



Northern Ireland Affairs Committee

Oral evidence: [Cross border co-operation on policing, security and criminal justice after Brexit](#),
HC 766

Wednesday 27 January 2021

Ordered by the House of Commons to be published on 27 January 2021.

[Watch the meeting](#)

Members present: Simon Hoare (Chair); Scott Benton; Mr Gregory Campbell; Stephen Farry; Mr Robert Goodwill; Claire Hanna; Fay Jones; Ian Paisley; Stephanie Peacock; Bob Stewart.

Questions 254 - 349

Witnesses

[I](#): Mark McEwan, Assistant Chief Constable, Police Service of Northern Ireland.

[II](#). Paul Morgan CBE, Senior Director, Border Readiness Directorate, Border Force; and Steve Rodhouse, Director-General of Operations, National Crime Agency.



Examination of Witness

Witness: Mark McEwan.

Q254 **Chair:** Good morning, colleagues. Good morning, Assistant Chief Constable. Thank you for joining us this morning for this session of our inquiry on cross-border co-operation on policing, security and criminal justice post-Brexit. You are very welcome and thank you for joining us. I wonder if you might set the scene for us, if you will, by describing what, if any, differences you have noticed since 1 January.

Mark McEwan: Good morning. By and large, it is a little too early to say on a lot of these areas. I will come first to justice and home affairs matters. In terms of our legislative vehicles that were discussed previously at this Committee, we maintain the ECRIS system, which translates into UK-CRIS now, so that runs as was, effectively. In terms of Europol, we still have access to SIENA and to Eurojust. The UK has embeddedness in those organisations and we are still able to access the JITs for joint investigation.

We see some differences within the SIS II system, which now translates into Interpol red and amber notices, and some of those will have power of arrest alerted on the notice. It is still a little early to say how that is impacting as yet, but we foresee that it should work smoothly. As we have discussed here before, we are reliant on other countries to double enter their data. However, it is in their interests to do so.

Probably of most interest is the European arrest warrant and the move to the new agreement. We still have what has been described here before as a Norway-style extradition agreement. That, in itself, is welcome compared with reverting to the 1957 convention, although it is a little too early to tell on that at this stage.

Beyond that, for us, the other areas of concern were particularly in terms of how organised crime might respond to this. Again, it is a bit early to tell—we are only three or four weeks in—how that might play out. The lack of tariff differentials is welcome, and it is less obvious now, perhaps, as to where those opportunities for organised criminality may come. We have a significant focus on that, as you would expect, as well as on exploitation of the common travel area and the movement of people, whether it is illegal immigration, clandestine movement or human trafficking. We have considerable focus on that with partner agencies and, in all these things, we are well linked into the UK-wide mechanisms for dealing with them.

Beyond that, we have previously discussed the impact on the local community, and any stresses and strains that that may have. Particularly in the immediate short term, we were looking at how that might manifest itself, with concerns about the new arrangements. We are monitoring that closely. It is fair to say that there is some discontent, if I could put it that way, and certainly some signals of a feeling on that front. Some of



HOUSE OF COMMONS

this is, as I expect elsewhere, being masked a little by the ongoing pandemic and the response to that. We are monitoring that, working very closely with communities and engaging with community leaders, to keep an eye on that and to find ways to support our communities.

More medium to long term, phase 2 of our Operation Skies to plan around our response to EU exit has been focusing on wider community impacts, particularly in border areas, and how we support those communities. We have considerable focus on identifying, liaising with and engaging with communities to understand what that means in terms of any stresses and strains there. Again, it is very early days. We have seen a number of incidents across Northern Ireland. It is probably difficult to know whether they are directly related to EU exit, but there are certainly strains within communities.

A further aspect that has not really come to light before in Northern Ireland, in the way it has in GB, is the issue around minority communities here and the reporting of hate crime. We have not seen an increase in Northern Ireland particularly in race-motivated hate crime and that sort of area, which we may have expected to see. We have done a lot of engagement in recent days with those communities and we feel that there is considerable under-reporting. Whether that is directly linked, it is hard to tell at this point, but all these things indicate that there are some stresses and strains within the community.

Q255 **Chair:** You said “under-reporting”. Can you give us an example of things that are not being reported?

Mark McEwan: In engagement with minority communities, they are saying to us that, over the last number of months, or perhaps the last year to two years—it is hard to put an exact timeframe on it—there is under-reporting of verbal incidents in the street or lower-level incidents of potentially race-motivated or faith-motivated hate crime. It is not new in any part of the United Kingdom that there is under-reporting, but it seems to be a significant issue for us here and we are working very closely with those communities to find ways through that at the moment.

Q256 **Chair:** Is your intelligence gathering, et cetera, finding that criminal groups have identified, maybe pro tem, a loophole post 1 January that they are capable of exploiting?

Mark McEwan: No. At this point, as I said, it is probably too early to see where those loopholes are. We are doing some modelling and scanning to try to understand what the opportunity might be. The most obvious part of that at the moment would be the common travel area and the movement of people. As the arrangements bed in and we start to see where those opportunities might be, we will be able to respond and get ahead of that. As you know, we have the Organised Crime Task Force and the Joint Agency Task Force, which are the north-south bodies, and we have analytical capability within that. We are working on these issues along with the NCA, which leads on a lot of this work.



Q257 **Chair:** Is there anything that you and your colleagues have tried or begun to do post 1 January, only to think, "We cannot do that now or we have to do it in a different way," which has made things more cumbersome? Just from an operational policing point of view, is there no difference between 30 December and 27 January?

Mark McEwan: No. By and large, at an operational level, we continue to work very closely with colleagues in An Garda Síochána. We have a number of recent operations that we have been running on a cross-border basis. We continue to exchange information. What is interesting is the SIS II system. Ireland was not a member of that and still is not until next month, so we had our mechanisms to exchange information and we still exchange information daily at an operational level. We have really good contact and radio communications north and south.

On the organised crime side of it, we have those systems in place and we have joint operations running. We continue to monitor for any change or any issues, and to liaise with our colleagues on that, as well as linking in with the National Crime Agency. It is important to remember that, for us in Northern Ireland, this is not simply a north-south dynamic; there is the east-west and that route into GB as well.

Q258 **Chair:** Have you received or are you expecting to receive any refreshed guidance from the prosecution authorities with regard to changes in evidentiary hurdles?

Mark McEwan: No, not at this point. We are well linked into the national groups, which are negotiating at a UK level. That is still where the negotiations sit, albeit with the opportunity now for bilateral agreements. We work very closely with colleagues in the Public Prosecution Service and the Department of Justice, as well as the Home Office. Where there is rewiring of our processes, as I have discussed before, we have our own standalone capability. We have an international unit here, which does that for us. We have not had any revised guidance at this point, or the need for such. As we see existing European arrest warrants move towards the new system, that is a process matter and we can work that through.

Q259 **Chair:** From what you have told us, it sounds that, from a policing, security and cross-border co-operation point of view, it is all working well, and that is to be welcomed and applauded.

Mark McEwan: It is important to distinguish between the various aspects of this. It is working well in terms of the justice mechanisms that we have. As I mentioned at the outset, it is probably a little too early to tell where there may be some glitches. For example, within the new extradition arrangements, there are still ongoing negotiations at a UK and European member state level, so that remains to be seen, but we are reasonably comfortable with where we are on that at the moment and our relationships with other law enforcement agencies, as you would



HOUSE OF COMMONS

expect. It is also too early to say in terms of organised criminality, and community stresses and strains.

Chair: It sounds like you have talked yourself into another appearance before us after Easter or that sort of time, to give us an update and a refresh. If you would be amenable to that, we would all find it very helpful.

Q260 **Claire Hanna:** Thank you very much, Assistant Chief Constable. I do not want to draw you down too much, but I just wanted to see if you want the opportunity to expand on the stresses and strains that you referred to generally, the atmosphere and what we would call tensions, in the context that this is a cross-border security inquiry. The context is the fact that every county is now a border county and the axis has shifted. You mentioned that the pandemic has probably had an impact on how that is manifesting, but would you be able to expand on that?

Mark McEwan: We are starting to see sentiment, which is as strong as I would put it at this point. We work closely on the intelligence picture to see where there might be community unrest or outworkings, but I would not put it any stronger than "sentiment" at this point. I have been engaging with community leaders and local politicians on this and, at this point, there are some signs of stress that we have seen of late and some discontent, as I would put it, being expressed about the new arrangements. That is probably to be expected at some level, and we were prepared for it.

What we have not seen is the disruption to the transport infrastructure or anything of that nature. We have seen some of the issues that partners are working through, which it is their responsibility to lead on, around the arrangements at the ports. That can be conflated with some of the issues that the UK as a whole has experienced in terms of the coronavirus and dealing with the pandemic, so, at some levels, it is hard to disentangle what is what. Equally, it has masked, to some degree, community concerns because it is the priority for most people at this point.

As I say, we are seeing within the Protestant, Unionist, loyalist community some sentiment around discontent. More broadly, we are working, slightly more medium to long term, with border communities in particular to understand the feeling there and how that relates to other issues, such as the pandemic, the potential economic consequences of both EU exit and the pandemic, and what that means for us in the slightly more medium to long term, bearing in mind that there are those other groups that are very willing to push in and try to exploit that feeling of unrest or discontent within communities.

Claire Hanna: Thank you very much. As the Chair said, we may continue this conversation.

Q261 **Ian Paisley:** Assistant Chief Constable, you said that there is some discontent and there are some strains, and that you are talking to community leaders, which is usually code for talking to politicians and



members within the community who have influence across the Protestant, Unionist and loyalist community. I am just worried that your comments today show a little degree of complacency.

Are you picking up any sense of anger and bitterness that all sides of Unionism feel about this? They are dealing with a protocol that they see was foisted upon them as a result of people saying, "There might be violence if we do not get our own way on the Northern Ireland border with the Republic of Ireland." Now they are sitting with this protocol that has diminished their Britishness. I am just wondering if all you have seen is some discontent. Is this complacency on your part, or is it spin on your part to try to calm things down? I get a sense that some sections of the community are starting to sense that they are sitting on a powder keg.

Mark McEwan: That is an interesting challenge. Given the previous remarks following my last session here that we did not seem to be overly energised about certain aspects of this, it is very important, as the police officer leading for PSNI on EU exit matters, that I am considered in what I give as evidence to this Committee.

I do not want either to downplay or to spin anything, or, frankly, to overplay anything. We are seeing signals, as I said. There are signal incidents that have happened, particularly in recent days.

Q262 **Chair:** Could you flesh them out for us, please?

Mark McEwan: We are starting to see some incidents of graffiti. We are picking up social media sentiment of growing discontent, particularly within the Protestant, Unionist, loyalist community. That has not manifested itself in any outworkings at this point. I go back to the point about the coronavirus pandemic probably masking and potentially altering people's behaviour at this point, because people are very focused on it. They are very aware of their obligations around it, so that may moderate people's behaviour in terms of their desire to protest, for example. We are monitoring that very closely. We are working at a local level with communities but, at this point, that is where we are. Were we not in this current environment around the pandemic, we would probably see a more visible outworking of that on the streets of Northern Ireland.

Q263 **Ian Paisley:** I appreciate that you have to measure your language very cautiously in these circumstances, as you are on the record and there are people listening to every word, but we have moved from "some discontent" in your opening statement to "growing discontent" in that answer. I just wonder if you are anticipating any of the things that you have hinted at there, in terms of reactions to what is happening at the border posts or to how people view the south of Ireland or the rule of law in Northern Ireland. I am certainly picking up real strains, real anger and real bitterness from all sections within the Unionist community and it would be foolish not to be alive to that.

Mark McEwan: Of course, we are alive to it and have been anticipating it. In fact, as I gave evidence here before, the first phase of our Op Skies



response to this was based on a planning presumption that we may well see protests and disruption at the ports, and we have planned in terms of responding to that. We have been engaging with communities at all levels to try to monitor that and to ensure that we have a proportionate response to whatever we might see.

In terms of the member's question around the rule of law or views towards Ireland, I could not really comment on that. I do not have any evidence base to discuss that with the Committee, and I am quite comfortable in saying that, yes, there is a growing discontent there, based on the fact that we have seen an increasing number of signal incidents, such as graffiti, and sentiment monitoring that would point to that, and some low-level intelligence.

This is an important point. There are a couple of important dates ahead of us. The end of the grace period, on 31 March, will focus people's minds, I believe, in terms of how Northern Ireland looks and feels for certain members of our community. There is also the concurrency with the coronavirus period. If we get to the point where we do not have such stringent restrictions and where people are not as worried about the health crisis, we may start to see that manifest. If there is no change, we will potentially see that manifest in the likes of protests. Of course, we are prepared for that, talking to people about that and preparing to deal with it in a proportionate manner.

Q264 Ian Paisley: Two quick questions flow from that. First, have you had a readout from the loyalist commission meeting that they had with the Northern Ireland Office, and has that informed any of your thinking about this? That meeting took place in the last 10 days to two weeks. Secondly, are you aware of an RTÉ survey published earlier this week, which was specifically to do with the response to Covid? Over 70% in the Republic wanted to see the border with Northern Ireland closed on their side to help them deal with that. Is that informing any of your view at all, or is it too early to say?

Mark McEwan: In terms of our engagement with the loyalist community, we have a number of mechanisms whereby we do that. We engage locally with community leaders. I have not had a readout from the LCC meeting that the member talked about, but we do engage and we have our own intelligence picture as well. I suppose it would be fair to say that, at this moment in time, it is not causing significant concern but it is one that we are closely monitoring.

I am not aware of the survey that the member discusses, but we talk frequently with our colleagues in An Garda Síochána and we take the sentiment reading from them. It is an interesting statistic. The health crisis is probably focusing minds in Ireland, as much as I am qualified to speak on it. To the idea of closing the border, as the member puts it, of course the authorities in Ireland will have to take what steps they feel necessary for their own health crisis, but we have not had discussions about any such measures at all.



Ian Paisley: Thank you very much. That was very helpful.

Q265 **Claire Hanna:** Thank you very much for those answers. I and others appreciate that you give rational assessments and take your role seriously to calm rather than inflame, because it is important that we do not talk up or talk into trouble at a very tense and difficult time.

I just wanted to move on to goods. Have you noticed any increase in the amount of contraband that has been moved in or through Northern Ireland since the transition period ended?

Mark McEwan: We have not at this moment in time, but it is too early to say. It depends on the outworkings of the arrangements. Although there is no tariff differential, which would have been the obvious indicator, if we see goods that have, effectively, become more expensive and prohibitively so, or around which the certification process may become incredibly difficult, those are the sorts of things that we are scanning to see where the opportunities might be, so that we can tailor our operational activity to get ahead of organised criminality and to try to counter that.

It is very early stages to discuss, but working with colleagues in the NCA and national structures, as well as with the Joint Agency Task Force and colleagues in the south, we are very alive to the potential to exploit the common travel area for the movement of both goods and particularly people, whether that is around immigration or people trafficking, and not just the north-south dimension of that but east-west through to GB. That is an important point for us.

Q266 **Claire Hanna:** I know that colleagues will want to pick up on some of those other issues, but have you detected, with partners, other changes in patterns or routes that might be used by criminals to enter either market?

Mark McEwan: We have seen some activity around the new transport routes, particularly from Dunkirk to Rosslare. That was intercepted by An Garda Síochána in terms of people moving from, I believe, Syria. There was also a cash seizure. I cannot remember the exact total but it was a significant seizure under criminal assets of cash by An Garda Síochána, so we are starting to see organised criminality adapt to the new routes and new opportunities, as we would expect.

Q267 **Chair:** Can you assure us that the security forces, police and others, north and south of the border, are alert to the negative impact that human trafficking has on society on the whole of the island of Ireland? Is there as close a co-operation as you would like to see between the two jurisdictions to combat that? It can be in nobody's interest to see a trail of human misery being route marched across the island of Ireland.

Mark McEwan: I can give you the complete assurance that we are doing everything we can. We have, under the Organised Crime Task Force, a whole new work strand around Op Skies and EU exit. This is a key part of



that. We are also linked in, as I said before, at every level with the National Crime Agency, with UK arrangements and with north-south arrangements. We are moving the intensity of our Joint Agency Task Force meetings to a more regular rhythm in order to attend to this.

We are all acutely aware that, although these routes may appear to those who would seek to exploit people as an opportunity, for us they create even more risk in terms of the time that the poor victims may have to spend in whatever circumstances they find themselves being trafficked. That is of grave concern to us, and to our colleagues in An Garda Síochána and nationally.

Q268 **Scott Benton:** Good morning, Assistant Chief Constable. You have mentioned some of the EU databases that the UK has now lost access to. At this early stage, are you able to comment yet on the impact that the loss of access to these databases has had on policing operations?

Mark McEwan: As I said earlier, it is probably a little too early. We are still waiting to see the complete outworkings of ongoing negotiations on some elements, such as extradition. We have had some numbers activated in the last three weeks, with three outward movements to Ireland and two others to other European states. We have had no issues with those at this point, and we would expect that to go fairly smoothly.

The move from ECRIS to UK-CRIS has been very important for us in terms of accessing records, particularly around vetting and child safeguarding, for example. Those things are of real import for us, as they are for the UK as a whole, but particularly in terms of the north-south ambit, where people in Northern Ireland and Ireland live their lives in a cohesive manner on both sides of the border, for example. That has been useful for us and we have not experienced any issues with that at this point.

In terms of the second-generation Schengen arrangements, we are connected with the national effort on that, so that has not caused us any issues at this point. Our partners in Ireland, which are, it is fair to say, our largest partners in that, did not avail of it previously, so we have arrangements on a north-south basis that are still flowing well, and we are content with that.

Q269 **Scott Benton:** From your comments, to be absolutely crystal clear, I assume that the real-time, live sharing of information has not been affected. Are you able to state categorically that that is the case?

Mark McEwan: It has not been affected but I would add the caveat, as I have previously, that it is quite early. As with all these things, there may be unintended or unforeseen consequences that come to light in certain aspects of the process.

Q270 **Mr Campbell:** Assistant Chief Constable, I appreciate that it is only four weeks since the end of the transition period, and we have Covid as well, so one would expect criminal activity to take some time to gear up and



take advantage of any new arrangements that they might think the new circumstances offer. In the liaison between our Police Service of Northern Ireland and the Garda in the Republic, is there an understanding in the Republic's police service, to your belief, that it is mutually acceptable to both to get a resolution, whatever difficulties might emerge in the next six months post 1 April? One would presume that what happens in Dundalk today could happen in Newry tomorrow.

Mark McEwan: As I have outlined on a number of occasions, it is very important to emphasise that we have very good, longstanding working arrangements with colleagues in An Garda Síochána. There is a recognition of the global nature of organised criminality; indeed, organised criminality does not recognise borders. In terms of our joint working on this, there is very good co-operation. We are intensifying that co-operation and seeking to find ways to further solidify those arrangements and to become more effective. I am completely confident that there is that certainty in terms of the understanding, as the member puts it. At the end of the day, we are all law enforcement bodies. That is our role, our job and our mission.

I have seen real concerted effort and understanding between the Department of Justice and the Department of Justice in Ireland to make sure that we have the arrangements we need to enable that, so I am perfectly confident in that. As the member rightly points out, it is a little early to see what the opportunities are. However, I would say that organised criminality can move in a particularly agile way—Steve Rodhouse is going to be giving evidence later, and he is better equipped to comment on this than I am.

We have new routes into Ireland, and we are already starting to see some adjustment to that. We need to be as agile and as fleet of foot, so we are talking constantly with colleagues in Ireland. We have been preparing for this. In preparing for EU exit, we have been looking at potential protest activity and the disruption that we have seen on the eastern seaboard of Northern Ireland. We have been looking at how we support communities in border areas.

A large part of our focus has been on organised criminality. We have operations running from the end of last year right through to this year to tackle that and get ahead of it. We are doing that constant monitoring and scanning to see what the opportunities are, so that we have a good understanding of where they might go, along with our intelligence capacity and the ability to share information and intelligence with colleagues in the south.

Q271 **Mr Campbell:** Further to your comment about contemplating potential protests on the eastern seaboard boundary, has the Garda indicated to you any concern it might have on the Northern Ireland/Irish Republic border in terms of what potentially might or could—and hopefully will not—happen there?



Mark McEwan: There is no indication of any protest taking place there at this point. As you know, last year, on 31 January, we saw some protest. It was peaceful; it was to make a point. From that point of view, there was limited protest in the border area. At this point, we are not seeing any signals around that, but it is an important part of the medium to longer-term strategy to understand the impact, the sentiment and the feeling of communities in border areas, coming out of both the health crisis and EU exit, with the potential economic stresses and strains, along with broader sentiment.

That is combined with a potential increase in exploitation by organised criminality and what that does to communities, as well as those who would seek to exploit any of those vulnerabilities within communities for violent extremist purposes. We are very alive to all of that, and that, in terms of medium to long-term planning, is what we are focused on and will continue to focus on.

Q272 **Chair:** I know this probably sounds incredibly trite, but I am going to ask it none the less. Is your message as clear to those who need to hear it that, whatever the UK Parliament has decided through legislation should happen and whatever it seeks to make work, it is your job as the police service to make sure it is upheld, and that demonstration, graffiti and violence cannot and will not undermine or overturn the will expressed by a democratically elected House of Commons?

Mark McEwan: You say "to those who need to hear it." Our message has been consistent to all sections of society and to Government, with partners, throughout the planning of this response, both in listening to and hearing our communities and in responding to it. We have had an operational plan and a response plan for the contingency of protest manifesting itself, for disruption at the ports and for disruption of the traffic infrastructure. We are working very closely with our partners to ensure that their staff feel supported by us as well. We have been and are consistently very clear that actions such as graffiti will not be tolerated. It is criminal damage, to put it at its most simple level.

However, it is important that we are not trite in our treatment of that and that we understand those actions are a signal of other things going on in that community. We engage closely, as best we can, to listen to the discontent and where that might go. We have consistently said throughout our planning for this and through the pandemic that, where people feel moved to protest, they must understand the regulations that apply at the time, particularly pertaining to the health crisis, because that is balancing their right to protest with other people's and the general populace's right to life. We will deal with those protests in a proportionate manner. Indeed, we have been preparing a number of officers around protest liaison to ensure we get that right.

We have made the message clear to anyone who intends to protest that we would discourage it. That is not to undermine anyone's right to protest or to freedom of expression, but it is balancing that with the



HOUSE OF COMMONS

overall right to life, which is a pressing issue for us within the health crisis. As I said earlier, when we move beyond the restrictions of the health crisis, depending on where we are at that point around arrangements and how things feel in Northern Ireland, we may see elements of this community who would feel moved to protest. We will liaise and engage with them, and we will facilitate protest where it is lawful and peaceful, as is people's right, but we will balance it against the broader rights of the rest of society.

Q273 Chair: I presume you will be future proofing your strategies proactively rather than reactively responding to something when Covid-related restrictions either are eased or expire.

Mark McEwan: We have been planning for this eventuality for over two years now, so we are certainly being proactive in all the scenarios that we might face.

Q274 Mr Goodwill: Good morning, Assistant Chief Constable. You have already given us some welcome reassurances about what effect losing access to the second-generation Schengen Information System, SIS II, would have on your operational capabilities. Could I ask two specific questions? First, you said that you have very good pre-existing operational contacts in the Republic of Ireland and, indeed, despite the fact that Ireland joined SIS II on 1 January, nothing seems to have changed. Do you expect the existing situation to continue indefinitely, or will there be some sort of evolution or transition to the relationship that you have with the other countries around and outside the European Union? Indeed, there are 31 countries currently in SIS II.

Secondly, in terms of countries other than the Republic of Ireland, might the threshold be lowered, in terms of the severity of the offence or the level of concern you have about an individual, so that you would be asking fewer questions of the new arrangements than you did under SIS II?

Mark McEwan: Could I ask the member to break that down again and maybe give me the first part of the question?

Mr Goodwill: You told us that you had pre-existing arrangements with the Republic of Ireland, which you use on an operational basis, using radio communication et cetera. Do you expect that to continue as it is, despite the fact that the Republic has recently joined SIS II, or will there be some transition into the type of relationship that you would have with, say, France, which is in SIS II? I hope you are going to say yes, because you will have a much better level of co-operation, but, now that they are in SIS II, the model of co-operation that you have with other SIS II countries might become the norm.

Mark McEwan: In terms of the broader interactions with other SIS II countries, we are plugged into the Home Office negotiations around any bilateral arrangements that might bring at a UK level. I will, indeed, give you an assurance and say that, yes, I do anticipate our close relationship



HOUSE OF COMMONS

with Ireland to continue. There is a difference here in the uniqueness of the land border. As we talked about before, one of the key focuses of our response is that there are cohesive communities who live their daily lives on both sides of that border. There are elements of information sharing that are perhaps more intensified for us here, in terms of missing vulnerable persons and the other vetting and safeguarding arrangements that I discussed earlier, albeit we have retained most of those through ECRIS.

There is that ongoing relationship with Ireland to support those communities and to support the broader community because, as Claire Hanna said earlier, the border stretches quite far when we start to look at daily arrangements for people. That is a key part of our ongoing relationship, and we are seeking to build further relationships in terms of both organised crime and our response to that, and community policing and how we support those communities, so I fully anticipate seeing that grow and flourish.

Q275 Fay Jones: Good morning, Assistant Chief Constable. I just wanted to pick up on ECRIS, which you have mentioned. Under the terms of the deal, the UK has lost access to ECRIS, so I wondered if you might expand on the impact that is having.

Mark McEwan: Although ECRIS has changed to UK-CRIS, as it is now known, a negotiated outcome means that we still have access to the information, so it is important to differentiate between the titles and the purpose. There is a negotiated agreement that we will receive that information within 20 days. Operationally, sometimes that can shift. Under a non-negotiated outcome, we would have anticipated receiving that information in something like 65 days, so the negotiated outcome on this is heartening for us. The previous arrangement was that it would be 10 days, but it did not necessarily work in that way operationally. As with many of these processes, it is subject to supply and demand, I suppose.

We do not believe that the shift in that system will be detrimental to us, but, as with all these things, we are keeping it under review with other criminal justice partners, including the Public Prosecution Service and the Department of Justice here, and then nationally, to see if there are any of those unforeseen things that processes throw up from time to time.

Q276 Fay Jones: You have mentioned once or twice this morning your good relationships with other forces. Is that helping to exchange data more quickly than the 20-day limit, or have I just understood that the 20-day limit is appropriate?

Mark McEwan: A 20-day limit is appropriate. I would be very content with that. The relationship with other police services and police forces across the UK always helps, but we are confident and comfortable with the fact that we are linked in with the national structures under the ICCC and the National Police Chiefs' Council direction. We work through those systems. We have embeddedness within ICCC. We have been well



HOUSE OF COMMONS

consulted along the way in terms of how we interact with the national structures. We retain a standalone capability in Northern Ireland, but we are well plugged into the national structures.

Q277 **Fay Jones:** Does that apply to law enforcement agencies in the Republic of Ireland as well?

Mark McEwan: Yes, absolutely. That is really the point that comes out here most importantly. The fact that we have our own standalone capability here allows us to interact with partners in Ireland directly. That is critically important for us, for all the reasons I have mentioned.

Q278 **Mr Campbell:** Assistant Chief Constable, you said the previous arrangement was 10 days, but in practice it did not always work like that, if I could summarise what you said. Could you put an average on how it did work? Was it 12 days or 14? In real life, what were the 10 days?

Mark McEwan: It would vary. I do not have an average figure for you at this point, and I would not want to mislead the Committee. It would depend on the type of case and the information that we were requesting. I could supply some information on that in writing, if that would help.

Chair: Yes, to see that sort of data would be very helpful to us.

Q279 **Stephanie Peacock:** Good morning. What effect, if any, will the loss of the arrest records from the police national computer have on public safety in Northern Ireland?

Mark McEwan: At this point, we are liaising and we are part of the overall structure, led by Deputy Chief Constable Malik through NPCC, for examining exactly what the impact of the loss might be on Northern Ireland, and what is lost and what is recoverable. We have slightly different arrangements in Northern Ireland, although we are linked into the police national computer. This is being dealt with by the Home Office and the Home Secretary, so I am not really able to comment on it any further at this point.

Q280 **Chair:** For those databases that you have under your control and jurisdiction, do you have a backup service?

Mark McEwan: We have our own standalone capability here and we interact slightly differently with PNC and a number of other forces and services. We are a niche organisation in the computer system that we use, so we have different arrangements. However, the full impact and assessment of this is still being worked through, and I am not really able to comment on it further.

Q281 **Chair:** I understand that; it is a Home Office lead. In those things that are unique and bespoke to PSNI, do you have backup records, so that the erroneous flick of a switch on one machine cannot delete all the data that you hold? Is there a disk somewhere, or something?

Mark McEwan: Yes, we do. As you would understand, in terms of giving an absolute assurance to this Committee, these things are complex and



HOUSE OF COMMONS

need to be worked through, and I do not want to say something that could be misleading. We need to work through the ongoing assessment of this issue, and we will see where it takes us.

Q282 **Chair:** Perhaps you could give us a note on that in due course.

Mark McEwan: I would be happy to.

Q283 **Chair:** I would work on the presumption, I hope not fancifully, that there will now not be a single police force in the country that, if it has any bespoke and unique data within its geography, has not very hurriedly called in its IT expert to ask, "If all this is lost, do we have a backup and reserve copy?"

Mark McEwan: I understand the point, and I am reasonably confident. I do not want to go any further than that for fear of misleading the Committee.

Q284 **Chair:** No, I do not doubt that. Given the importance, are you happy to undertake to give us a note on that?

Mark McEwan: Yes.

Stephen Farry: I have some very fond memories of ACC McEwan as my local police commander in Bangor many years ago, but I will not go down memory lane.

Chair: Could you save your anecdotes for another occasion, Mr Farry? I am sure they are fascinating.

Q285 **Stephen Farry:** How important is an agreement being reached over the coming months on data adequacy going to be for co-operation between the PSNI and the Garda? In the event that does not happen, or if there is some wider hitch, is there a fallback plan or a plan B as to how information can still be shared through some sort of suboptimal workaround?

Mark McEwan: It is fair to say that data adequacy is the foundation of all our co-operation and collaboration arrangements. We are confident at this point that it is a national, UK-wide negotiation. We are working with the national bodies, as always, to ensure we play our part in this, so we are reasonably confident that we will achieve that. In terms of a fallback to that, at some levels it will have to be worked through on a national basis.

Again, I refer to our arrangements with An Garda Síochána. We can exchange information between law enforcement agencies under the various conventions that allow us to do so. While we are confident, we are working with the national structures on national contingencies if that does not come to fruition, so there is a plan for that. It is not one that we lead as PSNI. It is one on which we are tied into the national structures.

Q286 **Stephen Farry:** In the event that there is no outcome, which has to be on the risk register, is that a showstopper on some aspects of co-



operation?

Mark McEwan: At this point, it is not a showstopper, but we are working with Home Office colleagues. There is a six-month deadline to this, and we are doing everything we can on achieving data adequacy and on the national contingencies that would have to be implemented if that were the case.

Q287 **Chair:** From your assessment and understanding—again, this might sound like an absolutely banal question, but sometimes those are the ones that need asking—are you persuaded that the Home Office is entirely cognisant of the importance of data adequacy vis-à-vis policing on the island?

Mark McEwan: Yes, I am. Through partners in the Department of Justice here in Northern Ireland and through the national structures, we have emphasised the absolute importance for us of a data-sharing capability with colleagues in Ireland. Although there is a unique aspect to this for us, as I discussed earlier, particularly around quality of life, enabling data sharing on people's lifestyles and dealing with things like missing persons at that lower-level end, which are very impactful in the community, it is also important to say that this is critical for all of us, given the volume of people who still move through the UK as a whole, including Northern Ireland, from various parts of Europe.

While we focus a lot on our relationship with Ireland, it is important not to lose sight of the fact that, as with other services in the UK, the rest of Europe is critically important to us, too.

Q288 **Fay Jones:** I have a slightly similar question to the one I asked a moment ago, but around Europol and Eurojust. It is my understanding that UK law enforcement agencies can still be involved in the joint investigation teams that are facilitated by Europol and Eurojust, but could you confirm whether that is the case?

Mark McEwan: Yes, I can. We have three joint investigation teams running at the moment. We can still be involved in those. Funding for those tends to go through our European partners. For us, that is primarily Ireland but it also involves other countries. Lithuania and Romania are the other two that we are currently involved with.

Q289 **Fay Jones:** Are you able to instigate those teams, or are you brought into them?

Mark McEwan: We would have discussions with partners in other countries. We do not instigate them, but we can be a full member of them.

Q290 **Fay Jones:** Is that a change from the way in which it worked in the past? Were we able to instigate them in the past but not now?

Mark McEwan: I understand that is correct.



Q291 **Chair:** What is your assessment of the impact of that change, of not being able to initiate?

Mark McEwan: We have not experienced that impact. It has not had a negative impact at this point, and it is one that we would not really expect to see. The point of a joint investigation team is that it is in the interest of both or all parties to carry that out. A little like some of the questions and issues we discussed earlier, if I take Ireland as an example, we would be very surprised to discover that another country did not want our assistance or did not want to work jointly in an investigation that benefits us both.

Q292 **Chair:** It may be that you could add a line to the growing note that you very kindly agreed to send. Could you give us the figures for maybe the last two calendar years on JITs that you have initiated?

Mark McEwan: I will do, yes.

Q293 **Ian Paisley:** I want to turn to the issue of extradition. In November, you described an extradition agreement based on the Norway-Iceland model as a good alternative, however suboptimal. How do the suspect surrender arrangements in the trade and co-operation agreement compare with those under the European arrest warrant, or is it too early to say?

Mark McEwan: In short, it is too early to say. There are ongoing negotiations at UK Government level over the next two months, in terms of countries where nationality comes into whether suspects would be extradited. We will have to wait and see how that plays out. Even within that, there are probably other fallback arrangements around having individuals prosecuted in their own country, but a lot of that has to be teased out over the next two months.

Q294 **Ian Paisley:** Have you run a test model or scenario to assess the new arrangements in any way, just in case, to get to grips with how the process would work?

Mark McEwan: Yes. We have looked at the process mapping for PSNI. We have not gone further than that. This is another one where we are linked into the national effort, if you like, and we genuinely need to see how some of those negotiations play out.

Q295 **Ian Paisley:** There was nothing flagged up in your mapping that would worry you?

Mark McEwan: It is too early to say.

Q296 **Ian Paisley:** How will the requirement for dual criminality impact on extradition processes between law enforcement agencies—the Police Service of Northern Ireland and the Guards?

Mark McEwan: It will impact. The two countries are very closely aligned, so, at such a serious level of criminality that we would be seeking to extradite somebody, we do not anticipate it having an impact in that way. In terms of nationality, it remains to be bottomed out, but neither the UK



nor Ireland has previously or at this point, as I understand it, put that as a precursor around extradition, so that will not impact on our relationship with Ireland.

Q297 Ian Paisley: I never cease to be impressed at the good relationships that exist between the Guards and the PSNI. From my police board days right the way through, that has always been front and centre. Are you concerned or does it pose any dilemma at all to you that the Republic's Government do not appear to be able to share with Northern Ireland locator forms for people travelling into the Republic of Ireland? Would you be able to give them any pointers as to how to get on to sharing information so easily?

Mark McEwan: In terms of that specific issue, it is not one that I am across the detail of at this point. It has come to the fore in recent days, and I know my colleague is looking at it.

Q298 Chair: Are we adding another paragraph to our note?

Mark McEwan: We can, yes.

Q299 Ian Paisley: I assume that some of the information on the travel locator forms may be of some interest to law enforcement agencies, given some of the people who may be travelling.

Mark McEwan: They will do, but I need to be clear on what falls to direct information sharing between An Garda Síochána and PSNI, and what would be routed through other processes. We would probably need to channel that through the Department of Justice here and the Department of Justice in Ireland, to see what that process would look like.

Chair: We look forward to hearing from you on that.

Ian Paisley: I must say that I did not really expect that the shared locator forms would give you a lot of intel. I would say your intel is way ahead of where those forms would be.

Bob Stewart: It is very nice to see you again, Assistant Chief Constable. My question is about the Joint Agency Task Force. You have already said how well the liaison is going between the Police Service of Northern Ireland and the Guards, and I must say I have always liked the Guards when I have been involved with them infrequently.

Chair: This is not another Bob Stewart confession, is it? What are we having this morning, Bob: "My part in Hitler's downfall"?

Bob Stewart: You told me not to say this.

Chair: I know, and you did not listen.

Q300 Bob Stewart: It is you who has delayed my questions. Assistant Chief Constable, you think the Joint Agency Task Force works quite well. Does it work quite well from your point of view?

Mark McEwan: The short answer is, yes, it does. We do a lot together at that strategic level, setting the direction, looking at the information that



HOUSE OF COMMONS

we share and understanding what it is that we need to address at the operational level. We are in discussions about increasing the tempo of the strategic-level meetings. We have a subgroup that reports through the Organised Crime Task Force to the Joint Agency Task Force, the strategic and operational levels. There is a specific strand now on EU exit and potential criminality, called Operation Fusion. That is up and running, and we had a number of operations running prior to the transition date.

We are in unusual times, so our annual conference was held by webinar in December, but we will continue to build and grow that. I mentioned here our ambition for a crime campus in Northern Ireland, and we are moving ahead with that. We have commissioned the terms of reference for that in discussions with the Department of Finance here. We would see the joint elements of our tackling organised crime being a key part of our future drive on that, with input at least from An Garda Síochána to continue with those at both a strategic and an operational level.

Q301 Bob Stewart: You have merged my second question, which is about the oversight group and the co-ordination group. Fundamentally, you want them to meet more often, but the fact of the matter is, I suspect—having been slightly involved with the sorts of operations you have been involved with—that it is a daily contact, if necessary. If there is a problem, you just get on the phone or some classified system to talk to your people south of the border.

My last question is slightly different, and it is on the 38th Infantry Brigade in Northern Ireland, the regular and reserve Army component. I presume that they are confined to barracks when it comes to security now, but are there instances when you ask for assistance in patrolling the border, or is that now no longer acceptable?

Mark McEwan: No, that is not where we are at. It is not within my remit but, categorically, no. The border operations are between us and An Garda Síochána.

Bob Stewart: I thought that would be your answer, so forgive me for even asking it, but I just wanted to clarify.

Q302 Chair: Just before we release you, could you give a short update, please, on progress on the establishment of the Northern Ireland centre of excellence for crime co-operation?

Mark McEwan: I touched upon that in my last answer. We are pushing ahead with it. The Gartcosh model in Scotland is probably the one that we would seek to emulate. We have been talking about it with the Department of Justice here. We have commissioned the terms of reference as to how that might look. We have had a number of conversations and discussions with the Department of Finance and the Executive, and we are looking at engaging partners at this point to see our route to achieving that. We are pushing ahead.

Q303 Chair: What is the status of the talks with the Department of Finance?



Mark McEwan: They are positive. These things are not quick and they will take a number of years, but everyone involved in the discussions understands the need and the benefits that we could get from creating the crime campus, so we are pushing ahead and, at this point, it is a positive outlook.

Q304 **Chair:** I still chortle at the phrase “crime campus.” It has this idea of people going off to learn how to be criminals. You say it will take a number of years. Can we or should we wait that long? Should there not be more energy behind this?

Mark McEwan: There are two separate things here. There are the arrangements that we have discussed in terms of the Joint Agency Task Force, further building relationships, exchange of information and joint operations between not only us and An Garda Síochána, but us and Police Scotland and us and the north-west region of England, particularly looking at that common travel area and the east-west dimension of EU exit. They push on regardless.

On the crime campus, we will figure out the naming convention before we ever get to digging any soil, but that is about solidifying and taking best practice from Scotland, and seeking to establish that clearly for ourselves.

Q305 **Chair:** Are you involving the Dyfed-Powys Police?

Mark McEwan: Yes, we link directly with any of the services that are touched by this, but our primary focus is Merseyside Police and Police Scotland.

Q306 **Chair:** Thank you very much indeed. We have no further questions for you. Can I thank you very much for your time and for taking our questions this morning? It is never easy when it is one witness against a whole Committee, so we are very grateful to you, and for the broadly encouraging picture that you have painted for the Committee. You will have had exactly the same concerns that the Committee had some weeks ago, and it is a relief that these things are playing out very well. We look forward, as time elapses and things have bedded in, to hearing back from you and colleagues on progress. It is a watching brief. Thank you very much indeed for joining us.

Mark McEwan: If I may mention one matter, for absolute clarity, because it is a contentious issue. We discussed the involvement of military support. I would highlight to the Committee that we do, through protocols, utilise the services of the military EOD, and there have been other sorts of military support. For absolute accuracy, that is where it sits. Thank you very much.

Chair: Thank you very much indeed.

Examination of Witnesses



HOUSE OF COMMONS

Witnesses: Paul Morgan and Steve Rodhouse.

Chair: We now turn to our second session and our second set of witnesses. We are joined now by Steve Rodhouse, director-general of operations at the NCA, and Paul Morgan CBE, the senior director of Border Force. Gentlemen, you are very welcome, and thank you for finding the time to appear before us this morning. I am going to leave you to the tender mercies of Claire Hanna, who has our first question for this session.

Q307 **Claire Hanna:** Thank you very much, witnesses, for joining us. How has the end of the transition period affected or changed how you are policing ports and airports?

Paul Morgan: In terms of the situation at the ports, this is something that we have been preparing for, as you will appreciate, for some time as we moved through the transition period. At the moment, goods are flowing effectively between GB and Northern Ireland, about 1,000 trucks a day, and we are not seeing any significant queues, delays or restrictions to critical goods passing across that route.

Q308 **Claire Hanna:** In terms of managing people, how are you going about ensuring that there is no racial profiling, or a perception of racial profiling, at ports of entry? I am sure that colleagues are aware of reports of people who are resident here, or who are entitled to be here, but who are non-white and are finding that they are stopped every time they come into Northern Ireland.

Paul Morgan: Border Force officers, as do other law enforcement agency officers, receive detailed training in terms of profiling and racial awareness. Our officers are specifically trained not to operate in that manner. Our work is based on immigration rules and regulations, and those are applied effectively. Officers, as I said, receive extensive training in the areas you have mentioned, so that we do not racially profile.

Q309 **Claire Hanna:** In what way do they address the fact that EU and other migrants are not fully accommodated by the common travel area? Evidence will show that there are statistically much larger numbers of non-white people being stopped. Of course, we know about quite excessive use of schedule 7 to the Terrorism Act. What tools do you put in place to decide whom to stop at ports of entry?

Paul Morgan: Across the common travel area, Border Force does not operate controls because of the nature of the common travel area. That question may be more for my colleague Mr Rodhouse, in terms of police operations on counter-terrorism, et cetera.

Steve Rodhouse: The National Crime Agency does not have responsibility for the work that has been referred to there, so I am afraid I cannot add anything in that respect.

Q310 **Chair:** Who does?



HOUSE OF COMMONS

Steve Rodhouse: That would be policing. The National Crime Agency does not have that responsibility. That would be counter-terrorism policing.

Claire Hanna: The statistical analysis is there, and I just hope it is borne in mind now and as we work through the new arrangements.

Q311 **Chair:** Mr Morgan, in terms of staff resourcing to meet the new challenges, et cetera, are you adequately resourced?

Paul Morgan: We are adequately resourced. As I said, we have been preparing for 1 January for some time—in fact, for EU exit, for over three and a half years. We have uplifted our overall staffing complement by 1,300 additional Border Force officers across the UK, and we will further increase that number over the next six to nine months.

Q312 **Chair:** How does that manifest itself vis-à-vis Northern Ireland?

Paul Morgan: Part of that contingent has been deployed to assist in Northern Ireland in terms of the new customs controls that are required under the Northern Ireland protocol. It is a small contingent because the agreement was that the operations of Border Force, given the new requirements under the Northern Ireland protocol, would be conducted in a low-key manner, with a lot of those checks conducted electronically, including on import declarations and safety and security declarations. We have deployed staff to Northern Ireland, who will be deployed across all the Northern Ireland ports, from Belfast to Larne and Warrenpoint. That number is shared across those ports.

Q313 **Chair:** In terms of numbers, how many of your staff were on the ground across Northern Ireland last June, for example, and how many do you have today?

Paul Morgan: In terms of overall numbers, we had approximately 100 staff deployed in Northern Ireland, who have been operating as they always have done, dealing with border security and arrivals from the rest of the world, and doing anti-smuggling work. We have uplifted that number by an additional 50 full-time staff to take account of the additional work we are now conducting under the Northern Ireland protocol.

Q314 **Chair:** It is 150 staff, or a 50% uplift.

Paul Morgan: Yes.

Q315 **Fay Jones:** Perhaps this is a question for Mr Rodhouse in the first instance. I wanted to ask you about organised crime, and whether there has been any change since the end of the transition period and the introduction of the Northern Ireland protocol. Have you detected anything different in the activities of organised crime gangs?

Steve Rodhouse: The short answer is no, but there are two reasons for that that I would want to caveat. First, as Mark McEwan said several times, it is too early to say. It is very early to say. Secondly, it is an



HOUSE OF COMMONS

unusual time, for obvious reasons, in terms of Covid. A lot of organised crime revolves around movements of people and, of course, movements of people have been very different in recent months, so we do not have a comparative period from previous years. We have not noticed a significant change around organised crime since the introduction of the TCA, but I need to be realistic here. We know that organised criminals are agile and inventive, and will find ways to exploit a situation for their benefit. It would be wrong to ignore that possibility.

We have noticed, and Mark talked about this, an increase in direct traffic from the continent into Ireland, with increasing routes and increasing numbers of people. It would be reasonable to assume that a proportion of those people will be involved in criminality. That would seem to be a reasonable hypothesis, but we have not seen any real implications of that yet. We are very conscious of the role of the common travel area and the possibility of Ireland being used as a back door into GB. Along with our colleagues in the multi-agency hubs, we are standing up an awful lot of additional work to monitor that, but it is too early to say at the moment, I am afraid.

Paul Morgan: Mr Rodhouse makes a very good point. Organised crime gangs react to changes at the border, and I am sure they will change their modus operandi in response to the new EU-UK operations at the border as a result of the UK leaving the EU. That is something that Border Force closely monitors. We will be monitoring, for example—and Mr Rodhouse touched on it—ferry routes coming in directly from the continent to Ireland, and the situation there in terms of onward movement to Northern Ireland across the land border.

We are three weeks in, and it is too early to say. We have seen no evidence as yet of any increased criminality across those routes, but we will continue to monitor that and we will work very closely with our NCA colleagues, with PSNI and with the Garda to monitor the situation over the coming weeks and months.

Q316 **Mr Campbell:** Mr Morgan, how does that co-operation with the Garda and the other security services in the Republic, on cross-border activity, manifest itself? How has it manifested itself in these strange times over the past four weeks?

Paul Morgan: The relationship between Border Force and other law enforcement agencies such as the Garda is longstanding. We exchange information and we do joint training courses, for example. We share and meet in terms of wider criminality and international criminality. It is along those lines rather than joint operations, as you were touching on there. It is a sharing, training and liaison relationship.

Q317 **Mr Campbell:** How has the common travel area forum proved to be of benefit in the context that you are talking about?



HOUSE OF COMMONS

Paul Morgan: The security of the common travel area is dependent upon security around the external border, so it is important that foreign nationals, for example, flying into Ireland are controlled effectively. We work with our law enforcement partners to ensure that is the case.

Q318 **Mr Campbell:** You mentioned ferries. Let us take ferries and airlines coming into the Republic, into Dublin or whatever airport. If you have a view or some information that indicates there are one or more people on a ferry or a plane arriving in the Republic who you feel are involved in criminal activity and are destined for either Northern Ireland or GB, what is the relationship like in terms of sharing that information. If they arrive in the Republic, it is the Republic authorities' duty and obligation to be aware of that and then to notify you if they think that is the case. What has been your experience of that?

Paul Morgan: My experience has been that that is a collaborative, productive and fruitful relationship. Where there is a necessity to share information of that nature, we do so.

Q319 **Mr Campbell:** Have you had any problems with people who you think are coming your way and have arrived in the Republic, and for some reason there has been a hiccup or a problem in getting the information about what flight or what ferry they are on?

Paul Morgan: I am not aware of any problems of that nature. The relationship is a collaborative one and we will share that information. If we are starting to see abuse of the land border, with people using that route to come into Northern Ireland and across to the wider UK, that is something we would analyse and liaise on with our Irish law enforcement partners to discuss the wider security of the common travel area.

Q320 **Chair:** How would you be made aware?

Paul Morgan: As I said, we have regular liaison and meetings to discuss trends and what is happening in terms of organised crime and illegal migration.

Q321 **Chair:** What about outwith that cycle of meetings?

Paul Morgan: We have telephone contact between UK ports and our Irish counterparts, in terms of any necessary alerts, but the majority of our work is done on a liaison basis through regular meetings and collaboration.

Chair: Thank you very much. That is helpful.

Q322 **Ian Paisley:** Is the Republic's authority sharing the travel locator forms with you? It sounds to me that they maybe are. Is that the case?

Paul Morgan: I am not aware of the answer to that question, I am afraid. I would have to come back to the Committee on that one.

Q323 **Ian Paisley:** I have a fear that these forms, which are hand-filled by travellers on airplanes, are subject to complete and total distortion. They



can be filled in with any name and any address. You could write "Mickey Mouse," or say, "I am travelling further north," and they are, therefore, not looked at. The vast majority of them are binned and there is zero control or knowledge in the Republic of Ireland of who is entering from these locator forms. They seem to be a bit of a gimmick. I am just wondering whether you have seen or had any access to them whatsoever.

Paul Morgan: I can comment from a Border Force perspective, in that passengers arriving in the United Kingdom have their passenger locator forms checked. We check a certain percentage for consistency to make sure that those forms have been filled in correctly. There is follow-up from other agencies, the Department of Health for example, in terms of contacting people who have come in and are self-isolating, at the addresses and phone numbers that are given. There is a structure around that to make sure that the passenger locator forms are being completed. We also work in collaboration with the airlines and the ferry companies, for example, to make sure that passengers who are using those routes are checked by the airlines before they board the plane.

Q324 **Ian Paisley:** I have no difficulty with how this happens in the UK. It is, from my understanding, a much more complex system and, as you said, it is subject to checks and balances. Woe betide someone who tried to get around it in the way that, as I described it, appears to happen in the Republic of Ireland. They probably would not get into the country or would certainly face a lot of stiff questioning.

I must commend both you gentlemen for the work you do at the National Crime Agency and Border Force. That is not my question. Is there any sharing of the locator forms between your agencies and the Republic of Ireland? From what I am getting, there does not appear to be a sharing of information and it may actually be duff anyway.

Paul Morgan: I am afraid I am not aware of the information being shared by the Irish authorities with the UK authorities. I am not aware of the answer to that question.

Ian Paisley: Thank you for the description you gave of how the process works properly in the UK.

Q325 **Chair:** Mr Morgan, could you give us a note on that, please? You mentioned in answer to Mr Paisley that a percentage of these are looked at. On average, what is the percentage?

Paul Morgan: My understanding is that, looking back over the last couple of weeks, up to 30% of forms have been checked by Border Force. As I said before, there is a requirement on airlines and ferry companies to ensure that passengers have completed those forms before they board. We are now working to increase that percentage of checking to a higher number. That is in line with the more stringent—

Q326 **Chair:** What is that higher number?



HOUSE OF COMMONS

Paul Morgan: In terms of pre-departure tests, which are the negative Covid tests, we are looking at moving towards 100%.

Q327 **Chair:** Over what timeframe?

Paul Morgan: I am not aware of what the timeframe would be, but we are looking to move rapidly to 100% testing.

Q328 **Chair:** Could you define "rapidly"?

Paul Morgan: I would say within a matter of weeks rather than months.

Q329 **Ian Paisley:** To be clear, that is for international travellers not domestic travellers. Am I right?

Paul Morgan: That is for international travellers, yes.

Q330 **Ian Paisley:** Most of these questions about locator forms would only affect international visitors coming in and out of the Republic of Ireland and in and out of Northern Ireland, for which there is very limited opportunity in Northern Ireland, but there is quite extensive opportunity in the Republic.

It gives rise to my question about tackling human trafficking, which, as you know, is a pernicious evil, co-ordinated on sometimes a worldwide scale by very evil people. I am wondering how the crime agencies co-operate to tackle human trafficking. What steps can be taken to enhance information recording and data sharing relating to sea travel, and in some instances air travel, when it comes to preventing vulnerable persons from being moved against their will for human trafficking purposes?

Paul Morgan: I am sure Mr Rodhouse will want to comment on this, but we work very closely with other law enforcement agencies and other bilateral partners in terms of human trafficking. Border Force officers are specifically trained on protection of vulnerable persons and to identify those who are being trafficked. We work very closely to refer any people who are identified to receive protection, and we look to prosecute those we identify as being involved in organised crime around human trafficking.

That is something we are very conscious of, as we discussed at the beginning of the conversation, in terms of the changes between the UK and the EU, with EU nationals now requiring work permits in certain cases and a continuing demand for low-skilled workers where those routes are not existing now. That is something where we may see attempts to circumvent the controls that have now been put in place. We are alive to that, and we are working very closely with our law enforcement partners, including the National Crime Agency, in terms of what is happening and developing at the border. We will be monitoring that going forward.

Q331 **Ian Paisley:** How big a problem would you say that human trafficking is in terms of scale in Northern Ireland? When you look at all the other



HOUSE OF COMMONS

problems and crime issues that you gentlemen have to deal with, where does it sit?

Paul Morgan: It is not right up at the upper end of the scale. That is not to say we do not see some evidence of it, but it is not a significant problem. We are alive to it and continue to monitor it, and we will do so under the new arrangements with the EU and possible other routes opening up.

Q332 **Ian Paisley:** Have you any fear of people who are trafficked into the Republic of Ireland, because of the common travel arrangement we have on the island of Ireland, being able to make their way on to UK soil, either into Northern Ireland or into GB?

Paul Morgan: We will monitor that. It is a risk through that route, but we have worked collaboratively over a number of years on the common travel area, to make sure that it is secure and is not exploited by organised crime. As I said and as ACC McEwan said in his evidence, this is a new situation now and it is early days, and we need to monitor how organised crime reacts to the new routes and the new regulations that are in place.

We will continue to do so, because the protection of vulnerable persons and those being trafficked is a high priority for the Border Force. We do a lot of work in that area to safeguard and make sure that those involved in that trade are brought to justice and prosecuted. We have some considerable success in that area.

Q333 **Stephanie Peacock:** Good morning. What mitigations are in place to alert the police and security services in Northern Ireland to people of interest, with regard to the loss of access to SIS II and the Interpol information system?

Chair: That might be Mr Rodhouse's bag.

Steve Rodhouse: I am very happy if Paul wants to talk about that. I have spoken to this Committee and a number of other Committees about the importance of data sharing after EU exit. I have talked positively about the importance of SIS II as a system and that is true, because it has been a very integrated Europe-wide system that provides important information right to the frontline. We were clear that we would have preferred SIS II to remain a system that we had access to. However, that is not the case. The EU was clear it did not have a legal basis for allowing us to continue having access to SIS II, and we have always been clear that our mitigation and alternative system is the Interpol I-24/7 notice system.

There is a very similar degree of functionality across a lot of those systems. The data that the I-24/7 system carries, including alerts for wanted people, is very similar to the data on the Schengen Information System. We have worked really hard to make sure that the relevant data from I-24/7 is available to frontline officers and law enforcement across



HOUSE OF COMMONS

the UK. When we look at the data, we can see there is a significant overlap, so we are confident that there is not a data loss in relying on I-24/7 rather than SIS II.

The caveat I have always put on this is that, going forward, we are reliant on EU member states making use of the I-24/7 system. To some extent, that relies on them doing additional work and potentially dual entering. If they have somebody who they feel is wanted in Europe, they would typically use the Schengen Information System to circulate them across Europe. Going forward, we are asking those EU member states to no doubt do that but, if they believe there is a possibility that person might be within the UK, they would also need to take out an Interpol red notice or diffusion, and circulate it via the I-24/7 system.

We are confident that EU member states understand that, and they have responded positively when we have spoken about the need to do that, but, as Mark McEwan said, it is very early days. In terms of the system and the access to the data, there is no reason why it should be suboptimal, but we need to ensure that the system is well used.

In terms of the timeliness of that data, which is an issue that has been raised, the reality is that, when data from I-24/7 are communicated to the UK—red notices for arrest and things like that—they are placed on the police national computer within a very short period. Once they are on the police national computer, they are available to frontline officers, so there is not a significant delay in accessing that data. There is not a major loss of functionality or a major loss of data, but we will remain vigilant to ensure that the system is being used not just in the UK, but by EU member states, so that we have as full access as possible.

Q334 Mr Goodwill: Mr Morgan, does Border Force use a passenger name records database when co-operating with Irish crime agencies to maintain the security of the common travel area and to monitor movement of people who may pose a threat?

Paul Morgan: Yes, we do. Passenger name records, which we have retained under arrangements with the EU, are very important in tracking cross-border criminality. We continue to receive that data, which is very useful in tracking that criminality. It is a fundamental part of our analysis and tracking of cross-border criminality going forward that those records are still retained and received by Border Force.

Q335 Mr Goodwill: Further to that, do the arrangements under the trade and co-operation agreement alter how that co-operation actually functions in practice?

Paul Morgan: No, those records are still received by Border Force.

Q336 Mr Goodwill: Can you give any assurances on the way these records taken by Border Force are kept in line with data protection standards?



Paul Morgan: We have the highest data protection standards for law enforcement data retained by the UK authorities, so I can give you that assurance.

Q337 **Mr Goodwill:** Could I just ask a question about exit checks? When I was Immigration Minister, one of the frustrations was that, if an American tourist arrived at Heathrow but left from Shannon, we did not pick them up leaving the United Kingdom. They were perfectly law-abiding people, but we did not know they had left. Has any progress been made in the time since I was at the Home Office to work with the Irish Republic to ensure that we pick up people leaving, so we can better identify immigration overstayers or other criminals?

Paul Morgan: That data is not shared as a matter of course.

Mr Goodwill: Thanks very much. There has been no change since I was there, really.

Q338 **Stephen Farry:** Good morning to our witnesses. I want to turn to the issue of data adequacy and ask a couple of interrelated questions. First, what still needs to be done to ensure that the UK receives that adequacy recognition within the next number of months? Secondly, in the event that does not happen, in effect, what are the consequences going to be? Is this a showstopper to some extent, or do you have a plan B that would be suboptimal but would still allow some data to be shared?

Steve Rodhouse: Data adequacy is important, but the negotiations around data adequacy are separate from the trade and co-operation agreement and are ongoing at the moment, so I would not want to prejudice those. As you may know, we are currently able to exchange data under some bridging mechanisms that will persist for the next six months.

In the event that there is no data adequacy agreement—and I am not the right person to speak about what needs to be done to secure one, to be honest—we would be reliant on the EU member states accepting our data adequacy assurances and the appropriate safeguards that we have in place. We have continually worked with law enforcement in EU member states to demonstrate the manner in which we secure and treat their data.

This is a technical issue, but I am told that the trade and co-operation agreement is separated from the data adequacy agreement. On a technical basis, I understand that no data adequacy agreement would not technically affect the status of the trade and co-operation agreement and the tools contained within, but it would be reasonable to say that, in the event of no adequacy agreement, we from a UK perspective and EU member states would be round the table again, working through the next steps.

In the meantime, it would be for EU member states to accept those data assurances that we have been speaking about, because we have been



HOUSE OF COMMONS

talking data for some time. It is an important issue, but I would not want to prejudice the ongoing and slightly separate negotiations around the full data adequacy agreement.

Q339 Stephen Farry: Maybe I will slightly reframe that. I take the points that are being made in that respect. Surely, the UK demonstrating to the EU how we handle their data is the very crux of the process of achieving data adequacy recognition. In the event that the UK is not seen to be handling data properly, to the European Union's satisfaction, whether we feel that is reasonable or not, does that in effect bring some degree of that co-operation to an end?

Steve Rodhouse: I am told it technically does not, but I imagine there will be an awful lot of work on that by people more informed than I am. I am told that they are separate technical and legal issues, and at the moment we have those bridging arrangements. It is not the case that it is a showstopper, to use your language, but clearly there would be efforts made on behalf of the UK to understand what the barriers are and to resolve them, I would assume. I am speaking slightly outside my area of technical knowledge.

Stephen Farry: I appreciate that. It is also worth reflecting for the record that the data adequacy issue is much broader than simply policing and security co-operation. There are issues around business as well, so it is a multifaceted issue.

Q340 Chair: Mr Morgan has perfectly correctly said that we have incredibly high data protection standards and the like. On the premise that where there is a will there is a way, from a professional perspective would you expect there to be any actual concerns with regard to how the UK handles, holds and collects data that would preclude this?

Steve Rodhouse: This is a personal observation from my professional life.

Chair: Feel free to make one.

Steve Rodhouse: Policing and law enforcement relies on accessing and using data to good effect. I am mindful of the amount of time, effort and resource that we in the UK allocate to making sure that we do that in a responsible fashion and we safeguard the interests of the individuals concerned. I hope the EU would see that and see that it is reflected in our practices. I hope that there would not be a difficulty.

Q341 Chair: When we were all working under the same data rules and regulations, if you look across the different member countries of the EU, how often was the UK found to be in breach of the regulations it was obliged to follow, in comparison with France, Germany, Italy, Spain, Belgium and Holland, for example?

Steve Rodhouse: I am afraid I do not have that information. That is well outside my sphere of knowledge, I am afraid.



Q342 **Chair:** Is that information accessible, so that you could provide a note to us on it? It would be very helpful if we were able to say we had no breaches or were the lowest in the league table of data breaches, et cetera, as a way of making the case that the UK can be trusted with regard to data management, holding and collection.

Steve Rodhouse: I really do not wish to be unhelpful, but that is a very technical question. That is well outside the National Crime Agency's sphere of knowledge, so it would probably be better directed to the Home Office, although colleagues there might say it is not them. I would be relaying information from an uninformed viewpoint, from the point of view of one agency that is only partly involved. I am sorry, but I cannot really help you with that.

Chair: That is a perfectly understandable answer, and hopefully it is an understandable question. We will have to find another avenue to try to alight upon the answer. I had rather hoped you were going to say that the NCA's tentacles, experience and knowledge are so vast as to be a nexus of excellence, but there we are.

Q343 **Fay Jones:** I am sorry if I do not put this question quite correctly, but I was not a member of the Committee at the time. Mr Rodhouse, I understand that you previously told the Committee that continuing our involvement in Europol was extremely important to sharing intelligence. Now that we do not have access to the Europol Information System, how can that loss be mitigated so as to make sure that as comprehensive an intelligence picture is available?

Steve Rodhouse: That is absolutely right. I have spoken before about the importance of Europol and I will continue to do so. It is a very important partner for us. Organised crime is, in essence, a transnational threat. When I look at the threats that face the UK, almost all of them at some point transit through Europe, so it is very important that we can work multilaterally across Europe, and Europol allows us to do so.

In reality, the EU exit deal that has been struck tactically changes very little in our relationship with Europol. The UK liaison bureau will remain in The Hague. We will continue to have staff there. We will have access to a lot of the messaging systems and we will be able to continue to share intelligence and work collaboratively with colleagues, so that is great. As for the areas where we will not have the same relationship, we will not have any leadership or management responsibilities where we did before. We sat on the Europol management board and we will not be doing that in future. We will have to work hard, but I am confident in our ability to do so, to ensure that we have the same influence, to ensure that Europol places its attentions on the crime threats that matter to the UK.

You talked about the Europol Information System. That is a system that we will not have direct access to. In reality, that is of minimal impact to us for two reasons. First, the system effectively signposts where other intelligence is held, and we will be able to have inquiries done on our



HOUSE OF COMMONS

behalf and then follow up on them, so we are confident that we will not be losing access to signposts on where data and intelligence are held. We are really positive about the future with Europol and very grateful that we have the third-country arrangement that we have.

Fay Jones: Thank you. That is very helpful.

Q344 **Scott Benton:** I understand that UK law enforcement agencies will now be unable to initiate the establishment of joint investigation teams. How important is it to be in a position to be able to initiate those investigations rather than merely participate within them? What are the likely implications going forward?

Steve Rodhouse: In reality, we have been operating in joint investigation teams outside of EU measures for some time. We have been operating on Council of Europe measures, which permit us to initiate joint investigation teams, so we will be continuing as we have. The UK is involved in 40 joint investigation teams at the moment, and we will continue to work within those. The only issue that differs is that we will not be able to initiate requests for funding of joint investigation teams, but we will still be able to initiate JITs when there is a lawful and valid reason to do so, so we are confident that there is no loss of capability there.

Scott Benton: That is a very reassuring answer.

Chair: I was going to echo that. That is really encouraging to hear. Thank you.

Q345 **Ian Paisley:** I want to turn to the issue of extradition. I wonder if you could give us a brief outline of any operational part that your agencies play in the extradition arrangements.

Steve Rodhouse: From a National Crime Agency perspective, we operate the UK's International Crime Bureau. When an Interpol red notice is received in the UK, it is our people who use themselves and technology to validate that and to place it on the police national computer, so that it is accessible and visible to law enforcement. In doing so, they look at the terms of that red notice and ensure that it meets the criteria the UK has chosen.

Q346 **Ian Paisley:** From an operational perspective, are you satisfied that the new arrangements agreed on suspect surrender between the UK and the EU compare well with the European arrest warrant?

Steve Rodhouse: We are. There are a couple of factors around the European arrest warrant that were really important to replicate and we have been able to do so through the deal. First and foremost, we are able to arrest on an Interpol red notice, which is important, because if you see somebody on the street, and you establish their status as someone who is wanted, you want to be able to arrest them. There are also timescales for the surrender of subjects.



HOUSE OF COMMONS

The mechanics look positive. I would want to be proportionate about this, but the issue is that it is a new process. It is not well practised, it is early days and we need to see how it operates. In essence, there is no reason why we cannot continue to have the same flexible and responsive system that the European arrest warrant gave us.

Q347 **Ian Paisley:** You are giving it a fair wind, then?

Steve Rodhouse: Yes.

Q348 **Chair:** Gentlemen, it sounds as if it may be helpful to have you back before us after a short elapse of time for a temperature check. I am going to ask you the last question, which may be a bit Columbo-ish. I hope you will say you both sleep like babies, but in the event that you do not—I hasten to add the caveat: within the confines of your professional life, as far as our questions are concerned—what, if anything, is keeping you awake at night?

Paul Morgan: I can confirm that I sleep very well, thank you, Chair. That does not mean we are complacent. We are always alive to new risks and threats. We will continue to monitor those as the new relationship with the EU develops, but at the moment there is nothing keeping me awake at night.

Q349 **Chair:** That is very good news. Mr Rodhouse, do you say the same thing? You all look very rested, I have to say.

Steve Rodhouse: I, too, sleep well. If there is anything about my professional life that keeps me awake, it is that recognition, which I alluded to earlier, that organised criminals are creative, agile, responsive and always looking to exploit some part of our system for their gain and for others' misery. I am confident in the ability of the National Crime Agency and other law enforcement partners to keep pace with that and to get ahead of it, but it keeps people up 24 hours a day doing that work and we have to continue to do so.

Chair: It is the head of the hydra, isn't it? It is no more than that. Gentlemen, on behalf of the Committee, can I thank you again for appearing before us and for answering our questions? There are one or two commitments for a written note, which we will accept and look forward to. Thank you, through you, to your organisations for all that you and your colleagues are doing in support and protection of those who live and work within Northern Ireland. Thank you very much indeed.