



Justice and Home Affairs Committee

Corrected oral evidence: Post-Brexit UK-EU security co-operation

Tuesday 14 March 2023

10 am

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Members present: Baroness Hamwee (The Chair); Lord Blunkett; Baroness Chakrabarti; Lord Filkin; Baroness Henig; Lord Liddle; Baroness Meacher; Baroness Prashar; Lord Sandhurst.

Evidence Session No. 2

Heard in Public

Questions 12 - 22

Witnesses

I: Deputy Chief Constable Peter Ayling, International Crime Coordination Centre Lead, National Police Chiefs' Council; Steve Rodhouse, Director-General (Operations), National Crime Agency.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witnesses

Deputy Chief Constable Peter Ayling and Steve Rodhouse.

Q12 The Chair: Good morning, everyone. Welcome to the Justice and Home Affairs Committee and our second session with witnesses on security co-operation between the UK and the EU post Brexit. Welcome particularly to Steve Rodhouse and DCC Peter Ayling.

We have apologies from Baroness Sanderson, Baroness Shackleton, Lord Beith and Lord McInnes of Kilwinning. I hope Baroness Meacher will join us shortly; oh, she is here now. Lord Liddle may join us; he is a member of the European Affairs Committee, which obviously has considerable interest in this topic.

I start with a rather general issue, which will not surprise you at all: the loss of access to the Schengen Information System, SIS II. Our predecessor committee warned that this loss was likely to be one of the most significant consequences of our third-country status. We have already heard about this from some witnesses. You are in a position to talk about practice and that is what we would like to hear about, the experience for law enforcement.

Steve Rodhouse: I am happy to lead off on that. Good morning, everyone; thank you for your time this morning. You are right to say that when the loss of the Schengen Information System was being spoken about we had a few concerns, particularly the fact that the system provides, or provided, direct information to officers on the street. It was a live-time system so the information was extremely timely and, importantly, it was the system used consistently by European partners. The predominant system to replace that as part of our tools is the Interpol mechanism through I-24/7.

The challenges there, as you will recall, were that this system does not provide live-time access direct to front-line officers and that it would require EU member states to make use of that system, potentially in addition to the Schengen Information System. We have made some good progress, I think, in minimising the issue of live-time access. When the UK receives Interpol notices from member states, they now go through a process and almost all are available through the Police National Computer to officers on the front line within a small number of hours. We use some robotic process automation to ensure that is done as smoothly as possible. It is not as quick, frankly, for officers in the UK who wish to create a notice and disseminate it out to Europe. That is still largely a manual process with a degree of reworking needed, so does not happen as quickly. Nevertheless, in terms of public safety in the UK that time period has been brought down, but we need to be clear that it is not as fast as it was.

As I said, the other challenge is that we are reliant on EU member states using the I-24/7 system to circulate their own notices, and potentially to use both systems simultaneously, if they do not know, for instance, where somebody is who they are seeking information on. Our assessment is that EU member states are making good

use of Interpol notices. Broadly, the number of red notices and diffusions sent to the UK roughly matches the numbers of European Arrest Warrant circulations in the past. That is comforting, but I have to say that they are two different datasets and are not directly comparable; I am sure you have heard this before. It is hard, because I do not know what is on the Schengen Information System and what we would necessarily expect to be sent to the UK. That is the X factor and something I cannot guarantee. Overall, it seems that our efforts to work with European partners to reiterate the importance of Interpol notices have paid off. As far as we are able to see, we are not seeing a significant loss of information that will allow us to keep the public safe.

The Chair: Peter, would you like to add to that? I do not know whether you are able to quantify the loss on the street of the facility that there was to access the system in the moment.

Deputy Chief Constable Peter Ayling: I will if I can. Unfortunately, it continues to be a frustration for me because I would love the data that neatly shows what the impact has been. As Steve has said, we have two datasets that are not comparable. They are different systems and operate in different ways.

This committee has heard before of the work that was done jointly with the NCA, the Home Office and the CPS to prepare in the run-up to EU exit. We said from the outset that the loss of SIS II represented a significant loss in capability, and that was before the signing of Part Three of the TCA. That was received with some relief and welcome. It was particularly important that it maintained the ability for us to co-operate police to police. There is no doubt that we would prefer to have kept SIS II, but the mitigation in place through the use of Interpol notices and relying on the I-24/7 database has been shown to work. I think you can see that with the number of notices that are put on to the system and the work that has been sustained.

The ICCC, the International Crime Coordination Centre that I oversee, has an important role to monitor the use of international tools—Interpol notices are one of them—and to make interventions and build capability across all the police forces of England and Wales. We have been doing that over the last two years and I am pleased to say that, although we now have a system that has previously been described as a little more clunky and relying on more manual inputting, we have been able to improve that over the last two years. We have done that through the building of capability and knowledge of UK forces, making the information more readily available to officers on the front line through the development of an app that informs front-line officers of legislation and action they should take, and also through the development of a smart tool, which has increased the accuracy of the information that is passed to the NCA and speeds up the process of uploading.

I would prefer to have kept SIS II. I think that is a consistent position throughout these inquiries, but the mitigation in place is effective and is becoming more efficient and more effective as we continue to work through this process. No doubt

we will hear about some of the planned activity as policing and the NCA work more closely together and new technology is developed.

The Chair: To add to your frustrations, perhaps, do you know about the amount of use of SIS II on the street before we lost access to the system? That would at least be one way of getting some feel of the measurement.

Deputy Chief Constable Peter Ayling: I might rely on Steve, who has been in the role longer than I have, but my understanding of the difficulty of the systems is that any check that was carried out on the Police National Computer will automatically cross-reference to the Schengen Information System. Therefore, prior to our departure, while we still had access, there were millions and millions of cross-references. The new system is targeted and therefore the numbers will just not compare.

The Chair: We appreciate that it was many hundreds of millions. It is the on-the-street, in-the-moment access that I wondered about.

Steve Rodhouse: I need to support Peter with that. Every time an officer conducted a name check on someone they came across on the street, whether they knew it or not they were checking across the Schengen Information System. Equally, every time they put an alert on the Police National Computer—let us say they were dealing with a missing person, and there was no cause to think that they had gone abroad but they needed to be circulated within the UK as missing—they were also creating an alert on the Schengen Information System. It is really hard to pull those apart, because now if we think that somebody is overseas there would be a conscious decision to circulate them using an I-24/7 notice abroad.

- Q13 **Baroness Chakrabarti:** Gentlemen, I hope you do not mind me pressing this a little further. You will understand that this is a real concern to the committee, not least because the Government told the previous sub-committee that the Interpol I-24/7 database would fill the void. They were suggesting a direct match would fill the void created by the loss of access to SIS II. I do not want to put words in your mouth, but I think you are suggesting that this has not proved to be the case. I understand that you are being positive and constructive and getting on with your job, but I am not getting the impression that front-line officers are able to access the I-24/7 database in minutes rather than hours.

Deputy Chief Constable Peter Ayling: Perhaps as it pertains to front-line officers I can offer some reassurance. It is the case that they can access in minutes, not hours. That is done through a variety of means. Our front-line officers will have available to them a vastly increased network of people who hold licences to access the I-24/7 database. They can do so through custody suites, through intelligence offices and through our control room. If an officer on the street needs to conduct a check, they can access the database.

In addition to that, as Steve has alluded to, the information that is received is uploaded swiftly to the Police National Computer so would be visible to them through a regular check via the Police National Computer.

Baroness Chakrabarti: Are EU member states double keying into the I-24/7 database?

Steve Rodhouse: The evidence is that they are, yes. Of course, as I have said, there a degree to which we do not know what they could or should have put on the I-24/7 system that they have put on SIS. The evidence—the number of circulations on I-24/7, which has grown—indicates that they are doing that double keying. Of course, we run a network of officers across Europe. We have very close relationships with Europol—I am sure we will talk about that later—and we are continuing to reinforce the importance of I-24/7 notices.

Baroness Chakrabarti: Finally, the Government have suggested that the I-LEAP programme, a multilateral agreement with the EU on international alert data exchange, is not expected to be complete until 2027 or 2028. Is that a concern to you?

Deputy Chief Constable Peter Ayling: I will respond to that and touch more broadly on the International Law Enforcement Alerts Platform.

I am the chair of the chief officer reference group for policing. There were a number of initial challenges with I-LEAP, the first being to secure agreement of all UK forces to onboard to the system in a compressed period of time. I am pleased to say we have achieved that. All forces of England and Wales, the Police Service of Northern Ireland and Scotland are scheduled to be onboarded to I-LEAP before April 2024. We currently have six forces live with two imminently to go live.

I-LEAP will work in two phases. The first phase will make Interpol data available via domestic systems and mobile devices in real time. Although the information available on PNC is uploaded from the NCA very swiftly, in hours, I-LEAP will enable that to be done in real time. The information will be available without any delay. Further to that, there will be access to a richer set of data, including images. Those will be available to officers on the ground, so in phase 1 there is much greater connectivity and sight of Interpol data. That is currently enjoyed by six forces, with many forces due to go live imminently.

Phase 2, as you rightly say, would require the signing of a multilateral agreement, which would recreate the functionality or similar functionality to SIS II where there was real-time alert sharing. It is difficult for me to comment on the timetable for that, but suffice it to say that in my role I work very closely with partners and the Home Office. I am particularly interested in how quickly we can expedite phase 2, because clearly that will see a return to a SIS II-type functionality. But there is utility in phase 1 and that is being rolled out now.

Baroness Chakrabarti: I understand the utility in phase 1, and it is completely appropriate that you should be so positive and constructive, regardless of the

political leadership, but can you finally—and then we will drop this—crystallize the difference between phase 1 and what you hope to get out of phase 2? That is the concern for the political leadership about whether it takes until 2027 or 2028.

Deputy Chief Constable Peter Ayling: The key difference with phase 2, through the signing of an agreement, will be a return to what we enjoyed with SIS II, which is real-time sharing of alerts and automation. It will take out those manual processes and the clunkiness that exists with the current system. What we have at the moment is a process that you can only describe as suboptimal compared with SIS II but that nevertheless has proven to be effective. In many areas there are signs of real encouragement, and the finessing of that process has taken place over the last two years. I-LEAP is another step forward and phase 2 of I-LEAP will be a real stride forward and will mean we are back to where we were in a position of SIS II. If I were to crystallize my position, I could probably summarise it only in the way I did at the beginning. We said from the outset that the loss of SIS II would be a loss of capability. You can read into that a real enthusiasm to see us move quickly towards phase 2 of I-LEAP.

The Chair: Just to pursue that one question further, the Home Office put up on its website a statement about a delay with I-LEAP—this may be my failing in reading it—but I read it as meaning that there was a delay in the technology and not a delay attributable to the need to get agreement with other states. As I understand it from you, phase 1, which is close to completion, is about the technology and then it is about the other states. Am I right in understanding that?

Deputy Chief Constable Peter Ayling: I would be pushing at the very boundaries of my technical knowledge but, yes, I am not aware of technological delays. As with the implementation of any new system, some of the early onboarders solved some of the issues, which is now enabling us to roll out more swiftly. I anticipate that we will conclude the onboarding of all UK forces by April 2024.

I am not aware of any delays with the technical architecture. It is not for me to speak to the Home Office but certainly, through the development of I-LEAP and discussions on phase 2, while it was perhaps originally intended that there might be a sequential signing of bilateral agreements, I think the focus is now on a multilateral agreement that would potentially enable connectivity to EU member states en masse. Clearly, from my perspective, that is a prize worth striving for as opposed to the inevitable delay that would be inherent in trying to sign a series of bilateral arrangements. That is very much within the auspices of the Home Office.

The Chair: Absolutely. Perhaps this is something we can write to the Home Secretary about once we have had another look at what it says on the Home Office website. Thank you very much. Sorry to have pushed you on that.

Q14 **Baroness Prashar:** My question is about the so-called Prüm mechanism arrangements. Are the arrangements agreed under the Trade and Co-operation Agreement working in practice?

Steve Rodhouse: I will lead off. My short answer is yes. As of this month, the UK is now connected to 15 countries across the Prüm network for the sharing of DNA—that is 95% of all DNA profiles held in Europe—and 12 countries for fingerprint searching but with a further five countries to come on stream. That is a significant capability to allow us to try to match unidentified crime stains from the UK with known profiles from Europe and to match UK profiles, known individuals, to stains and marks overseas.

The UK's contribution to that, just to give you an idea of the scale, is that more than 240,000 unidentified UK DNA stains, marks at the scenes of crime, and almost 6.5 million DNA profiles for convicted individuals are now available to be matched to crime stains overseas. At the risk of bombarding you with data, I will give you an idea of what that provides in operational terms for us. The way the process works is this: when it becomes clear that there is a match between a UK crime scene stain, as we say, a DNA profile that is unidentified and something identified in Europe, whether that be another crime scene stain indicating a link between scenes or an individual, the UK has to make a request for details of that package, and it does so through the NCA. We have done that more than 4,500 times. As a consequence of receiving information back from European partners, the NCA has disseminated just over 3,000 subject profiles to police forces to allow them to see what value that adds to their own investigations. Of course I cannot speak for all those but, speaking as a detective, it is a significant operational benefit to allow us to match those scenes and those individuals across Europe.

Deputy Chief Constable Peter Ayling: The value that Prüm adds to policing is increasing. Steve has described that there are a number of steps. The first step will see a notification that a hit is present. The NCA will then action that to provide a package to the force, and then in the International Crime Coordination Centre we also manage a third step, which is to track through the consistency with which that is actioned.

It is growing in value. I have a couple of examples that will hopefully describe the impact it has had. Particularly important in these examples is that there has been a tendency in the past—I am not suggesting from this committee—to focus on counterterrorism and high-level serious organised crime. They are important, but we are talking about everyday business that affects territorial police forces across the UK. We ran a serious crime pilot where unknown DNA stains had been collected and there was a positive step 2 match. This ran during February 2023 and 70 packages were disseminated across UK police forces. I have four examples. Two of them are for rape cases where there was an unknown subject who was believed to have raped a female. Through this work we were able to identify an individual in custody in France who also had antecedents for murder, rape, violence and theft. That enabled the process of additional criminality and decisions to be made about judicial processes. In the second one, it was a subject who was shown to have left for Bahrain and work is ongoing now to determine the next course of action. There is a further case for a kidnap where an address in Lithuania was identified and work is ongoing to extradite the individual, and also a grievous bodily harm with intent

where a previously unknown suspect was identified and was currently being dealt with in Germany for manslaughter. Again, the same decisions could be made about judicial outcomes.

These cases could not have been progressed without access to Prüm. They were done quickly, and the increasing co-operation and integration of policing in the NCA mean that can be done swiftly. As I say, we are seeing the value of this system increase as time progresses.

Baroness Prashar: You paint a very graphic picture that it is working well, but are there any challenges in the new arrangements?

Deputy Chief Constable Peter Ayling: None resulting in diminished capability. As with any new and emerging capability, there is a period of adjustment and transition. The challenge for me in the early stages was to track the various successes as we go through step 1, 2 and 3 to ensure consistency across police forces. I am pleased to say that we have achieved a level of consistency now, but this showed the benefit of the ICCC because it is set as a point of contact in the middle. Working with the NCA, we could ensure a shared awareness, identify where perhaps there was an inconsistency or forces were not realising those opportunities, and go and carry out interventions by way of additional training and raising knowledge through our network of regional spokes.

Q15 **Baroness Prashar:** The European Commission has proposed quite a significant package of reform to the Prüm mechanism. What implications would this have, if any, for our law enforcement and co-operation?

Steve Rodhouse: The package of measures under Prüm 2 is still under discussion. It is not entirely clear what the new package will look like, but we think it will involve an expansion of the material that will be provided—custody imagery and some further police records. From my perspective—I do not want to speak for Peter—an exchange of information that provides greater material for investigators to work with to solve crimes and protect the public is a good thing. Of course, it needs to be subject to safeguards.

My understanding is that the new proposals would require a new arrangement to be put in place. I think the UK will be involved in the negotiations on that, but certainly not me personally. We need the EU to complete its internal negotiations, and then I think the NCA will be involved in any cross-government negotiations and discussions on this. It would be a matter for the Government. Further than that, I am unable to comment.

Deputy Chief Constable Peter Ayling: My only comment is that I hope I have described real benefits of Prüm. My understanding is the same as Steve's. Prüm II is still under negotiation with the EU. I have no idea how long those negotiations will take and I would not like to comment. My focus in the forthcoming period is to further exploit the benefits of Prüm and, through the work we do with the Home Office, to be a demanding customer to demonstrate how much we value Prüm, with

a strong preference that the UK will continue to be included with any new arrangements. It would be wrong for me to speculate or comment on how those negotiations will unfold.

Baroness Prashar: From what you know about what is intended as part of the change, do you think we should continue to participate in the new mechanism?

Deputy Chief Constable Peter Ayling: Yes.

Baroness Prashar: That is a clear answer. Steve?

Steve Rodhouse: Yes, I welcome anything that allows more information to be at the fingertips of investigating officers investigating crime and protecting the public. I caveat it by saying that we do not know what those measures are but, in principle, yes.

The Chair: Presumably the police will have to provide more information themselves. As far as you can tell—I appreciate that you do not know what the target is at the moment—is that going to cause a resourcing issue?

Deputy Chief Constable Peter Ayling: I do not anticipate that it will. It has not so far. We will probably touch on it at some point in the committee, but the ICC is about to reach an important milestone. On 28 March we will move into a joint arrangement with the NCA, hosted by the NCA, as the Joint International Crime Centre. An important work stream in that new endeavour will be to make those processes more effective and more efficient. The ICC beforehand and the JICC of the future will shoulder a lot of that burden of transferring information and the co-ordination of that work. I do not anticipate that it will draw heavily on police forces.

The Chair: Steve, you referred to using the facility 4,500 times. Is that in a year or over the period?

Steve Rodhouse: No, that is since the system has been in place.

The Chair: Since 2020, okay. Thank you very much.

Q16 **Baroness Meacher:** I am aware that Part Three of the TCA could be suspended completely by either party, the EU or the UK, if the ECHR were abandoned by either side. I do not anticipate that that will happen, but I understand that the whole TCA depends on a hell of a lot of trust between the EU and the UK on data protection and, of course, human rights. If one of the parties is deficient in respecting the ECHR, for example, the other party could suspend part or the whole of the TCA with perhaps some lag. I wonder whether you have fears about whether the Government's slight lack of respect for the ECHR—for example, the refugee legislation, which is clearly going to breach the ECHR—may be a threat and could lead to some undermining of the TCA.

Steve Rodhouse: That question is probably outwith my responsibilities, if I am honest. I am not comfortable voicing an opinion because it would just be an opinion, and not an informed one, so I will retire at that point.

Deputy Chief Constable Peter Ayling: I cannot add a great deal. I think there are two aspects following the signing of the TCA. There is the retention of capabilities and new opportunities described by Part Three. We are on record as saying how important that is, the value we place in it and the work we are doing to progress that further.

But alongside that has been the joint endeavour co-operation, closer working with domestic partners and international partners. I cannot speculate on what may or may not happen. It would be wrong of me to voice an opinion. The practical experience for policing has been we that welcomed Part Three and make great use of it. Born of the necessity of working together towards a challenging period, we are seeing very positive levels of co-operation with domestic and international partners.

In the two years or so that I have been in the role, those much more expert and long standing than me have described us as being in uncharted waters in the level of joint commitment and endeavour to overcome those challenges. I see it day in and day out with police-to-police co-operation.

Lord Blunkett: Can I pursue that a bit further? Clearly, neither of you can speculate on what might trigger the withdrawal of the facility of Part Three of the TCA. Can I explore the area of the serious crime that the NCA would be dealing with, which obviously has a read-over to counterterrorism, and the impact that would have if for one reason or another the facility of the TCA was not available?

Steve Rodhouse: Clearly, without speculating on what might lead to that, I need to reinforce Peter's point that Part Three of the TCA leads us to have access to some important facilities. I would regard anything that would cause a loss of something such as passenger name records, which give us access to important data that allows us to plan operations and keep people safe, to be a significant loss of capability to UK law enforcement. I cannot speak explicitly on behalf of counterterrorism policing, but I suspect it might not disagree with that.

Baroness Meacher: Can I push that a little further? Counterterrorism is the ultimate, is it not? We all know that is absolutely fundamentally important to this country. As I understand it, Part Three of the TCA is crucial to all that work as well. I know that you cannot comment on why the TCA could be scrapped by the EU or co-operation under Part Three might be withdrawn by the EU, but is it possible for you to say something about the impact on our counterterrorism work were Part Three of the TCA to be in some way jeopardised?

Steve Rodhouse: I can talk about serious and organised crime and give you the example of passenger name records, which are pertinent to serious crime investigations, as they are to counterterrorism. I do not wish to be awkward. The reason I do not want to speak on behalf of counterterrorism is that I do not work in that world and there is a whole range of other processes whereby they exchange information and have relationships with EU member states. I would be at risk of misleading you.

Baroness Meacher: I totally understand that. Peter, does that apply to you as well?

Deputy Chief Constable Peter Ayling: I was going to make the same point. Outside Part Three there are arrangements in the interests of national security, but ones that I could not speak with a level of expertise in.

Not to speculate on changes to or withdrawal from Part Three, but there was a significant period in the run-up to EU exit when all contingencies were being prepared, including the loss of all tools. So these are things that have been considered before, but it is a matter of record—I said so at the last of these committees—that it was with some relief that Part Three and the retention of the majority of tools were welcomed. We have already heard how they are being put to use on a day-to-day basis. I probably cannot expand further than that.

Lord Blunkett: But we can conclude that were those processes that you are welcoming not available, tackling organised criminal trafficking would be much more difficult.

The Chair: There are many serious crimes that do not amount to terrorism but that, in a general way, relate to the security of the UK. Let us move to extradition.

Q17 **Lord Sandhurst:** I am not certain who I should direct this at but I will start with Mr Rodhouse. Under the European Arrest Warrant procedure, obtaining the surrender, as it was called, of a wanted person was pretty straightforward—almost automatic, I think. Is that right?

Steve Rodhouse: Yes.

Lord Sandhurst: We now have new arrangements, which introduce something called the concept of proportionality. Those, I understand, include considering the rights of the interested person. That gives a measure of how things are changing. The consequences of that might be either delay or non-surrender—is that correct?

Steve Rodhouse: There is certainly some attrition between the arrest and the surrender.

Lord Sandhurst: Attrition means delay, does it?

Steve Rodhouse: Or not happening. So the number of arrests does not equate to the number of people who are surrendered.

Lord Sandhurst: Without breaching confidentiality on current cases but looking back so far as you can over the last two years, are you able to give concrete examples, particularly in the field of terrorism, of how well the new arrangements are working? Is it all just going smoothly much as before or are roadblocks coming up?

Steve Rodhouse: I can reassure you that the concept of making arrests in the UK continues relatively smoothly. It is difficult to talk about the numbers, because of course travel across Europe has changed over the last few years because of the Covid pandemic, but broadly the number of arrests in the UK as a consequence of the extradition regime is bouncing back to where we would expect it to have been

before Brexit. Of course, a number of those take some time, so the attrition and sometimes the delays mean that I cannot give you a precise answer because they have not worked themselves through the system yet.

I do not want to give an answer specifically around counterterrorism arrests, but I can certainly assure you that our officers are able to make arrests in the UK through the National Extradition Unit, and are doing so effectively. Equally the UK's ability to access support and co-operation abroad from people is there.

Lord Sandhurst: I was going to ask about getting people here when we want to try.

Steve Rodhouse: That is right. Certainly, those arrests have been made. I anticipate that we may want to talk about the nationality bar.

Lord Sandhurst: Yes, I was going to ask you about the nationality bar in a moment.

Steve Rodhouse: I do not wish to dodge your previous question, but in terms of the actual experience of working those cases through the courts in the UK, the question is probably better put to the Crown Prosecution Service rather than my officers, who are involved at the earlier stages.

The Chair: We did. They rather bounced it towards law enforcement.

Deputy Chief Constable Peter Ayling: Perhaps I will elaborate a little further. Prior to the TCA being signed, the arrangements for extradition sat between policing and the NCA—with the Metropolitan Police playing an important role—but with police forces taking on much of that work. As a consequence of and in anticipation of a more challenging, complex environment, we created the National Extradition Unit, which is an integrated function working hand in glove with the NCA and will be a key feature in the Joint International Crime Centre. I think that has been a real success story in both building capability and growing expertise, which we can leverage against some quite dangerous individuals. As Steve has said, the numbers are broadly similar to the period before we moved from the EU.

Lord Sandhurst: That is the numbers we are exporting, is it?

Deputy Chief Constable Peter Ayling: That is correct: it is the number of arrests and surrenders.

I do have cases that are in the public domain that pertain to counterterrorism. There was the case of Ahmadzai, which was certified by the NCA on 7 July and allocated to the National Extradition Unit, and he was arrested the next day. This was an individual wanted in Italy for terrorism offences. There is also the well-publicised Part Three surrender of David Smith, who was wanted by us for espionage while working in the embassy in Berlin and was brought back to the UK by the National Extradition Unit in April.

I have a host of cases that I can give you outside the CT environment that demonstrate the real benefit of having a national unit that operates in a borderless

way, can bring specialist capabilities to bear, and works very closely with the NCA. We can show over the last few years that arrests are up and collections and surrenders have increased, and that there has been a significant cost saving to policing—circa £5 million a year—by working in a more efficient way.

I would also point out that were we not to have these arrangements it would have been inordinately difficult to maintain extradition activity during Covid. The fact that we have seen a steady level of activity that is increasing and has nearly returned to pre-Brexit levels is something of a success.

Lord Sandhurst: What about getting people here whom we want to try? Someone commits an offence here and then nips off to somewhere in Europe. Leaving aside the nationality exemption, which I will come to, how is getting people back here working?

Steve Rodhouse: It is smooth. I have a number of examples where the process works well, so UK police forces who are seeking individuals through the NCA are able to secure co-operation from operational teams across Europe to make those arrests. Only this week, UK nationals wanted by Lancashire police were arrested in Holland for a serious importation of drugs offence. I could give you plenty of those.

Lord Sandhurst: Leaving aside the nationality point for the moment, you feel that getting people here is not proving problematic.

Steve Rodhouse: That is right.

Lord Sandhurst: Did you want to add anything, Mr Ayling?

Deputy Chief Constable Peter Ayling: No, I would concur with that.

Q18 **Lord Sandhurst:** Can we look, then, at bringing people here? I think 10 EU member states have a strictly operated nationality exemption, which means that they do not export their nationals to non-arrest warrant countries, which the United Kingdom now is. Those include major countries—by which I mean by size—such as France and Germany as well as many other EU states. What has been the practical effect of that?

Steve Rodhouse: It is tricky to give precise numbers, but speaking with my CPS counterparts, they indicate that around 10% of extradition cases have the potential to be impacted by the nationality bar. Some are stricter than others, and sometimes there are arrangements that mean that individuals could be tried in that jurisdiction or may be returned to the UK but then serve any sentence back in their home country. It is not a standard consistent position across Europe.

Of course, that bar applies to the extradition from that home country, so there are circumstances where if we believe that somebody is generally resident and a citizen of an EU member state, we will still circulate them, because if they travel across Europe they may travel to a country where the nationality bar is not present.

Lord Sandhurst: Is there not an ECJ decision—I have forgotten its name now—that

they should first be sent back to their own national country for consideration of whether they can then be exported?

Steve Rodhouse: You may be right. You may have a level of knowledge superior to mine.

Lord Sandhurst: It is an Italian case, I think.

Steve Rodhouse: Nevertheless that is still a process that we follow and work with our Crown Prosecution Service colleagues.

The Chair: We asked a representative of the CPS how it can be explained to victims that potential offenders, people who are wanted, cannot be imported. Is this something that you get involved in?

Deputy Chief Constable Peter Ayling: I do not get involved directly. My day job is as the Deputy Chief Constable of Kent Police. This is my NPCC portfolio. This will be work that goes on in forces. I suppose there are two important aspects to this where a nationality bar is in place or could be in place. It is critically important for policing to work with the CPS and to make decisions at an early stage.

The emphasis through the training and the work that we have done through the ICC, soon to be the JICC, is to make sure that those cases are identified and that expert advice is given. There is a level of complexity in those pre-charge decisions about the appropriate course of action—whether that might be a targeted diffusion that would enable somebody to be extradited if they moved to a different country or whether there should be proceedings—that needs to be accounted for in an early stage of an investigation.

There is direct training for senior investigating officers. There is a new module that we deliver across all police forces to ensure they have the knowledge and understand this issue. There is an important role for the JICC at the centre to work with the CPS to provide expert advice, but it will be for the forces, through their senior investigating officer working with the CPS, to describe the options and courses of action with victims.

The Chair: Does the training involve communication with victims?

Deputy Chief Constable Peter Ayling: I do not know. I would be happy to find out and write to the committee. There is a curriculum, dependent on the level. If there is no training, I think it is an important consideration in dealing compassionately with victims. I would certainly take it away for inclusion in the curriculum.

The Chair: Thank you. I would be glad of that. We are all conscious of the issue of trust and confidence in policing.

Q19 **Lord Filkin:** Continuing Lord Sandhurst's questioning, can you tell us the numbers of people who were extradited from the EU to the UK in the three previous years prior to leaving the EU?

Steve Rodhouse: I do not think I have that data here on extradition from the EU to the UK. I would be very happy, as Peter said, to write to the committee. I can certainly talk about the number of surrenders from the UK.

Lord Filkin: That was not what I was asking.

Steve Rodhouse: No.

Lord Filkin: But you have had notice of this question.

Steve Rodhouse: I have data for people leaving the UK for the EU.

Lord Filkin: The question says “between the UK and the EU”. It is a clearly a two-way question.

Steve Rodhouse: I do not wish to mislead you. I am happy to write to you with that data.

Lord Filkin: We look forward to that. It rather frustrates the immediacy of the questioning, and you know what my second question is, which is a simple factual question. How many extraditions have taken place from the EU—all of the EU—to the UK since we left?

Steve Rodhouse: I do not have that data.

Lord Filkin: If you could, please write to us. Again, that is the question written down. This is a parliamentary committee. You have been given notice. It is factual information. It is not a judgment.

Steve Rodhouse: I must apologise. I have no wish to frustrate the committee at all, but the material I have been provided with focused on part 1 of the question, which is people leaving the UK for the EU.

Lord Filkin: Very politely, I am surprised that that has not been forthcoming. I hope we will get both those answers relatively soon so that, if necessary, we can pursue it. We have probably largely covered the next question, Chair.

The Chair: I think we probably have, unless the witnesses have picked up anything else.

Lord Filkin: Is there anything else you wanted to ask in relation to the question about access to SIS II?

Steve Rodhouse: From my perspective, I think we have covered it, thank you.

Deputy Chief Constable Peter Ayling: I would say that we covered it extensively in the initial questions.

Q20 **Baroness Henig:** I will perhaps summarise some of the themes that have been covered in the last few questions. The UK has transitioned from being a leading member of Europol to effectively being an associate member. How has this

impacted the effectiveness of the UK-EU policing co-operation? I know the NCA provides the UK liaison officer seconded to Europol. How effectively has this arrangement functioned so far?

This is characteristic of the police, and it is a characteristic of you this morning: you are making the best of everything. You are saying that despite all these issues, despite the problems, we get on with things and everything is not as bad as it might be. But can we have a bit more clarity, because clearly we have lost something and it is not entirely clear to me at the moment what we have lost?

Steve Rodhouse: I will speak about Europol. I am likely to carry on in a similar vein. You are right that before we left the EU we were concerned about our relationship with Europol and our influence. It is very important to us. Of course there was a degree of uncertainty about what it would look like in practice, but in practice the UK remains an important presence in Europol. It is one of the largest bureaus. We have 17 staff in Europol and we remain very influential.

There are some things that we have lost—we spoke about this in the lead-up to the EU exit. Predominantly, we have lost our management influence in Europol—our ability to direct the types of work that are taken on and to directly access the Europol information system. They remain factual statements. They remain correct.

In reality, the size and scale of our operation in Europol means that we are still very influential. We are still able to influence the types of work that Europol undertake, and although we are not a member of the management committee, what has been reported to me by my people on the ground is that that has not led to a significant loss of influence. We are still able to drive through the work that we wish. We are one of the biggest users of the SIENA message-sharing system. That grows significantly. We participate very significantly in Europol. If I felt there was a big gap, I would honestly tell you, but in reality it has not panned out to be as significant a challenge as it might have been.

Baroness Henig: Can you put that down to anything in particular? Is that because of strenuous efforts?

Steve Rodhouse: We worked very hard, but the UK has always been a leading member of Europol. We have been able to contribute significant amounts of intelligence, and partner agencies regard us very highly from an operational sense. There is that degree of good will. It is a stated objective in the Europol programming document. Its strategy says, “One of the main goals of Europol’s external relations will be to establish an excellent operational partnership with the UK following its exit from the European Union. Co-operation with the United Kingdom is essential for all the crime areas falling under Europol’s mandate”. It seems clear that Europol recognises the significant value that the UK adds and it is a joint effort to ensure that leaving the EU has not degraded our influence or ability jointly to keep the people of Europe safe.

Deputy Chief Constable Peter Ayling: There is not much I can add on Europol. It is very much an NCA-led endeavour, but everything that Steve has said I see working

for the benefit of policing. I recognise the point that you make, but it is true—I hope it is still true—that despite the challenges that policing currently confronts, it makes the best of things. However, we have said throughout that the loss SIS II was significant, and we have described extradition as having additional challenges and have had to adjust to a more challenging environment.

The positive bit, and I hope what you are seeing, is that it created a necessity for all the law enforcement partners to work much more closely together. One hundred officers have been dedicated specifically to this task from across policing in the RCCC. I am pleased that that will be continued in the joint unit soon to come online. There has been investment in technology. I see consistently across domestic partners and particularly international partners that shared endeavour and spirit of reciprocity that says that there is a joint benefit from identifying and responding to dangerous individuals who will cause harm.

I think that has accelerated vastly and is as important as the signing of Part Three, because without that level of co-operation and commitment I am not sure we would have been able to describe a more positive outlook than the one to date. That is not to say that it is not without its challenges.

The Chair: Going back to Europol, would you say that a lot of this comes down to good personal and professional relationships? I do not dismiss those as being important, but it is the individual relationships that are having a very positive impact as distinct from structures.

Steve Rodhouse: I think that is true. Personal relationships are very important, but there is also something about the reality of crime, particularly serious crime, that is inherently transnational, and it is to the mutual benefit of everyone if nations can work together and share the information they have in order to extend it and create joint plans. The NCA's national strategic assessment of organised crime, an annual product, consistently refers to the integrated transnational nature of organised crime. Pretty much every organised crime threat that impacts on the UK originates overseas, and much of it will transit through European states. There is mutual self-interest as well as those good interpersonal relationships.

Lord Blunkett: Do I take it from that that you accept that if Europol did not exist we would have to invent it?

Steve Rodhouse: Absolutely. A multilateral European network will be required.

Lord Blunkett: I ask that question, because obviously when we take evidence we have to ask the right question to get the right answer, as in life generally. If other people pulled out of Europol, the whole organisation would collapse and we would not be able to develop those relationships and that exchange that you just described.

Steve Rodhouse: There is huge value created by organisations like Europol. As the National Crime Agency, we work closely with Europol. We also work very closely with Interpol, because, of course, multilateral forums are valuable across the world.

Q21 The Chair: Looking to the future, the Trade and Co-operation Agreement is due to be reviewed towards the end of 2024—in particular, as I understand it, its practical implementation and the development of Part Three, on law enforcement, which is the area that we have been asking you questions about. This is your opportunity to have fairly formal input now, in early 2023. How would you like to see it developed? Is there anything that we should be saying to government now to feed into that review, and do you expect to be consulted by government?

Deputy Chief Constable Peter Ayling: We are well engaged with the Government and through Home Office forums, particularly contributions to the international crime co-operation board, which is chaired by the Home Office. My focus is subtly different, and I have alluded to what I think the great benefit achieved through the development of the ICC has been: the investment of 100 officers who are subject matter experts and can provide 24/7 support to police forces, identify threat risk opportunity, develop capability across police forces, and co-ordinate complex work, as well as discharge the functions of extradition in the interests of policing. On 28 March, that will become the Joint International Crime Centre and will be hosted by the NCA.

My focus for the future is to ensure that that continues to get the support and the funding that is required, that it builds on its ambition to do more to leverage the capabilities and opportunities in Part Three, and also to invest, and to develop new technology such as I-LEAP. We have made great strides, but there is much more to do. Noting the NCA position and the importance of getting upstream online and looking overseas, Steve and I have spoken and said that the JICC must continue to support and work in the interests of policing.

Many of the examples you have heard, as I stated earlier, sit outside the definition of high-end serious organised crime or counterterrorism. It is everyday business that matters greatly to the communities of the UK. It is very important. I know that Steve has given that commitment, and I continue to reinforce the importance of it to colleagues in the Home Office. That would be my main area of focus in the coming years.

Steve Rodhouse: Very similar to what Pete said, obviously it is important to review the TCA. In direct answer to your question, we would expect to be involved in those negotiations, those discussions, with government, and I look forward to that.

But, like Pete, my primary focus is slightly closer to home and is to make sure that the NCA, the National Police Chiefs' Council and other law enforcement partners can work together to use the tools that we have as effectively as possible. The world of being a front-line police officer, as I am sure Pete will agree, is very different from when I took that step 29 years ago, in as much as I did not expect to be dealing with overseas matters. I was not well informed enough to do so. It is important, through

the joint working between the National Police Chiefs' Council and the NCA, that we make sure that we provide our officers with the expertise and tools to do their job as well as possible. That is the real focus of the Joint International Crime Centre, supported by the NCA, linking together the skills that front-line officers need with the NCA's international footprint.

At any one time, the National Crime Agency has 150 officers working overseas, many of them in Europe, supported by teams in London. That is the benefit of what we are building here with the Joint International Crime Centre, knitting together that front-line capability and knowledge, the technical expertise that sits in the UK's international crime bureau and the overseas footprint of law enforcement, working on UK interests overseas. That is the real focus for us.

The Chair: You both looked at it from the domestic point of view. Is there anything that you would like to say about the development, from the EU point of view, of the provisions of the TCA?

Steve Rodhouse: There is nothing I would want to volunteer in this forum, but I look forward to being part of those discussions with the Government.

Deputy Chief Constable Peter Ayling: They are matters on which I am not sufficiently expert to comment, save to mention, linked to the discussion on the JICC, the importance of developing and signing multilateral agreements to enable I-LEAP to move towards phase 2. That addresses the significant capability issue that has been identified as a common theme throughout.

Q22 Lord Liddle: It is absolutely fascinating listening to the two of you. I am interested, what with the immigration small boats issue being so topical at the moment, in how co-operation works between our police force and forces on the continent—as Deputy Chief Constable of Kent, you have a great deal of knowledge of this, I should think—whether the international arrangements that we have with EU member states contribute to that, whether you regard them as working satisfactorily, and in what ways, if any, they could be improved.

Deputy Chief Constable Peter Ayling: Hopefully this does not appear evasive, but when it comes to small-boat crossings you are absolutely right: there is a particular challenge and resonance in Kent. We work closely with the lead agency, Border Force, which equally works very closely with the NCA. Our contribution is to support those efforts and to deal with the consequences of small-boat crossings, and it will not surprise you when I say that a disproportionate impact is felt in a county like Kent. It manifests itself in responding to community concerns or unaccompanied asylum-seeking children. Those are the issues for which the force has primacy and leads against.

Lord Liddle: I was thinking of the question of tackling the gangs. How, in practice, do these arrangements contribute to that, and could they contribute better?

Steve Rodhouse: That is probably something that I should speak about. I do not want to go into lots of detail about the small boats challenge, maybe for obvious

reasons, but you are right to say that it is a problem. Like many others, it is essential that UK law enforcement can mobilise activity and operational effect in other countries—predominantly France, but not exclusively—in relation to small boats, and that we can share information in both directions with overseas colleagues.

I am pleased to say that there are good levels of operational co-operation between the UK and France in relation to that particular challenge, but generally as well. Our EU exit and the changes to the tools and powers that we have at our disposal have not made a material difference to the manner in which we are able to share information or mobilise activity overseas.

Pre-EU exit, countries across Europe always had different judicial systems, and that remains the case. Sometimes that is a challenge, but not one that is related to EU exit or the TCA and the like. I can reassure you that the operational co-operation between my officers in the NCA and officers in France is good. Law enforcement individuals want to get things done. We share information and will continue to do so, because that is integral to tackling gangs wherever they sit in the world.

Lord Liddle: One of the obvious concerns is gangs that are trafficking young girls and some boys into prostitution. They must have bases in Britain as well as on the continent to do that. Are these co-operative arrangements important for that?

Steve Rodhouse: Absolutely, because at the heart of the ability to respond to a challenge like that is the ability to share information. As we have said before, our membership of Europol, our access to I-24/7 notices and our bilateral information sharing allows us to do that to good effect. I will not pretend that it is not a challenging situation, but it is right to say that there is a need for operational activity, not just overseas but in the UK too, to tackle something like the trafficking of individuals or small boats.

The Chair: I have seen comments recently that most of the smuggling gangs are based in the UK. Can you comment on that? Do you want to squash that as mere speculation? Can you help us in any way?

Steve Rodhouse: The situation has moved over the years. I spoke to committees about this many years ago when the reality was that it was difficult to see a UK nexus to criminality. I do not wish to overstate it, but we see more of a nexus now. That is not surprising when you consider the number of individuals who have accessed the UK and are now based here. But I would not want to set hares running. Predominantly, the nexus of this criminality is gangs operating from overseas.

Baroness Meacher: I fear to raise this again but, Peter, you said quite recently that there is no doubt that the loss of SIS II has been significant. Steve, right at the beginning, in response to our Chair, you said that we know that European countries are entering on to SIS II and on to the I-24/7 system. What you did not say was whether 100% of the information put into the SIS II system was also entered on to I-24/7 at the same time. If it is not 100%, is it 50%? This is crucial, because if it were 100% it seems to me that the loss of SIS II would not be significant.

Steve Rodhouse: I think I was clear in saying that there is a degree of imprecision here, because I do not know what is on SIS II, so I cannot directly compare it to what is on I-24/7. But my assessment, looking at the data that comes across on I-24/7, is that EU member states are overwhelmingly double-keying so that the information is available to the UK.

Lord Filkin: Thank you very much for promising to give us the data that we asked for on extraditions from the EU to the UK for the three years before Brexit and for the years afterwards, obviously with whatever additional explanations you wish to provide. It is hard to think that that information is not quickly available, so it would be very helpful to the committee to have that information in the next couple of days so we have it before our next meeting, if we could.

Steve Rodhouse: I apologise once again for not coming with that data. That is an oversight on my behalf and I will make sure that the data come through extremely quickly to you. I have no reason to think that it could not be within the next couple of days.

The Chair: Can I come back to double-keying overwhelmingly working well? Are there distinctions between different states, and different countries, that you are able to point to, or is it a generality across all the countries that we are dealing with?

Steve Rodhouse: It is a generality, because I do not know what any individual country should or could be putting on to I-24/7. That has been the challenge all the way through this.

The Chair: It is a bit close to proving a negative.

Steve Rodhouse: It is a little bit, yes.

The Chair: Does anybody else want to pursue anything? Thoughtfulness is displayed on a number of faces, but I am not sure whether people want to ask any further questions. Have we missed anything that you would like us to take into account?

Steve Rodhouse: Not from my perspective, no.

The Chair: Thank you both very much for coming and for all your help.