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Home Affairs Committee

Oral evidence: [UK-EU security co-operation](#), HC 1087

Thursday 17 December 2020

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Members present: Yvette Cooper (Chair); Ms Dianne Abbott; Ruth Edwards; Laura Farris; Adam Holloway; Tim Loughton; Stuart C McDonald.

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Witnesses

I: Deputy Assistant Commissioner Richard Martin, Lead for Brexit, National Police Chiefs Council and Steve Rodhouse, Director General Operations, National Crime Agency.



Examination of witness

Witnesses: Deputy Assistant Commissioner Richard Martin and Steve Rodhouse.

Chair: Welcome to this evidence session for the Home Affairs Select Committee. We are taking evidence this morning on the preparations for 1 January on EU security co-operation. We are very grateful to have with us this morning DAC Richard Martin, from the National Police Chiefs Council, and Steve Rodhouse, the Director of Operations for the National Crime Agency. You are both very welcome this morning.

Clearly we take evidence at a moment of some uncertainty still and we do not know what the security arrangements will be from 1 January. We all hope that there will be a security agreement in place in time for 1 January, but we recognise that we are asking you questions about your preparations in the event of an agreement being reached and in the event of no agreement being reached. We are very keen to get some very clear details on the nature of the preparations that are in place and what we will be ready for and what we will face challenges from as a result. We will begin with questions about Europol.

Q1 **Ruth Edwards:** My questions are for Mr Rodhouse. You have said that the NCA is preparing to surge additional international liaison officers to European capitals in the event of a no deal. What would these officers be able to do that replaces or replicates the current liaison arrangements that we have through Europol?

Steve Rodhouse: Good morning, everyone. That is right, in the event of not being able to continue our participation in Europol, we have a plan in place to supplement the international liaison officers we already deploy across Europe with a further 11 officers deployable into our embassies in key countries. They will help us bolster the necessary bilateral arrangements, negotiations and information sharing that we have with those countries. We have chosen them wisely for where we have the greatest overlap with organised crime. They will be there to foster good relationships, which we have already, with those countries. As a result of those relationships, we will be able to share information, seek information and, where necessary, mobilise operation activity and generally gain information that we may be able to convert to evidence and will certainly allow us to mount operations to protect the UK.

Q2 **Ruth Edwards:** With those relationships and what these officers are able to do, will we have the same level of liaison and things like that that we have with Europol at the moment?

Steve Rodhouse: We have been really clear throughout all of this that we value the multilateral nature of the engagement with Europol. Organised crime is transnational and many of the investigations that the National Crime Agency undertakes involve a number of EU member states. One of the beauties of Europol is that you can engage with the entire organisation and share information that is applicable or sourced from a range of member states, and that may not be possible in the



future. It is fair to say, and we have been quite clear on this, that we also benefit from some of the analytical capacity and capabilities that Europol offers. That helps us make some links between EU member states, and between criminals at times, that we would not otherwise appreciate.

That is difficult to replicate on a bilateral arrangement. It is not impossible and we have good bilateral arrangements right across the world that we find exceptionally useful. I have no doubt that that will continue to be the case in Europe, but I would not want to withdraw from anything I have previously said about the value we attach to the multilateral nature of Europol and the analytical capabilities that we enjoy there.

Q3 Ruth Edwards: You have also raised concerns that these bilateral relationships will be a lot slower and more labour intensive than the arrangement we have with Europol at the moment. How much slower and could you give us an example to bring it to life of how this might impact on an operation in reality?

Steve Rodhouse: It is difficult to put numbers on this. If we are looking to generate activity or to share information between member states at the moment, it is not through a Europol intelligence sharing link. We will do it through a European investigation order that places requirements on us and EU member states within a certain time. The fallback provision that we would move to is the use of mutual legal assistance requests where there is not that level of service level agreement.

It is rather hard to put dates and times and days elapsed on it, but I think it is fair to say that Europe has benefited from the introduction of European investigation orders because it has provided some certainty that material will be provided within a certain time. That is our concern. We have been clear throughout this that one of our concerns in the event of a non-negotiated outcome is that investigations could take longer and, of course, if investigations take longer that can mean that serious criminal are not held to account as quickly.

Q4 Ruth Edwards: Is that based on your experience from bilateral relations with other countries who are not members of Europol? How do you find the relationship works there?

Steve Rodhouse: We make very good use of mutual legal assistance requests in conjunction with the Crown Prosecution Service right across the world but it is variable, depending on the states with which we are engaging. It is a very variable picture.

Q5 Laura Farris: Picking up on similar themes, I will ask Steve Rodhouse first. To what extent have you been in any way privy to the nature of the security agreement, if any, that is being negotiated at the moment?

Steve Rodhouse: We have been working very closely with colleagues in the Home Office and we have had members of the National Crime Agency supporting the negotiation efforts, but I am not sighted on the detail of



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any agreement. I am led to believe that in the event of an agreement we could be hopeful that many of the capabilities and tools that we currently enjoy might be replicated in one form or another but certainly not all. But I am not privy to the detail of those and I think with negotiations ongoing it is premature to speculate too much.

Q6 **Laura Farris:** Could you give an example of any well-known case that was completely reliant on shared data or security systems with Europol or any other shared data system?

Steve Rodhouse: Pretty much all the investigations the National Crime Agency undertakes rely on people or commodities or data or cash flowing across international boundaries. As a matter of routine in National Crime Agency investigations, we will deconflict our intelligence with Europol, as an example, to make sure that multiple states are not operating against the same organised crime group. It is hard to draw out one particular example because it is part of our business as usual and will continue to be so in the event of a negotiated outcome or a non-negotiated outcome.

Q7 **Laura Farris:** One of the purposes of today's hearing is about public safety and the question of whether or not we will be less safe in the future. Could you prioritise what as an absolute minimum you would need to see as some read across if there was a negotiated deal and what would be a more 'nice to have' that could be agreed at a later date in a bilateral way?

Steve Rodhouse: I will certainly try to do that. It is emotive material around public safety, isn't it? We have been clear that public safety is enhanced if we have fast and effective routes to share information and intelligence and to mobilise activity across Europe. Public safety is supported when we are able to identify opportunities to intervene against organised criminals. The current tools do that well. They are not perfect but they do that well, so we have been really clear we want to retain those capabilities in some form or another.

Our concern, and we have been really clear on this for quite some time, is that we may well be slower in the future in being able to share data, obtain information, and there is a risk that we will have less complete information in the future. That is quite difficult to quantify because the degree to which we have more or less data is really reliant on whether EU member states choose to use, in full or in part, all the tools that we use.

There has been lots of conversation about SIS II, a great system that shares data alerts across Europe. I am led to believe that it is very unlikely that even in the event of a negotiated outcome we will retain access to that. That is the way it has to be and we will be ready to work on alternative powers. The alternative power is the use of INTERPOL alerts, a comprehensive system that we use across the world, but in Europe SIS II is more commonly used on the front line by European member states. In the future we will be reliant on EU member states not



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just using SIS to circulate their data but also circulate it in the form of INTERPOL alerts that we can accept and put on to our core system.

I cannot be sure of the extent to which each and every EU member state will make use of the INTERPOL route. It may be there is almost complete compliance, in which case the data gap would be minimal, but it is right for me to raise the prospect that there will be some EU member states in some circumstances who do not use INTERPOL alerts and, of course, if the UK does not have access to SIS II there is a gap for us.

The other area that I am really keen to spell out, and I have done this before, is that good decision-making relies on good information. Good decision-making maintains public safety and allows us to minimise risk. It is really important to understand the background of people who are standing in front of you or people in your community and one of the ways we do that is by understanding someone's criminal history. Access to the system—ECRIS is the name of the system—that allows professionals in the system to understand whether somebody has ever been convicted in Europe of a serious offence is an important piece in the jigsaw of managing risk. I would be concerned if we did not have swift access to that in the future and I know that has been part of the negotiations.

Q8 **Laura Farris:** Thank you very much. Richard Martin, is there anything you would like to add?

Deputy Assistant Commissioner Martin: Thank you. I concur with Steve. A lot of the systems that my officers use on the front line are the automated systems and Steve has highlighted the same concerns for geographical policing, I think. What do we want at a conceptual level? We want the ability to share information at pace, respond to things fleet of foot and to understand the people that we may be meeting on the streets at any time. I think that very much fits in with the mentions that Steve has been talking about.

Q9 **Laura Farris:** This is a read across. Would these systems also have relevance for immigration issues? For example, if there was insufficient exchange of security data, would you have problems knowing when people entered the country who otherwise would have had a red light flashing on the dashboard or would not have been permitted to enter?

Steve Rodhouse: Perhaps I should answer that. The same issues apply. The INTERPOL system provides alerts that the UK takes and is able to place on to the Warnings Index, which is a database that our colleagues in Border Force will use at the border. That system is more effective with the more complete data it has on it. This session is about readiness and a huge amount of work has gone on to take INTERPOL notices about people or objects and place them on systems that UK police forces, officers on the street and Border Force, through the Warnings Index, will be able to view and react to.



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I come back to the point that a system is as good as the data that is put into it, but we have made real efforts to make sure INTERPOL notices are available now for front-line officers in the UK and that where officers in the UK have undertaken investigations and have circulated people on the SIS II system, we have dual circulated them on the INTERPOL system. We should be proud of the work that we have done to make sure that information is as available as possible.

Q10 Laura Farris: You create the impression that the accuracy of the INTERPOL data is more variable than Europol because there is more variable participation by certain countries in how much they register. You may not be able to answer this but if you can could you give the Committee a sense of how much less data you think would appear on INTERPOL as opposed to Europol?

Steve Rodhouse: I just want to be clear. It is not the accuracy of the data. It is the degree to which a member state might choose to use both systems. If they are circulating information on someone who they have no reason to believe is coming to the UK, they might choose to use SIS II rather than circulating it on the INTERPOL notices. I wrote a letter in November that provided some data on the scale of use. They are not immediately comparable because there are some things that you can circulate on SIS II and some that you can't and vice versa for INTERPOL. I don't have numbers at my fingertips on that but I can certainly provide it.

Q11 Chair: I am going to ask you some follow-up questions on Europol and SIS II. Let us go a bit further about the number of INTERPOL alerts that are available at the moment and what other countries are doing. At the moment, as I understand it, if we lose SIS II access the Government are proposing to delete from all of the UK systems the SIS II information on Arrest Warrants from France, Germany, data, that kind of thing. Is that correct?

Steve Rodhouse: That is right, yes.

Q12 Chair: Is it correct that that means losing 40,000 alerts for the purpose of arrest or surrender?

Steve Rodhouse: The 40,000 figure that I recognise is where there are INTERPOL red notices that we will now be putting on and making available through the PNC so they can be acted upon by the UK. There is a number in the region of 185,000 non-UK alerts on the SIS system that have been incorporated into systems in the UK that will be deleted, but there is a real variety in those alerts. They are not all related to people.

Q13 Chair: I am going from the SIS II 2019 annual statistics, so this may not be accurate but it says that there are 40,000 alerts for the purpose of arrest or surrender on the SIS II database; 500,000 alerts on third country nationals to be refused entry or stay into the Schengen area; another 120,000 missing persons alerts; another 126,000 alerts on people to assist with a judicial procedure; 168,000 people for discreet



and specific checks. That is the total of the alerts on persons on the SIS II database currently or the broad numbers on the SIS II database, as I understand, from countries all over Europe. If we are losing access to the SIS II database, I am interested in how many alerts on criminals or suspects wanted for arrest in other European countries we will have access to overnight between 31 December and 1 January?

Steve Rodhouse: I can tell you that we have added 135,000 INTERPOL alerts to the PNC and the Warnings Index. There are 37,000 person alerts circulated by the UK on SIS II but they will be now, as a result of our work, available on the INTERPOL systems.

Q14 **Chair:** All of the person alerts that you currently put on SIS II you have put on to INTERPOL?

Steve Rodhouse: Not every one. This is a complicated issue and Richard may want to come in on this. When officers across the country circulate somebody as wanted at the moment in the UK that is automatically circulated on the SIS II system whether or not there is any sort of intelligence that that person may have travelled abroad. Officers across the country have been reviewing those alerts and where there is a requirement or a need to circulate them on to INTERPOL systems so that those alerts will still take effect, they have done so. As I say, 135,000 INTERPOL alerts have now been made available for PNC. Richard may want to speak about the work that has gone on.

Q15 **Chair:** I want to clarify the difference. There are our alerts, so the people that we want to interview or to arrest and so on have been put on to the INTERPOL system. If there is in the ballpark of 40,000 alerts on the system at the moment from other European countries that we currently have access to, how many of them have now been put on to the INTERPOL system so that we will still get access to them on 1 January?

Steve Rodhouse: Earlier this week 8,102 alerts were dual circulated by the UK.

Q16 **Chair:** No, I am not asking about what has been circulated by the UK. I am asking about what the UK will have access to that has been circulated by other European countries.

Steve Rodhouse: I am afraid I don't have a number for that. That is not visible to us.

Q17 **Chair:** It is visible, we do know that we will lose access to around 40,000 alerts from other European countries on people who are wanted for arrest—so suspects wanted for arrest in other European countries—but we don't know how many of those 40,000 will have also been put on the INTERPOL database by 1 January?

Steve Rodhouse: That is correct. The EU member states own those circulations. We have been, as you would expect, working closely to articulate the issues that we face with EU member states and to alert them that we will not have visibility of SIS II alerts and, therefore, they



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should, like us, place those on to INTERPOL routes. I don't have visibility as to what degree EU member states have reacted to that and placed those alerts themselves.

Q18 **Chair:** Do you have any awareness on any country, for example Spain has put about half of its cases on or Germany is working hard to get all the cases or anything like that? Even if you do not have visibility of the details, do you have anything you can tell us, even broadly, about what other individual countries are doing?

Steve Rodhouse: I am afraid I don't have anything that I can speak about on individual countries, except to say that we have continued to liaise closely. In many cases, some of those alerts will already be dual circulated. They will already be on SIS II and INTERPOL from those countries, which is why it is difficult to quantify the additionality that they have now placed on to INTERPOL that they had not done before. I am afraid I don't have any more information on that.

Q19 **Chair:** You can't see how many French Arrest Warrants are on the INTERPOL system at any time?

Steve Rodhouse: I would have to go and check on the degree to which we can attribute alerts to individual countries and then see what additionality there has been over time. I could write back to you with that information if that would be helpful.

Q20 **Chair:** You talked about uploading the INTERPOL information to the PNC and to the Warnings Index; is that correct?

Steve Rodhouse: That is correct, yes.

Q21 **Chair:** That is the INTERPOL alerts. Is that the Arrest Warrant information that is being uploaded from INTERPOL on to our computers?

Steve Rodhouse: That is right. That is where we have taken INTERPOL notices and placed them on to the PNC so they are visible to our officers.

Q22 **Chair:** But if we have done that—and you said there are 135,000 in total, and I presume that includes people and vehicles and documents and whatever else might be allowed on the INTERPOL system—surely you can see how many of those 135,000 relate to people, how many of them relate to France, Germany and other countries?

Steve Rodhouse: These are INTERPOL notices that are received by the UK and now we have made sure that those circulations have been made available through the PNC, yes. I am not sure I am following that line of questioning. I don't want to frustrate you.

Q23 **Chair:** Maybe DAC Martin can come in on this. I am trying to understand the scale of the capability gap. We have been told many times that there is a capability gap between the SIS II system and the INTERPOL system. We have been told that there is more information on the SIS II system than on the INTERPOL system. We have been told that there is a gap and



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we are not really sure what other European countries are doing. I am struggling to understand this because you have also told us that we are doing what sounds like a manual upload of the INTERPOL information on to our own PNC and Warnings Index. What I don't understand is why you can't tell us what is the capability gap between the amount of information that other European countries have put on to SIS II and the amount that they have put on to INTERPOL. You have just been going through the INTERPOL information to upload it on to our systems.

Steve Rodhouse: I can only repeat that we have taken 135,000 INTERPOL notices and made sure that they are available to UK systems.

Q24 **Chair:** Of those 135,000 INTERPOL notices, what proportion are people and what proportion are documents, vehicles, other bits of intelligence?

Steve Rodhouse: I am afraid I don't have that data to hand this morning but I will certainly write to you with it.

Q25 **Chair:** DAC Martin, can you shed any light on what is happening in other countries and the scale of the intelligence gap between the two systems?

Deputy Assistant Commissioner Martin: Not in relation to other countries because my focus is on domestic. I can tell you what we have done domestically. We have been working with forces to upload all of those people that they believe are going overseas on to INTERPOL notices so that they are visible across the world. We have uploaded an additional 9,000 people that are of interest to forces on to the INTERPOL system that are currently also on SIS. We have been very much focused on those that are critical to geographical policing in this country.

I can't give you numbers on the capability gap but I can give you from our point of view the difference in capability of the two systems. At a very high level with SIS II if you come across a hit, any member state checks SIS and it comes up with a hit, there is a mandate for them to do something with that information or to carry out and act. That is not quite true with INTERPOL where it is very much voluntary. That is the sort of capability I would look at.

As we spoke about earlier, SIS is automatically mandated into our system. If you put somebody on the system as a missing person—currently in the UK we have about 220,000 people go missing a year—straightaway that goes on to a system that 27 member states are looking. The officer does not have to worry in one respect about whether we know they are going abroad or not.

It is almost like a catchall. It helps the risk assessment process. For the 9,000 I have been talking to you, on the more manual system with INTERPOL we have had to design a risk assessment to think through whether that person may go overseas. As much as you will try to do all the information intelligence you can, some people by necessity don't always follow logical rules and they go overseas.



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Those are the sort of capabilities that we don't get in INTERPOL in live time. I think that the work that the NCA has done in putting INTERPOL notices on to PNC is really important but, of course, there will be a slight delay in that information being transferred across. With SIS at the moment, as soon as you enter it on to our domestic system, it is uploaded on to the system that 27 member states can see.

Q26 Chair: On the practical process, if something is put on to the INTERPOL system, what do you have to do to get it up on to the Warnings Index and the PNC?

Steve Rodhouse: It is a system or process that is administered in the UK's international criminality bureau. We have largely automated that and introduced robotic process automation to take the details from one system and place it on to the PNC. When we look at INTERPOL red notices—and no doubt we will come on to talk about extradition—there is an additional layer of process to ensure that we are in a position to authorise an arrest made on the basis of that INTERPOL red notice. Of course, that requires a degree of automation and then a degree of human intervention to assess whether or not that particular case is appropriate for an arrest to be made within the UK under the provisions of the new Extradition Act.

Q27 Chair: What are the time differences involved? If Italy puts a red notice up at 9 o'clock on a Thursday morning at what point is it likely to then appear on the Warnings Index?

Steve Rodhouse: The Warnings Index and the PNC are slightly different processes. It is likely to appear on the PNC within a small number of hours, a fairly minimal gap. The Warnings Index may take slightly longer because it is an additional level of process and uploading on a daily basis, but it is within 24 hours.

Q28 Chair: That is if it was a red notice. If it was not a red notice, if it was another form of information or alert, how quickly would it go on?

Steve Rodhouse: Similar timeframes.

Q29 Chair: Let me take you back to this issue about the volume of European data coming now onto our PNC and our Warnings Index. If we are concerned about making sure that our Border Force staff have the information they need about suspected criminals arriving at Heathrow or Dover and so on, presumably we have done an assessment of the volume of information we currently have on SIS II compared to the volume of intelligence that we have on people coming from those European countries on the INTERPOL system.

Let me ask you again: if the SIS II system has on it 40,000, ballpark, alerts on wanted criminals and another 500,000 alerts on third-country nationals to be refused entry, what then is the comparable volume of those either red notices from Europe or warnings about third-country nationals who may need to be refused entry that we will have access to



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on 1 January on an INTERPOL system?

Steve Rodhouse: It does remain difficult to give you a precise answer to that but, as I say, I do wish to help rather than frustrate. We know there are in the region of 40,000 INTERPOL red notices that we need to validate on the system. It is a close figure—37,000 is the latest I have—in relation to SIS people notices placed by the UK. Therefore the gap in terms of INTERPOL red notices versus alerts on SIS II is relatively small, but I am afraid I do not have precise numbers for you.

Q30 **Chair:** If there are 40,000 INTERPOL red notices currently existing on the system that need to be uploaded on to the Warnings Index and the PNC, how many of them will be uploaded by 1 January? Will all of those cases be on by 1 January?

Steve Rodhouse: Apologies, we are talking at slight cross-purposes. Yes, all of the INTERPOL red notices will be—indeed, in many cases are already—on the PNC. We have done that work and that is included within the 135,000 figure that I spoke to you earlier about.

Q31 **Chair:** On the Warnings Index as well?

Steve Rodhouse: That is right.

Q32 **Chair:** The 500,000 third-country nationals who come up on the Warnings Index currently as people who France, Spain or others have said should be refused entry to the Schengen Area—those alerts that come up—what proportion of those 500,000 people are now going to be on to the INTERPOL database by 1 January?

Steve Rodhouse: I am afraid I will have to write back to you with that data. I don't have that data in front of me and I would not want to speculate.

Q33 **Chair:** Are those people you are worried about? They are presumably people who have been excluded from the Schengen Area or from other countries for a reason. Are they people you are worried about not knowing who they are when they arrive at the border on 1 or 2 January?

Steve Rodhouse: I understand the point. Of course, as a law enforcement professional, I would want our people to have the most up-to-date and the most accurate information to make their decisions. Therefore, clearly, understanding why people may have been rejected or highlighted by other countries is an important source of data for the UK.

Q34 **Chair:** Therefore it is a concern that we do not know who those people are, or the reasons why they might have been excluded. Are you unsure because you do not think this information is known, or are you unsure because you do not have this information in front of you at the moment?

Steve Rodhouse: If it has been circulated on INTERPOL we will have that information and it will be made available on the Warnings Index. I come back to my original point and really the point of this exchange, it is



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around the gap between those people who may just have been circulated on SIS II who are not circulated on INTERPOL.

Therefore, that is the degree to which there is a cohort of people who may come through that border who will not be on INTERPOL, will not be highlighted to the Warnings Index and therefore officers at the border—of course, I am not an expert on the border and some of those questions will be well placed to Border Force—will be able to make decisions based on that. It is the gap between what we have on one system and what we will have on the INTERPOL system and then PNC and the Warnings Index.

- Q35 **Chair:** A final question from me on this point, I still simply do not understand why you do not have an assessment that compares all of the information, which we can even just see by volume. For example, on the INTERPOL database from Italy, why you cannot see the number of alerts from Italy, the number of different kinds of alerts, which we can compare that Italy has put on the INTERPOL system and Italy has put on the SIS II system. If they were the same we would have a pretty good idea that Italy was updating both at the same time, and maybe France does not. I do not understand why you do not have that assessment, given how important this information is going to be for 1 January, maybe that is because I am misunderstanding the way the system works.

Steve Rodhouse: I understand the point and I will write to you to see if we can provide some more clarity on that.

- Q36 **Tim Loughton:** I want to take a different angle here. Everything we have heard so far has really been about the capability of the UK accessing shared information that we will not have access to, depending what happens, after 31 December. We know that the UK is one of the biggest users—if not the biggest user—of systems like SIS II, which means we place a lot of information on that as well. Therefore what approaches and discussions have either of you had with the other members of Europol about what they will not have access to after 31 December in the absence of a security agreement, the implications for them and what they are intending to do about it?

Deputy Assistant Commissioner Martin: Thank you. I will leave most of the Europol questions to Steve as that sits under the NCA.

What I will say is that there is, which I think you are alluding to, a mutual loss of capability here, both for the UK and for the EU. You are right, we generate a lot of intelligence that we feed into the EU. If I look at other capabilities—such as Prüm, which is fairly new for all of us obviously—it is about us being able to circulate and search DNA stains at crime scenes against individuals. The latest data on that, just to give you a picture, is that since we went alive we have had 13,000 matches in the UK of suspects versus data stains and we had 43,000 matches from member states. As you can, these capabilities—the intelligence and everything else—is really a mutual loss of capability.



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The colleagues I tend to interact with, from a geographical policing point of view, is that I have a very good relationship with the foreign law enforcement community in London. There are obviously officers who are based in immigration, embassies and consulates and they are very much aware at an operational level of the loss of the UK working with them. They are very keen to continue working with the UK and to explore those sorts of bilateral arrangements once they know the legal framework they can do so in.

Steve is more an expert on Europol but I think there is a general recognition with the colleagues that I engage with, and from the statistics I have just supplied to you, this is a big loss for the EU as well as it may be for the UK.

Q37 **Tim Loughton:** Would you agree with that, Steve Rodhouse?

Steve Rodhouse: Yes, I would, absolutely. We engage through our international network as well as through Europol with EU member states. They recognise that we make a big contribution to European security and on an operational level we have very strong relationships.

To focus on Europol particularly, we are the single greatest contributor to its data systems. We lead, or did lead, the greatest number of its specific projects in relation to particular organised crime threats and we are regarded as an active and important member. Therefore, from an operational perspective, I know that colleagues across Europe do not want to lose the value that the UK adds to European security.

To be fair, we will continue to play a full and active part—whether we are able to play as full a role in Europol as we have done—but we will do that through different mechanisms, whether that be through INTERPOL as an organisation, other regional bodies or on a bilateral basis.

Q38 **Tim Loughton:** The point I am making is one made by Rob Wainwright in earlier hearings—obviously he played a key role in developing Europol before he stood down—that it is absolutely essential we continue to share that information, and if we do not that decision is purely a political decision. The technology is there, the various protocols that we need are there to share that information, and it is purely a political decision to effectively switch off our access to it.

The point I am making and the question I am asking is what approaches have we had from those other 26 members of Europol about how they are going to cope with this large absence of direct data input from the UK after 31 December, if that is the case? Secondly, as a precaution from our point of view, what discussions has the NCA had with Denmark, which obviously exists without being a member of Europol?

Steve Rodhouse: We have had extensive bilateral arrangements and discussions with all of the EU member states, as you would expect, talking about cases, themes and crime types of interest and making sure that we are able to continue to share information even in the event that



we are not part of Europol. As you would expect, we are in a good place with those bilateral arrangements and that is really the extent of the National Crime Agency's ability to impact on that.

Colleagues in the Home Office have been, as part of the negotiations, engaging with the Commission in its broadest terms. However, from the National Crime Agency's point of view it is those bilateral conversations that have assured ourselves, and indeed EU member states, there is a will to continue to work closely together.

Q39 Tim Loughton: On a worst-case scenario, you are seeing no evidence that the other 26 members of Europol are panicking that we will not be able to continue to have access to these databases and share information on the existing bases after 31 December. The real impact—if it were to come to that, and obviously we all hope it will not because the current systems work well—will be largely one of the time it may take then to obtain, share and act on that information rather than that we are never going to be able to access it at all.

Steve Rodhouse: I cannot comment on the degree to which EU member states are panicking—I think was the word that you used—and communicating through the Commission into the EU negotiating team. I am not sighted that.

I come back to the point we started with. There is no reason at all why EU member states will not continue to share information bilaterally with the UK, and I am confident they will continue to do so. The issue is the value that is added by being able to bring all EU member states material together in one place to deep reflect and to operate multilaterally rather than unilaterally.

If I look across the operations that the National Crime Agency has engaged with, typically they involve more than one EU member state. Therefore, of course, the value of Europol is the analysis and co-ordination it can bring. That is the loss of capability I would be concerned about.

Q40 Tim Loughton: I understand that. However, as you say, if we have mutual agreements and we have a reasonable expectation that those countries will be sharing information with us on a mutual basis, we can effectively recreate that database and how we co-ordinate it within the UK.

Steve Rodhouse: I am not sure that is realistic. One of the benefits of Europol, of course, is that you do not know what you do not know until you have made those enquiries and understand that, actually, there is relevant information spread across Europe. Once you know that you can engage bilaterally and grow that information. The value of Europol is that it allows you to understand those links that you did not already know about.

Q41 Tim Loughton: I understand that. The weakness of SIS II is that we do



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not know what we do not know and that the information placed on SIS II remains the property of the individual countries and not of Europol itself. It is entirely up to individual countries as to whether they do put that information on there at the moment, just as it will be entirely up to those individual countries as to whether they supply it to us in the future.

There is one general principle point and then I will finish. Do you think that Denmark is a less safe country as a result of not being a member of Europol for the last five years?

Steve Rodhouse: I do not think I am qualified to venture an opinion on Denmark's safety and certainly its comparative safety.

Q42 **Tim Loughton:** Why not?

Steve Rodhouse: I do not have sufficient in-depth knowledge of Denmark as a country, so I do not want to be speculating.

Q43 **Tim Loughton:** Would it not have been a sensible precaution for the NCA to have had slightly more extensive talks with counterparts in Denmark—given that they are in the most comparable position to the UK by not being members of Europol—as to how they have been able to adapt to cope with it post 31 December? I am surprised we have not been talking a lot to Denmark?

Steve Rodhouse: I know we have been talking to Denmark, as you would expect. However, I am not able to venture an opinion as to whether it is more or less safe, I should imagine that is a subjective judgment.

Q44 **Chair:** Thank you. Before we move on to the Arrest Warrants, another quick question on Europol. What are the arrangements for being able to replicate the Europol Information System database? As I understand the EIS objects, around half of them are related to counterterrorism. What are the arrangements for making sure that information is accessible after 31 January?

Steve Rodhouse: I am not familiar with that aspect of the EIS system.

Chair: Deputy Assistant Commissioner Martin, can you add anything on that?

Deputy Assistant Commissioner Martin: We are geographical, we do not own any of the European elements.

Q45 **Chair:** The information that I have here is that Europol operates the Europol Information System that stores and queries information about offences, offenders, suspects and other key crime-related data, and that 51% of the objects searched for in 2018 related to counterterrorism. Can anyone tell me anything more about that?

Steve Rodhouse: I can tell you that is a system that we would not have access to in the future in the event of a non-negotiated outcome.



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Q46 **Chair:** If we have a negotiated outcome, would it be possible to continue to have access to that if we are not members of Europol?

Steve Rodhouse: It sounds like it would be technically possible, but it would be a term of the negotiation and I am not sighted on where the negotiations have reached on that.

Q47 **Chair:** If there is no negotiated agreement, is there a contingency plan for accessing that information or for sharing that information in a different way?

Steve Rodhouse: I am not aware that there is. I think it would be through bilateral information sharing and mutual legal assistance requests.

Q48 **Stuart C McDonald:** Thank you to both of the witnesses again for coming to give evidence.

Turning to the European Arrest Warrant and extradition arrangements, could you first remind and update us on what sort of successor arrangements you would like to see in place, what you anticipate as being likely whether or not we get a deal, and what scenarios you are prepared for operating under?

Deputy Assistant Commissioner Martin: Thank you. I would like to see an arrangement that is very similar to the European Arrest Warrant. As members will know, the advantages of the European Arrest Warrant are that it is circulated very quickly on SIS, my officers have a power of arrest to arrest somebody they come across who is wanted and, importantly, we can extradite or ask for extradition from countries of their own nationals. That is one of the big things the European Arrest Warrant provides. Obviously, we have a proportionality element to it as well, so we make sure that we are arresting proportionate with our law as well as elsewhere.

The contingency for that is the 1957 Convention on Extradition. The difference with that one at the moment is, of course, it is very warrant based. I know a recent Act is going through, or has just gone through, Parliament to provide, hopefully, an arrest power for European countries should that become necessary.

The difference with the fall-backs, especially with the 1957 Convention, is that countries can refuse to extradite their own nationals. There is a number of countries—as you have heard us quote before, such as Germany in its constitution—that would not extradite their own nationals. That would add a complexity to us, to either go overseas and prosecute should that be in the benefit, or to hope that the individual left that country at some point and we could circulate them on an INTERPOL Notice and arrest them in another country.

We know we are not going to get the European Arrest Warrant, is the first point. We have been very keen on, and I know the negotiation team



has been trying to secure, what is called the Norway-Iceland Agreement. In principle that is similar to the European Arrest Warrant. However, it does come with that caveat that countries can refuse to extradite their own nationals, albeit that it is easier for my officers to come across somebody who is wanted and to actually arrest them and go through that process.

That is the sort of thing we want. What I want is something where I can identify somebody quickly, my officers can arrest them and we can extradite them out of the country, which is particularly if they are in this country. I am sure, if they are wanted in another country, they are probably not being angels while they are in the UK, so it helps to protect our communities as well.

One of the things we have done as part of our contingency planning with the ICCC is that we now have a National Extradition Unit, which we have just formed. It went live two weeks ago. The idea for that was preparing policing for any eventuality. Even if we were able to secure through a negotiated outcome a Norway-Iceland type deal, or indeed if we get a non-negotiated outcome, actually extradition is extremely complex. What you will find is that there are some forces in the country that may only have one a year. To try to ask people to build that expertise in such a short time is grossly unfair and obviously adds bit of a risk element to being able to fulfil the whole process.

The National Extradition Unit has gone live and sits under the ICCC. What we will do now, certainly in England and Wales, is that we will be taking on all high and medium-risk people who are wanted for extradition. We will have a team based up north and one down south. There are 40 officers in total who part of that new team. The idea is they will do all of the intelligence, the location, the arrests and any of the case papers that need to be done underneath that. What we are doing is speeding up and becoming far more efficient in preparation for whatever the outcome is that we get. Even on those low cases—the ones we cannot get to just because of volume—the team will do all of the intelligence and all of the network, so all we are asking forces to do is to actually make the arrest.

As when I spoke to the Committee before, one of the main missions I have set the team is that whatever we develop and whatever contingency plans and efficiencies we drive, it is all about not impacting on frontline policing and trying to take as much as possible away from because obviously they are very busy anyway.

Q49 **Stuart C McDonald:** That is very helpful and comprehensive. Either way, we anticipate that there are some member states that are simply not going to extradite nationals. I think in the letter to us the NPCC mentioned Germany, Slovenia and Austria. Are there any more than that, do you know? Are these absolute prohibitions without exception or are there some amendments to these?



Deputy Assistant Commissioner Martin: When you lose the European Arrest Warrant any country can decide they do not want to extradite their own nationals. These are the only three countries that have come out proactively, if that is the right word, and said, “We will not extradite our own nationals”.

That leaves us with two choices really from a UK policing point of view. One is that we work with the Crown Prosecution Service and decide whether it is in the public interest to try to prosecute these individuals in their home countries. The second, of course, is that we circulate them anyway on INTERPOL—as it will be—because of course, as soon as they leave Germany and enter into another country, they are fair game so we can arrest them from that country and bring them back.

It is really down to that country’s choice as to whether they do it. It is the difference between the EAW providing a mandate to extradite your own nationals verses a voluntary process.

Q50 **Stuart C McDonald:** As I understand it, in some of these countries these are constitutional provisions. For example, in Germany I think it would require a change to the constitution and it is not something they can just change their mind on. Are there other countries that could be persuaded or negotiated with to take a different approach, or is it similarly a fundamental constitutional provision there?

Deputy Assistant Commissioner Martin: Germany is the only one I know where it is a constitutional point of view. My understanding is that for the other two we mentioned it was purely their choice, if that makes sense. It will come down to negotiation obviously between Government and that Government as to whether they would move on those positions.

Q51 **Stuart C McDonald:** In terms of attempting a prosecution in a different country, I assume that is a pretty rare event just now and the logistics must be fairly challenging.

Deputy Assistant Commissioner Martin: Yes, and it is very much down to a Crown Prosecution Service decision at the end of the day. It would be a case of the law enforcement agency providing the evidence to the Crown Prosecution Service and then all of the arrangements and the agreements are driven through the Crown Prosecution Service. It is very rare. I do not have the full figures, I could certainly ask the Crown Prosecution Service to deliver them, but I would be very surprised if it is very many per year.

Q52 **Stuart C McDonald:** In terms of scale then—even just taking the likes of Germany, Slovenia and Austria—how many folk in a year do we attempt to extradite from there?

Deputy Assistant Commissioner Martin: Currently, on European Arrest Warrants we arrest and extradite about 1,300 a year as an average. Within that—I guess that comes back down to that mutual loss of capability process we were talking about earlier on—for every nine



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people that we arrest eight of those are on behalf of other EU member states who we extradite back. For every nine who are arrested for us, one for us and eight for overseas. That allows us to support getting rid of people we would not want here anyway but actually who are wanted overseas. You are talking about 1,300 per year.

Q53 Stuart C McDonald: I am trying to get a handle on the loss of capability or our inability to get folk because of these provisions that prevent extradition of their own nationals. I am guessing we could be talking about a couple of hundred people.

Deputy Assistant Commissioner Martin: For countries extraditing their own nationals I don't think the numbers will be huge. The main ones are obviously the ones who we arrest here and move out. However, of course there will be serious offences where, because we do not have the European Arrest Warrant, it may well be that we will have to decide on the seriousness of the offence and whether we do, as I said before, prosecute over there or hope they move about in the interest that we can bring them back here.

Q54 Stuart C McDonald: The other operational side of things with these exclusions is timescales. I think we are all familiar with the idea that the 1957 Convention is slow. What about the Norway-Iceland model? You have both said that would also be slow, but how much slower is that in terms of how it operates and why?

Deputy Assistant Commissioner Martin: It is difficult to say because most of the delays on those systems obviously are at the back end, not the front end. The front end that policing is involved in is the arrest and putting the papers together for the Crown Prosecution Service then to obviously go through the court system. I think for us it is more the back end of the system. I remember last year when the CPS was talking it thought it would delay by, I think, 50% to 60% on top of what it does now. It is very much the Crown Prosecution's end where the delays will happen because of the court system.

Q55 Stuart C McDonald: Steve Rodhouse, do you want to come in on any of that?

Steve Rodhouse: As you would expect, I agree with what Richard has said in terms of what we want from an extradition system and some of the challenges around constitutional or choice bars.

It is not a binary choice around extraditing own nationals, there is a whole range of variations there. We are picking up that some member states would be happy to extradite their own nationals for trial but they would want them returned to serve a term of imprisonment within their own country, so it is sort of a sliding scale.

I want to back up Richard's point in terms of the timescales taken, typically using the Convention will take longer but it will be variable between countries as well. I echo the point that typically the delays are



once the courts become involved, it is not often at the operational stage to actually secure someone's arrest and detention.

Q56 **Stuart C McDonald:** Are we talking months of a difference here? There are obviously very tight timescales in terms of the European Arrest Warrant. Give me some ballpark figures.

Steve Rodhouse: I do not want to speculate but your sense of months I think is accurate, months.

Q57 **Stuart C McDonald:** Finally, Steve Rodhouse, in your letter to us you described that an extradition system based on INTERPOL Notices rather than SIS II alerts is a more complex function than the NCA currently undertakes with the existing Arrest Warrant procedure. I may be slightly treading back over SIS II questions again, but can you say briefly why it is a more complicated way to operate and how we can try to make that work more smoothly?

Steve Rodhouse: It is simply that when a red notice is circulated—and under the terms of the Extradition Act now there is an opportunity for someone to be arrested within the country—that red notice needs to be certified, effectively assessed that it meets the right criteria in terms of proportionality and the seriousness of the offence. There is an extra step in the process that is undertaken now by the National Crime Agency to review that.

We are looking to back-record convert the assessments of those 40,000 warrants. Not all of them are currently done. They are available, they can be viewed, but in the event that somebody is found on the street and we identify that a red notice is applicable there is a fast time process to allow the NCA to make that decision in live time. It is just an extra step in the process and something that we have in place now

Stuart C McDonald: Thank you very much.

Q58 **Chair:** A quick one to follow up with Deputy Assistant Commissioner Martin. If an agreement is reached tomorrow, Monday or next Wednesday, what arrangements do you have for staff to be in place effectively over Christmas and the new year, in order to make sure that they are fully trained on whether it is a Norway-Iceland agreement or whatever the new extradition arrangements are, and do you have time to do that by 1 January?

Deputy Assistant Commissioner Martin: The answer is: yes, we do. The team is in its first week of live operations this week. They have just had a two-week induction on all elements of extradition; 1957, EAW and potentially what Norway-Iceland means. They are in place. They are operational and are already out on the roads now researching housing people to arrest.

I am very confident. We are live now. We will be able to adapt to any one of those situations.



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Q59 **Ms Diane Abbott:** Thank you very much, Chair. I would like to thank our witnesses for giving up their time to speak to the Committee.

I want to go through some of the information and data we will lose access to when we Brexit on 1 January. I apologise in advance if I am touching on things you mentioned before. Obviously, the first thing is the European Criminal Record Information System. Is it true to say that we lose direct access to it on 1 January when we Brexit?

Steve Rodhouse: Yes, it is, as it stands at the moment in a non-negotiated outcome.

Q60 **Ms Diane Abbott:** That is how it stands at the moment. As it stands at the moment, we will lose being able to access the European Criminal Record Information System in six days, and it is going to take 66 days.

Steve Rodhouse: Those are estimates. As an organisation, ACRO runs the ECRIS system. I think its assessment is that for non-EU requests at the moment the average is 66 days but EU requests are received within around six days. Clearly, the 66 number might be skewed by countries across the world where it takes an awfully long time to get those results.

However, I think the view from ACRO is, in simple terms, that it will take longer to obtain that data, not least because, as you say, we will not have access to the automated ECRIS system. Requests for overseas conviction data will have to be made through the mutual legal assistance request system and, as I touched upon earlier, that can take quite some time with no mandated timescales.

Q61 **Ms Diane Abbott:** What difference would it make to crime fighting if, say, you had to wait 66 days rather than six days for criminal record information?

Steve Rodhouse: Richard may want to come in on the impact on frontline policing.

My background is also in policing. I said earlier you make better decisions on managing risk if you know the background of the people in front of you. Whether those are people who you are investigating for a crime or they are people who are going through the court processes, I think it is important to understand whether someone has a significant criminal history of serious offences so that you can put in place measures to mitigate the risk that they might pose within the UK.

I sense Richard will agree with me, but I will not put words into his mouth.

Q62 **Ms Diane Abbott:** Before Richard comes in, are you saying that a delay of up to 66 days will damage our crime fighting capacity?

Steve Rodhouse: I am saying that it will potentially hinder our ability to understand the risk that is posed by people and to put in place appropriate measures.



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Q63 **Ms Diane Abbott:** Will that damage crime fighting? That is what the public will want to know.

Steve Rodhouse: We have been clear from the start that access to the ECRIS system is an important thing for us going forward to manage public safety. I think we have been really clear that it is something that is important in the negotiations and something that we would want to retain.

Q64 **Ms Diane Abbott:** One more time—try to be clear now—if our access to European Criminal Records goes from six days to 66 days, will that damage crimefighting?

Steve Rodhouse: In the round, yes, I can see why you say that.

Ms Diane Abbott: I am asking you.

Steve Rodhouse: I have been really clear and I do not think I am fudging this. It is a capability that is really important to manage risk and we want to retain it.

Q65 **Ms Diane Abbott:** I will move on to the Schengen Information System. Is it true to say that we lose access to that on 1 January 2021 when we Brexit?

Steve Rodhouse: I expect so, yes.

Ms Diane Abbott: Does your fellow witness have a view on that?

Deputy Assistant Commissioner Martin: It appears likely that we will lose it, yes.

Q66 **Ms Diane Abbott:** Will this damage crime fighting capacity?

Steve Rodhouse: Yes, absolutely. I think I have been clear to say that the SIS II system provides good-quality live-time information to officers on the street. It allows them to understand more about the people they are talking to. It can tell them whether they are wanted. It can tell them about vehicles and objects. I think it is a capability that we would want to retain. As I said, we have worked hard to put a lot of that data on to the INTERPOL system and make it available to frontline officers but that is not complete. As I said earlier, it relies on EU member states making use of the INTERPOL system and circulating that data so we can gain access to it.

Can I make a similar point? In Europe, when the UK uses the SIS II system to put data on to alert people of concerns, at the moment that is available to frontline officers in Europe. It is piped into national systems. The INTERPOL system that we will be using in the future is not, and that in itself presents a challenge to ensure that European partners will be able to act upon UK data. We have been clear right from the start on this, SIS II is an important capability and we have worked hard to mitigate the risk, but there are gaps between the two systems.



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Q67 **Ms Diane Abbott:** Are you able to say how often on a daily basis our officers, our crime fighters, would access the Schengen Information System?

Steve Rodhouse: Richard will speak on this, but it is difficult to distinguish because if an officer—this happens many times a minute—uses their radios or their computers to undertake a check on the Police National Computer they will also be checking whether whatever they are checking has a hit to the Schengen Information System, so it is used many times a day.

Q68 **Ms Diane Abbott:** You do not know how many?

Steve Rodhouse: There is a number that Richard readily talks about. The PNC system is checked many million times a year around this. I need to be clear. I do not want to mislead people. It is a check on the PNC that automatically checks the Schengen Information System whether you obviously need to or not.

Q69 **Ms Diane Abbott:** I will come to the PNC. What I am trying to establish is whether you know how often, on average let us say, our officers and our crime fighters access the Schengen Information System, let's say on a daily or maybe a weekly basis?

Steve Rodhouse: I think there is an annual figure that I am searching for in my notes now. Richard may have it to hand because I know he uses it regularly, but it is hundreds of millions of times a year. I think that is right, is it not, Richard?

Deputy Assistant Commissioner Martin: If I can help, Chair, the data from 2018 was 603 million times.

Q70 **Ms Diane Abbott:** That is a year?

Deputy Assistant Commissioner Martin: Yes.

Q71 **Ms Diane Abbott:** To go back, how many times a year do our officers access the European Criminal Record Information System?

Deputy Assistant Commissioner Martin: With that one it is about 4,000 per week. That is transactions coming from the UK asking for criminal records and from our overseas partners asking the UK for criminal records.

Q72 **Ms Diane Abbott:** Thank you very much. I am now moving on to Passenger Name Records. Is it true to say that we will lose access to those on 1 January when we Brexit, does anybody know?

Steve Rodhouse: Unless it is negotiated as part of the agreement then, yes, we will lose access to Passenger Name Records.

Q73 **Ms Diane Abbott:** As matters stand, where the negotiations are now, we will lose access. How many times, weekly or maybe annually, do our officers and crime fighters access those?



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Steve Rodhouse: I can only talk about the use that the National Crime Agency makes of this, it is in the region of once a day.

Ms Diane Abbott: Police officers?

Deputy Assistant Commissioner Martin: Primarily by counterterrorism officers, and I am sorry I do not have that information.

Q74 **Ms Diane Abbott:** Are you able to let us have the information?

Deputy Assistant Commissioner Martin: I will write to you on behalf, yes.

Q75 **Ms Diane Abbott:** Thank you so much. Finally, the Prüm system, exchange of biometric data, how often do our officers or the National Crime Agency access this data?

Steve Rodhouse: It is not an access thing. It is the number of hits on the system. We have been sharing DNA data since June 2019 with 11 EU member states and they have come on top incrementally. Over that time, it has generated 13,000 matches for the UK and 43,000 matches for EU member states, which is matching DNA samples in either country from people or from crime scenes.

Q76 **Ms Diane Abbott:** We have had 13,000 matches. I assume that means there must have been more hits on the system, is that fair to say?

Steve Rodhouse: The system operates by matching crime scene stains and samples from individuals.

Ms Diane Abbott: I appreciate that. Clearly it is one thing if they cannot match the data. I am saying there is a figure for the matches so there must also be, presumably, a larger figure for the number of times officers try to get a match.

Steve Rodhouse: It is not done by individual officers. It is an automated system based on the scale of the DNA database in each country. It is an automated process that will produce the match. It is not a case of an officer applying to see if there is a match.

Ms Diane Abbott: It is true to say, surely, you have a certain number of matches but there would have been more hits on the system automatically, as you say.

Steve Rodhouse: Yes, it is a function of the scale of DNA samples taken in each country. It is the size of the overlap and it is significant, I absolutely acknowledge that.

Q77 **Ms Diane Abbott:** We are going to lose access to the European Criminal Record Information System that we access did we say thousands of times a week? How often do you say we access it?

Deputy Assistant Commissioner Martin: Four thousand times a week, which is incoming and outgoing.



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Ms Diane Abbott: Thank you, so that is 4,000 times a week. We are going to lose access to the Schengen Information System, which in the course of a year we access millions of times I think you said. We are going to lose access to Passenger Name Records, and how many times did you say we access that?

Steve Rodhouse: I said that the National Crime Agency makes use of it on average once a day. Richard was going to provide details because it is a system that is primarily used by counterterrorism officers.

Ms Diane Abbott: Thank you very much. Finally, we certainly get thousands of matches from accessing the Prüm exchange of biometric data but we are not able to estimate how many more hits that represents. You are confident that losing access to thousands, over a year perhaps millions, of items of data will not materially damage this country's crime fighting capacity?

Steve Rodhouse: I think you are putting words in my mouth to say that I am confident. I have been clear from the start that these are capabilities that we don't wish to lose for the reasons we have outlined. These are decisions that have been taken and both Richard and I lead organisations that will continue to work really hard to mitigate the impact of those across the UK. I am providing the factual information. I have at no point said I am confident that these things are not important.

Q78 **Ms Diane Abbott:** No institution wants to lose any capacity. I have spoken about four streams of information and as we have said it can amount to millions of items of data a year. What I am asking you is: will losing the four streams of data on 1 January materially harm our crime fighting capacity? So far you have been unable to tell the Committee.

Steve Rodhouse: I think I have been very clear that these capabilities are hugely important to us and we would not wish to lose them. People can draw their conclusions on that. I have been clear right from the start that the alternative powers and systems are suboptimal, and you can draw a clear deduction from that that we would not wish to lose them and we would prefer to retain them. We hope that will be achieved by the negotiations.

Q79 **Ms Diane Abbott:** Just to conclude, it is not a question of whether I draw conclusions or whether I make deductions, you are the professionals and you are very senior professionals, that is why you are in front of this Committee. I ask you just one more time: will losing access to what in some cases is streams of millions of pieces of data a year, will that materially damage our crimefighting capacity.

Steve Rodhouse: Yes, it is a loss of capability that we would regret.

Ms Diane Abbott: I have been unable to make you say anything in your professional capacity of the harm this will do but thank you very much.

Chair: We do still want to follow up on some issues around the police response on the borders. DAC Martin, I think you may be tight for time



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but if you could respond to some further questions from Tim Loughton.

- Q80 **Tim Loughton:** Just to put Diane Abbott's pursuit of a soundbite into perspective, I am sure you would both agree that the EU's failure to secure a security agreement will damage the EU's crimefighting ability. I will leave that there.

I will come to Dover and ask what arrangements there are in the event of any disruption at Dover during the first few weeks of 2021. What assessment has been made of the need to provide mutual assistance to Kent Police and the British Transport Police?

Deputy Assistant Commissioner Martin: I will start with an apology, which is never a good thing. Obviously all the civil contingencies planning is led by Chief Constable Charlie Hall. Mine is very much around tools and capabilities so I am afraid I am not able to answer, but if you would like me to go away and make contact with Charlie I am more than happy to that on your behalf.

- Q81 **Tim Loughton:** That would be helpful. Just in general terms, what would you expect in terms of police mutual assistance and presumably there has been some scoping of what could happen in a worst-case scenario again on 1 January that is going to start at borders, that is at Dover and at airports?

Deputy Assistant Commissioner Martin: Absolutely. I am not aware of the detailed planning but I know there has been an enormous amount of planning done between Chief Constable Charlie Hall, NPoCC, which obviously is the vehicle within the National Police Chiefs Council that will bring in mutual aid from forces, and I know they have done detailed plans on every different contingency there could be. I also know Kent has been doing some work around delays in lorries and lorry parks and everything else. I am confident the plans are well honed. I am confident the plans are in detail but that detail I can certainly talk to Charlie Hall to get for you.

- Q82 **Tim Loughton:** That will be helpful. Steve Rodhouse, how can law enforcement bodies be confident of identifying dangerous persons particularly coming into the country post 31 December? Particularly if we do not have a security agreement in place, how confident are you of our capability there?

Steve Rodhouse: We have taken steps to ensure that the Warnings Index, which is a primary tool that our colleagues in Border Force and immigration enforcement will use, is as up to date as possible with material that is circulated by European partners primarily through the INTERPOL I-24/7 system.

I am not an expert on Border Force work and you might to direct questions to them or I am happy to make contact on your behalf, but from our perspective, from the National Crime Agency, we are ensuring that data is made available as quickly as possible. As we alluded to



earlier, there is no significant time delay in the UK translating INTERPOL data into the Warnings Index for use at the border.

Q83 Tim Loughton: Of course we will have a capability to prevent people coming to the country that otherwise we would not have done under the existing freedom of movement arrangements within the EU, that is right as well, is it not?

Steve Rodhouse: It is certainly true to say that there are options for the UK to strengthen border security. One of the areas I think the National Crime Agency will benefit from is provision of advance freight information, which provides us more information on freight coming through the border. That will allow improved targeting and that is something we will look to use as productively as possible, as you would expect.

Q84 Chair: I have some quick follow up questions. Mr Rodhouse, it would be very helpful if we could just have some further clarification on some of the numbers that I was asking you about earlier on, around the numbers of INTERPOL alerts being uploaded into the system and how that compares to the SIS II numbers. If our clerks could pursue that further that would be very helpful, because we have some discrepancies between figures that we had understood and the figures that you have given us today. Particularly I am interested in what information we have on the information that other countries are currently uploading on a timely basis.

You did also say something about other countries are not using the INTERPOL alerts in the same way that we are. If we are uploading them on to the PNC they are not doing the same in other countries so that they can check things on a daily basis. Is that correct?

Steve Rodhouse: Yes, it is just the fact that SIS II is the acknowledged system, which effectively piped to frontline forces across Europe. It is not the case that every European country has access on the frontline through personal radios and computers and the like to the INTERPOL data. That is variable across Europe. Some countries do, some countries don't, some will have to make specific additional checks and some will have it at their fingertips.

Q85 Chair: On the PNR the NPCC said without a legal basis provided by the PNR directive it is difficult to foresee how such data could be shared by member states in a letter to us. Is it possible, though, to get that information directly from airlines? Are there either powers or negotiations that can take place to get that information directly from airlines?

Deputy Assistant Commissioner Martin: My understanding, Chair, is that is part of the contingency planning that there is a possibility of getting protocols with those airlines to supply that data. That is one of the things they have been working on in the background. If I could just answer one more point? My colleagues have run out to get some data for



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Ms Abbott, so since May 2019 there were 1,700 PNR requests made by policing.

Q86 **Chair:** That is since 2007?

Deputy Assistant Commissioner Martin: Since May 2019.

Q87 **Chair:** In 12 months?

Deputy Assistant Commissioner Martin: Yes.

Q88 **Chair:** Thank you very much. Given the expectation that at a minimum we will lose SIS II access, if we do not have a negotiated settlement there may be access lost to many of these other databases as well, it would not be correct to say then that all the types of channels that we have used in the past we will continue to use going forward?

Deputy Assistant Commissioner Martin: That is very true. Obviously there are more channels that may be available to us in a negotiated outcome, although we don't know the progress of those, but in a non-negotiated outcome of course we fall back to all of those contingencies that I think we have discussed today, which do not have the same capability and are slower and more bureaucratic.

Q89 **Chair:** It is not the case that we will be able to use all of those channels going forward?

Deputy Assistant Commissioner Martin: In a non-negotiated outcome, no.

Q90 **Chair:** The reason that I ask and it was probably slightly unfair for me to do so is that those were the words that were used by the Home Secretary this morning and she did say on a radio interview this morning that all the types of channels that we have used in the past we will continue to use going forward. That would suggest that there is a discrepancy between the Home Office's assessment of the situation and your assessment of the situation.

Deputy Assistant Commissioner Martin: I am afraid I did not hear the Home Secretary interview this morning. When I say "We will not have access to the same", we certainly will not have access to the same tools in a non-negotiated outcome because, of course, none of the European tools will be available to us. We will have contingencies where we can have a capability within those arenas. In a negotiated outcome we know we are not going to get the European Arrest Warrant but we may well get Norway Iceland. As you can see, those specific European tools we will not have access to all of them, no.

Q91 **Chair:** I know that you have made your views clear to those involved in the negotiations, through the Home Office and through other channels, throughout this process and throughout all the detailed negotiations and talks. Have your counterparts in other European countries also made clear their views to other European Governments and to the European



Commission?

Deputy Assistant Commissioner Martin: In the conversations I have had with senior colleagues from other law enforcement agencies, I would say in the majority, yes. Of course, some constitutions are different in how much they are listened to by senior policing officers. As you know, we have a very good relationship here with Government and throughout this process we have been listened to in the things that we want but I know that may not be the same or have the same influence depending on how certain countries are set up.

Q92 **Chair:** I am obviously not expecting you to have any assessment of the wider trade issues that are at stake in terms of the negotiations but just with the security arrangements, have you also put forward representations that were there to be a failure to agree on issues around trade or fisheries and so on, that there should still be some kind of fall back security agreement in place.

Deputy Assistant Commissioner Martin: We would like that very much but my understanding is that has been driven by the Commission and they will only accept one negotiation. In an ideal world, I think both we and the Government would like to separate the two because the impact is not just felt within the UK, it is going to be felt across Europe for all the reasons we have said today. In an ideal world you would want to separate the two, but I think the lack of separation is not down to the UK.

Q93 **Chair:** If we end up, on 1 January, with no security agreement in place, either as part of a wider trade agreement or as a standalone security agreement, do you believe that the negotiators on both sides will have let down the people of both the UK and across the EU in security terms?

Deputy Assistant Commissioner Martin: That is a very difficult one to answer without having been in the room and seeing the amount of effort going into it. I would hope that there will be a negotiated outcome. I will be very candid and say that, with a non-negotiated outcome, it makes policing more difficult. There will be more risk involved and we would hope that people could come to a point where they can seek an agreement. I don't think I could be in a position where I would say they have let down because I understand negotiations are very complex.

Steve Rodhouse: I agree with Richard's assessment there. It is a very difficult set of negotiations and for those of us not in the room it is hard to critique.

Q94 **Chair:** Do you have any final requests, in terms of those negotiations around making sure that security is taken very seriously as part of those negotiations?

Steve Rodhouse: Absolutely. We have made clear all the way along that security is important. I agree with Richard's sense, I think we have been



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listened to by the Government, the negotiating team and we watch the rest of the negotiations with real interest.

Q95 **Chair:** How many additional staff will you have working between now and 1 January, in order to ensure that any possible needed preparations are in place by 1 January?

Steve Rodhouse: We have restricted annual leave and on any one day will have between 20% and 40% more staff than we did this time last year, in recognition of the challenges that we are preparing ourselves for. Some that we can predict and some that we cannot.

Deputy Assistant Commissioner Martin: The ICCU, the new national exigency unit, will be working 24/7, there will not be any leave, they will be here in place ready to deal with any eventuality.

Chair: It would be very helpful if you could let us know the numbers of additional staff that will be working through the next couple of weeks as well.

I will just pass on our huge thanks to all of those police officers working across the country who will be working so hard over the next few weeks, in order to make sure that all possible preparations are in place for 1 January, after what I know will already have been a very challenging year for policing in terms of the other pressures and so on that we have had to face. Please do pass on our thanks and also to your own teams who have been working hard.

I will just conclude with a personal view that, given how hard you have been working on this and given how clear you have been about the security issues that are at stake, I think negotiators will be letting you down and will be letting people across the EU and across the UK down if they cannot at least secure some kind of security agreement in time for 1 January.

Thank you very much for your evidence today and thank you for your work over the coming weeks. That concludes our evidence session today.