) would allow for the UKICB to be informed of appeals at the same time as the other parties. We consider that such an amendment would be in the interests of the efficiency and effectiveness of the UKICB.

Calculation of detainees' time served in custody

We were advised that a calculation of the time served in custody by each detainee facing extradition has to be provided to each receiving country and that the responsibility to provide this information in the United Kingdom rests with the NCA.

⁴¹ The appeal provisions conditions in the Extradition Act 2003 were modified by the Anti-social Behaviour, Crime and Policing Act 2014, section 160.

⁴² Criminal Procedure Rules, Ministry of Justice, October 2015, rule 50.19.

We found three areas of concern: the NCA was not always in possession of the information it needed in order to make the calculation; even where it was, the information was not always accurate;⁴³ and the obligation to fix a date for the extradition hearing within a set time period from arrest has become particularly complex because of the introduction of new legislation.⁴⁴

Therefore we consider that, in the interests of the efficiency and effectiveness of the UKICB, responsibility for making the calculation should more properly rest with the National Offender Management Service, which has access to the data required.

We were informed that the UKICB management team was in discussion with the National Offender Management Service in relation to this issue, and that a trial was scheduled to commence before the end of 2015.

Recommendation 11

- By 30 September 2016, the Director General of the NCA should engage with the National Offender Management Service to secure alternative arrangements whereby the National Offender Management Service rather than the NCA makes the calculation of time already served by a person being extradited. This information should then be provided to the NCA.

Asylum and extradition

We were told that there were risks associated with cases where extradition and asylum matters overlapped and that a close relationship was needed between the UKICB and United Kingdom Visas and Immigration⁴⁵ in order to remove these risks.

We found that the relationship between the UKICB and United Kingdom Visas and Immigration had improved significantly as a result of better engagement between UKICB officers and the relevant teams in United Kingdom Visas and Immigration.

Polish military flights

We learned that, because of certain characteristics of the Polish legal system, more than half⁴⁶ of all extraditions from the United Kingdom are to Poland.⁴⁷

⁴³ UKICB calculates 'time served' from the records held in its case information management system. We were told that there had been one instance where a defence solicitor checked against court records and identified that UKICB records were incorrect.

⁴⁴ Part 12 of the Anti-social Behaviour, Crime and Policing Act 2014 introduced several changes, one of which is the priority of domestic offences and sentences over extradition proceedings.

⁴⁵ A department of the Home Office that is responsible for making decisions about who has the right to visit or stay in the United Kingdom.

Because of the regularity with which people are extradited to Poland, special arrangements are in place. A Polish military aircraft lands at a dedicated airport two to three times each month, collects detainees and takes them back to Poland.

Officers from UKICB told us they viewed the arrangements as inefficient. Consequently, during the course of the inspection, we visited the airport in order to observe the arrangements in action. The expertise and knowledge of the UKICB officers who co-ordinated the arrangements was impressive. However, we too formed the view that the arrangements were inefficient.

Because the police forces that made the arrests were required to escort the prisoners from (usually) a London prison to the aircraft, officers from police forces around the country had travelled to London in order to do so. On the day of our visit, there were 22 detainees facing extradition to Poland. Seventeen were transported to the dedicated airport from prison (by police officers from various forces) and five surrendered to bail at the airport. There were police officers from 15 forces in attendance.

We spoke with two officers from a force in the north of England. They had been taken away from their normal duties for two days, simply to transport a prisoner from the London prison to the airport. The resultant costs in terms of their time, travel and accommodation will have been disproportionately high.

Moreover, the success of the endeavour relies on nothing going wrong such as: last-minute appeals or asylum applications; prison lock-downs; weather delays; or technical problems with the aircraft.

The demands on the UKICB to co-ordinate the efforts of the police and other organisations involved – such as ensuring that all paperwork is in order and that all prisoners arrive at the airport at the allotted time – amount to full-time jobs for two NCA officers. We consider that it should not be the responsibility of police forces around the country, simply because they made an arrest, to transport detainees from a London prison to a dedicated airport, nor should the NCA be faced with this logistical burden.

⁴⁶ Wanted from the UK: European Arrest Warrant statistics 2009 – April 2015 Popular, NCA, 1 October 2015, Surrenders by country. See: www.nationalcrimeagency.gov.uk/publications/european-arrest-warrant-statistics/wanted-from-the-uk-european-arrest-warrant-statistics/607-wanted-from-the-uk-european-arrest-warrant-statistics-2009-april-2015-1.

⁴⁷ We were told that the threshold applied by the Polish authorities (relating to the seriousness of the offence) for the issue of European arrest warrants is lower than that of other European countries.

Recommendation 12

- By 31 December 2016, the Director General of the NCA, in consultation with the National Police Chiefs' Council, the Home Office, the Ministry of Justice and Her Majesty's Prison Service, should seek to establish a more efficient system for the transportation of detainees from prisons to ports in the course of extradition.

Europol and the Secure Information Exchange Network Application (SIENA)

In order to gain a comprehensive understanding of the UKICB's relationship with Europol, we spent time with the Europol national unit in the UKICB offices at Warrington and we visited the UK liaison bureau at the Europol offices at The Hague.

We learned that enquiries between the United Kingdom and Europol were communicated using the SIENA computer system. On average, the Europol National Unit received 800 messages per month and sent 500.⁴⁸ In comparison with other parts of UKICB, these volumes were low and we found that they were managed effectively with little or no backlog.

We also found that information from SIENA messages had to be uploaded to the case information management system. This involved 17 different processes and it took approximately 20 minutes to upload one message. We considered this to be inefficient.

International liaison team

The international liaison team supports the NCA's international liaison officers who are based overseas. We found that most of the work this team undertook related to routine, non-urgent enquiries, which formed part of longer-term investigations into matters such as human trafficking, drug offences and money laundering.

Consequently, officers in this part of the UKICB did not face the same challenges as some of their colleagues elsewhere, who needed to identify and assess the risks present in a high volume of cases.

We found instances where the international liaison team managed high-risk cases. An example was given of a dangerous male travelling from Spain who was subject to a Spanish court order that prevented him from contacting his wife. We established that this and similar cases were dealt with effectively.

⁴⁸ Data supplied by UKICB.

INTERPOL and i-24/7

The INTERPOL i-24/7 global police communications system is used to connect law enforcement officers in all its member countries. Police users can obtain an i-24/7 user account through the UKICB. Once they have an account, they can use the system to search INTERPOL notices and various other databases.

The use of i-24/7 in this way avoids having to ask the UKICB, thereby reducing demand to conduct the searches. We found that, as a result of UKICB promoting i-24/7, its use had increased significantly.⁴⁹ We consider that this has contributed to improved efficiency and effectiveness in the UKICB and in the organisations that are making good use of i-24/7.

Video-conferencing facilities

We found that there was a lack of an international video-conferencing facility in the UKICB's offices at Warrington. Given that such facilities are in common use elsewhere and the UKICB needs to communicate regularly with Europol, INTERPOL and others, we consider that the UKICB would benefit from a video-conferencing facility.

We were informed that video-conferencing equipment for communication with Europol had been obtained (at a cost of £30,000) for the UKICB but it had awaited installation for more than a year. We were informed that this equipment was installed in December 2015 following our inspection.

Guidance documents

Before we began the inspection the UKICB provided us with a number of guidance documents. It was clear to us that the UKICB management had developed these in order to assist officers in their roles and to promote consistency in the way cases were dealt with. We found that the documents were generally comprehensive and contained valuable guidance for officers.

Guidance of this nature is needed in UKICB, partly because of the inexperience of officers who are new to law enforcement, partly because consistency in case-handling is critical, and partly because, while most cases are relatively straightforward, others are not. Examples of complexity include extradition requests from countries against those seeking or granted political asylum in the United Kingdom.⁵⁰

⁴⁹ As of October 2015 there were 4,142 police force users, an increase from 2,284 in July 2014. From July to December 2014, police forces performed 280,543 searches on i-24/7, which increased to 420,602 between January and June 2015.

⁵⁰ We were informed of various complex cases which involved attempts by other countries, using INTERPOL notices, to secure the extradition of persons granted asylum in the United Kingdom. These cases also involved Data Protection Act 1998 subject access requests by the individuals

We found that the volume of guidance had grown over time as the UKICB had been confronted with new issues with which it had to deal. By the end of the fieldwork, we had identified additional guidance documents, some of which needed to be redrafted: some contained duplication; some contained guidance on how to process cases that was mixed up with unrelated matters such as pay and allowances; and others were outdated.

We consider it would also be worthwhile to consolidate the guidance (insofar as this is possible), in order to provide ease of access for officers and to reduce the administrative burden associated with keeping it up to date.

Organisational management

With bureau functions such as those performed by the UKICB, risks can be inherent in particular ways of working. The prioritisation matrix, which results in the filing of Sirene alerts, is an example. This is not to say that these risks are unacceptable, rather that they need to be understood by all concerned.

Consequently, we examined how the totality of risks within the UKICB was managed by the senior leadership team. We found that the weekly senior leadership team meeting provided the main forum to consider any new risks arising. We also found that a new bureau-wide risk register existed in draft form. This had a supporting policy to assist officers in the identification, management and mitigation of risks.

However, issues such as the lack of use of the Police National Database by the UKICB (page 20), the limited capacity for work to trace fugitives (page 27), and the confusion over fraud cases (page 29) all create risks.

From our interviews with managers within the UKICB we learned that the risks inherent in these matters were not always managed in a systematic way or escalated beyond the UKICB as and when required. By way of example, we could not find any record of the decision not to use the Police National Database for basic checks.

Recommendation 13

- By 30 April 2016, the Deputy Director (International), in consultation with the Head of the UKICB, should ensure that the UKICB establishes and begins operation of a system for the assessment and, where necessary, escalation of the risks associated with running the bureau.

concerned, which in turn led to detailed discussions with INTERPOL and, in one instance, successful legal action against the NCA.

6. Conclusion

Because of the growing international reach of criminals, to which we referred in our introduction, functions such as those carried out by the UKICB are increasingly important for the protection of the public. The work of the UKICB can never eradicate risks to the public completely. In order to provide assurance that those risks are being minimised, our terms of reference required us to address the following three questions:

Are risks identified and assessed in a timely and prioritised manner?

We conclude that risks are identified in a timely and prioritised manner. We found a generally well-led, committed and professional team and good performance was reflected in the data concerning the validation of European arrest warrants. Furthermore, it was evident that, although not seamless, the out-of-hours arrangements worked satisfactorily. Although there was a backlog of cases in the UKICB, it had been prioritised and was subject to regular attention.

Turning to the question of risk assessment, the evidence was less straightforward to analyse. The well-defined way of working, extensive guidance, support and supervision were reassuring, as was the emphasis on risk awareness. However, the concerns we raised in relation to the risk assessment process prompted two recommendations, as did the matters in relation to officer training and the shared arrangement with the Metropolitan Police Service.

On balance, we conclude that risks are assessed in a timely and prioritised manner, but that the assessment process requires improvement.

Are appropriate measures taken to mitigate the identified risks?

The evidence in this part of the inspection fell into two categories: measures required for the mitigation of risk that the UKICB should take; and measures that required action by others.

In the first category, we reported finding an impressive approach. The internal audit process was strong and police forces praised the UKICB for much of its work. We were, however, prompted to make further recommendations, on the setting of review dates based on the seriousness of risk and the recording of decisions.

In the second category there were various concerns: the inability to create warning markers; the lack of ready access to foreign conviction information; the constraints in relation to Sirene fingerprint searches; and inadequate arrangements with Action

Fraud. Among these issues was one that, in our view, needed particular attention and which attracted a recommendation: the need to improve arrangements for handling reported frauds with Action Fraud.

On balance, we conclude that the UKICB is taking appropriate measures to mitigate the identified risks. We also conclude that while the UKICB acts in the interest of minimising risks to the public, it cannot do this alone, and we have identified the co-operation required by partners to make this happen.

How efficient and effective is the International Crime Bureau?

This aspect of the inspection revealed good evidence of successful measures taken by the UKICB to improve the bureau's efficiency: introduction of the case information management system; the information-sharing arrangements with Westminster Magistrates' Court; the improved engagement with United Kingdom Visas and Immigration; and the promotion of i24-7.

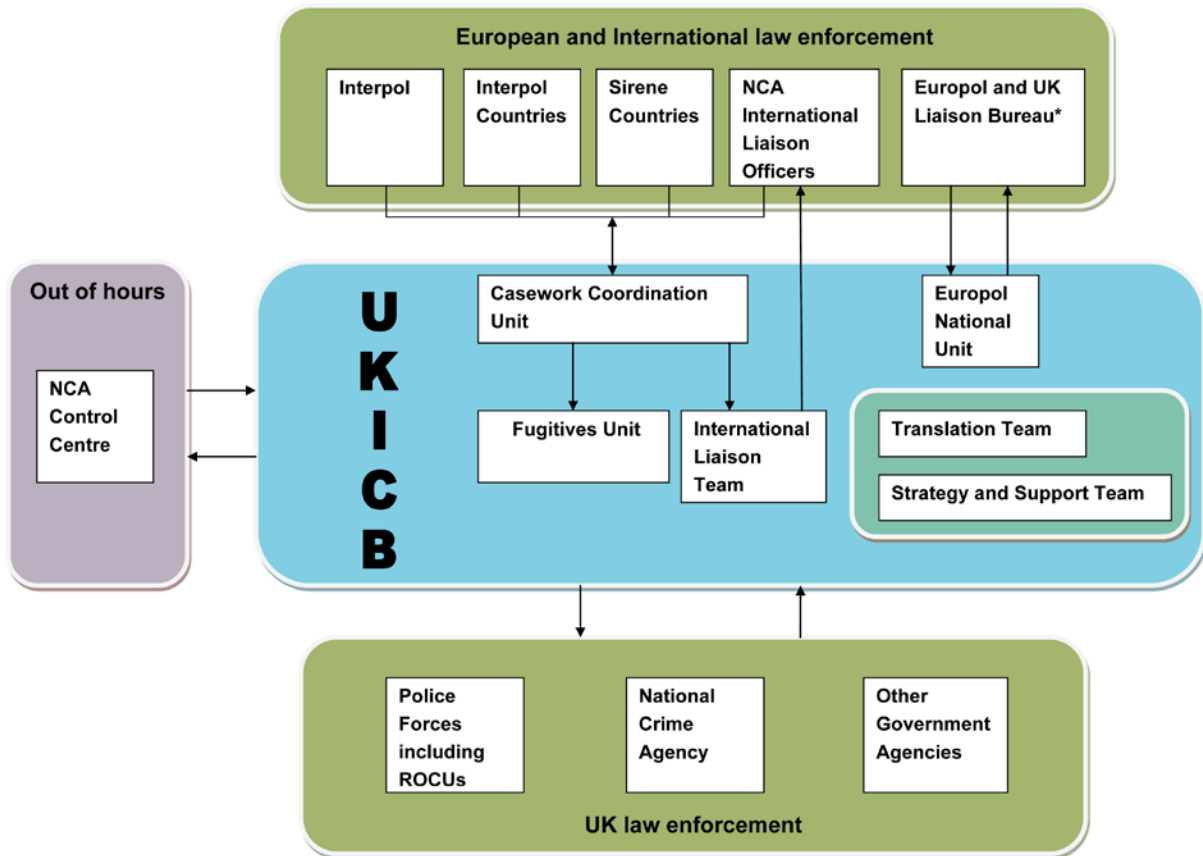
These measures were balanced with evidence of inefficiency in certain areas. In common with some of the evidence on page 40, many of these areas were beyond the UKICB's control: double-keying of INTERPOL notices, SIENA information and Border Force information; the computer synchronisation problems; and the arrangements for prisoner handling which place unnecessary demands on the UKICB. Matters such as the problems with data quality were firmly in the control of the UKICB, however; in other areas, such as the communication problems with the Administrative Court and the requirement on the NCA to calculate 'time served', we were encouraged to see the UKICB taking positive steps to resolve these.

In general terms, the UKICB attracted praise from other quarters – within the NCA and within police forces – and we heard very little evidence of cases handled ineffectively. The 15.5 percent increase in arrests since April 2015 stands as good evidence of an increase in effectiveness.

We conclude that, with the exception of the matters under the UKICB's control that require improvement, there is good and improving efficiency and effectiveness in the UKICB. We also conclude that the efficiency of some aspects of the United Kingdom's extradition arrangements requires improvement.

Annex A – UKICB diagram

Figure 2: UKICB’s structure and relationship to law enforcement partners



*The UK Liaison Bureau within Europol is managed by the UKICB

Annex B – Methodology

Our inspection took place during September, October and November 2015.

Our terms of reference required us to inspect the approach to risk taken by the UKICB and its efficiency and effectiveness. It was, therefore, essential for the inspection team to gain the best understanding of the UKICB before commencing the fieldwork.

We initially spent two days observing ways of working and speaking with officers within the UKICB. This allowed us to decide how we subsequently tested those ways of working and ensured that we interviewed appropriate officers in the bureau.

We interviewed officers of various grades, as well as the deputy director of the international portfolio to which the bureau belongs. In addition, we interviewed law enforcement and criminal justice partners from areas such as Europol, INTERPOL, the Metropolitan Police Extradition Unit and the extradition courts. We also observed the extradition arrangements that were put in place relating to Polish nationals that involved the UKICB, police forces, Her Majesty's Prison Service and the Polish authorities.

We reviewed a series of documents produced by the UKICB that support their operational practices and other business processes. We also reviewed documents that related to scrutiny of the UKICB by other parties as well as documents relating to the bureau's interaction with UK and international partners. In all we examined over 100 documents.

During our inspection, we examined the internal computer databases used by officers and considered whether they had access to appropriate intelligence systems internally within the NCA and externally in partner agencies so as to discharge their duties effectively.

We further considered whether the staffing levels within the UKICB were appropriate and examined whether the officers within the UKICB had the required skills to carry out their responsibilities.

We consulted a number of interested parties who work closely with the NCA including the Metropolitan Police Commissioner, the chief constables of Police Scotland, the Police Service of Northern Ireland, Greater Manchester Police and West Midlands Police, the head of the National Crime Operations Co-ordination Committee, the National Policing lead for Serious and Organised Crime and the chief officer leads for the regional organised crime units in England and Wales.

Annex C – Table of recommendations

Recommendation 1

- By 31 July 2016, the Head of the UKICB, in consultation with the Head of Learning and Development, should conduct a training needs analysis and produce a training plan.

Recommendation 2

- By 31 May 2016, the Head of the UKICB should amend policy and guidance so as to describe the circumstances under which the UKICB will refer to the Police National Database in the course of risk assessments in relevant cases.

Recommendation 3

- By 31 May 2016, the Head of the UKICB should create and implement an action plan for the creation of the necessary capacity to undertake the Police National Database checks in accordance with the policy and guidance.

Recommendation 4

- By 1 October 2016, the Head of the UKICB and the Head of the Metropolitan Police Service Extradition Unit should establish shared guidance for the handling of Part 2 provisional arrest requests.

Recommendation 5

- By 30 November 2016, the Director General of the NCA, in consultation with the Commissioner of the Metropolitan Police Service and the Senior Director of International and Immigration Policy, should determine whether it would be more efficient and effective for the police handling of Part 2 provisional arrest requests to become the responsibility of one organisation rather than two. If it is so determined, arrangements should be made for the transfer of responsibility as soon as practicable thereafter.

Recommendation 6

- By 31 May 2016, the Head of the UKICB should issue guidance on the setting of review dates, which should take into account the seriousness of the offence and aggravating factors.

Recommendation 7

- By 31 May 2016, the Head of the UKICB should provide guidance that sets out the categories of decisions that must be recorded and the manner in which such decisions and their accompanying rationale must be recorded.

Recommendation 8

- By 1st October 2016, the Head of the UKICB and the Head of Action Fraud should establish and begin operation of an effective arrangement for the processing of INTERPOL messages containing fraud allegations.

Recommendation 9

- By 30 June 2016, the Head of the UKICB should take the steps necessary to improve the quality of data used for case management.

Recommendation 10

- By 30 April 2016, the Head of the UKICB, in consultation with the Head of Information Technology, should establish and begin the operation of a process to record and consider suggested system improvements by UKICB officers.

Recommendation 11

- By 30 September 2016, the Director General of the NCA should engage with the National Offender Management Service to secure alternative arrangements whereby the National Offender Management Service rather than the NCA makes the calculation of time already served by a person being extradited. This information should then be provided to the NCA.

Recommendation 12

- By 31 December 2016, the Director General of the NCA, in consultation with the National Police Chiefs' Council, the Home Office, the Ministry of Justice and Her Majesty's Prison Service, should seek to establish a more efficient system for the transportation of detainees from prisons to ports in the course of extradition.

Recommendation 13

- By 30 April 2016, the Deputy Director (International), in consultation with the Head of the UKICB, should ensure that the UKICB establishes and begins operation of a system for the assessment and, where necessary, escalation of the risks associated with running the bureau.