

# **Police Service Northern Ireland — Written evidence (PBS0005)**

## **Introduction**

The Police Service of Northern Ireland (PSNI) remain fully committed to working with criminal justice partners to strengthen international law enforcement cooperation in order to effectively tackle serious and organised criminality; most of which inevitably has a multifaceted international context and dimension.

The PSNI is in a somewhat unique position to other policing services across the United Kingdom in that it shares a significant common travel area border with Ireland. These intricate policing circumstances require close cooperation to effectively respond to and tackle cross border criminality. This is also in the context of a substantial terrorist threat from violent Dissident Republicans who continue to target Police officers and staff and seek to destabilise peace and community cohesion.

## **Current Capability**

PSNI continue to work in close collaboration with the National Police Chiefs Council (NPCC) and National Crime Agency (NCA) to help shape and inform future international law enforcement arrangements, enabling better utilization of all available technology to fully exploit the opportunities in the fight against international criminality.

PSNI like other Policing services across the UK, make practical use of a number of legislative provisions and systems capability to ensure an effective and efficient response preventing and detecting international criminality. Despite the loss or restriction of some systems access post EU exit, significant workaround mitigations have broadly enabled a business as usual approach.

Currently, the key systems include:

- Prüm Biometrics
- I-LEAP (International Law Enforcement Alerts Platform)
- INTERPOL i-24/7
- ACRO Foreign Criminal Record Check
- TACA Warrants
- SIENA
- Passenger Name Record (PNR) (*Access currently suspended*)
- Europol
- Joint Investigation Teams (JIT)
- International Liaison Officer (ILO) Network

## **Challenges and Opportunities**

We welcome the opportunity to highlight to the Committee some areas essential to preventing crime and where there is perhaps some scope for further analysis, evaluation, and realignment to ensure we remain upstream of new and emerging international threats and risks.

- Prüm Biometrics- DNA, Fingerprints, Vehicle Registration

PSNI are grateful for continued systems access to the Prüm searching arrangements following the UK's withdrawal from the European Union. The UK was required to undergo a re-evaluation process and PSNI undertook this work-stream with Department of Justice in Northern Ireland colleagues, presenting to the re-evaluation panel on Northern Ireland's criminal justice system and how PSNI systems and policy interact with the overarching Prüm model.

Access to a number of European Member States (EUMS) fingerprint databases directly from the PSNI Fingerprint Bureau has been a significant achievement in biometrics. The operation of Prüm DNA in particular has yielded a significant number of identifications and the exchange of the information is efficient and accurate.

PSNI worked collaboratively with UK Central Authority to address Mutual Legal Assistance (MLA) requirements of the Netherlands in relation to their Prüm Step 2 hits to meet the requirements of their Criminal Justice Code, successfully overcoming some issues.

PSNI have registered as a lead partner with the Home Office to act as an early adopter for the introduction of Prüm Vehicle Registration Database (VRD), which will allow officers to ascertain in real time vehicle details and any pertinent information of any vehicle registered in a EUMS. This has a strong benefits realisation in the crime prevention space given our cross border travel area with Ireland and daily crime volume and policing demands.

Ireland's Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 does not currently permit sharing of nominal information of people positively identified against their DNA database through the Step 2 mechanism on a police-to-police basis. Although previously identified as an issue, PSNI are encouraged by the pragmatic approach taken by Irish authorities, working with the Public Prosecution Service and the Department of Justice in Northern Ireland, as well as the Irish Director of Prosecutions and Department of Justice Ireland. It is envisaged these ongoing discussions will be positive without the need to recourse to an additional formal judicial process to seek disclosure, which would be a time consuming and bureaucratic exercise, notwithstanding the delays it would have on investigations and victim confidence.

Similarly, Ireland's fingerprint database will not be available to Prüm users due to An Garda Síochána (AGS) operating with a different encryption certificate than other EU Member States. This may become challenging going forward, given the shared land border and crime traffic between the two jurisdictions. The ability to search fingerprints found at crime scenes in NI against the AGS database would be of strategic importance to international cooperation across policing and indeed public safety.

- I-LEAP and i24/7 alert and data sharing platforms

PSNI was the lead policing service and early adopter for the I-LEAP pilot. This new access and alert search capability integrated within digital systems to

provide real time mobile access to all frontline teams and encouragingly, both systems are utilised daily and to effective use. Whilst considered useful systems for policing, it is our assessment that systems awareness and benefits are not fully realised and utilised to their full potential.

- Passenger Name Record (PNR)

PNR access has been suspended on a UK wide basis and PSNI currently have no systems access to related databases. PNR was a valuable tool in the fight against terrorism and serious crime and to that end, the PSNI would invite the committee to consider a resolution mechanism. Opportunities to further expand to rail and sea travel are worthy of additional consideration.

- National Law Enforcement Database Programme (NLEDP)

PSNI are working closely with key stakeholders to support the modernisation and centralisation of UK law enforcement databases. This is a significant undertaking but is a welcome development that will strengthen existing mechanisms.

## **Cross Border investigations**

Organised criminals are adaptable, increasingly trans-national and use borders to attempt to frustrate law enforcement efforts to tackle the harm that they pose. Key to an effective law enforcement response is the ability to share information, particularly at speed to meet the demands of a dynamic and fast moving investigation. The implementation of the TCA includes specific measures to mitigate this risk, particularly:

- The sharing of criminal records and biometric data
- Mutual legal assistance

Currently, if investigators need to share any intelligence to a European Union State they will utilise one of the following:

- Memorandum of Understanding (MOU) with the National Crime Agency (NCA) who have a working arrangement with Europol, which sits under the U-EU Trade and Cooperation Agreement
- MOU with the Joint Agency Task Force that enables information sharing with An Garda Síochána
- Mutual Legal Assistance Treaty
- Joint Investigation Teams

The MOU's and MLAT processes enable the sharing of information, however the speed at which this is achieved does not meet the operational requirements in a fast moving, dynamic investigation, particularly when operating within an island with two jurisdictions. Experience has also demonstrated that attempts to utilise the SIENA system have encountered a lengthy process with issues around the sanitisation of information received. As previously highlighted, whilst participation in a Joint Investigation Team remains an option available, it requires the Police Service to be **invited** to enter by an EU Member State. The Police Service cannot initiate nor join an existing JIT by our own volition. It is

noteworthy that once a JIT is established, any funding is only provided to the EU partner, which leads to a resource/capacity differential.

The consequence of these factors is that the ability to share information at speed remains an issue that may have a detrimental effect on the ability of policing to tackle highly adaptable organised criminals who operate on a transnational basis.

## **Intelligence**

Currently, any requirement to share intelligence with a European State, PSNI will utilise a Memorandum of Understanding (MOU) with the National Crime Agency (NCA) who have a working arrangement with Europol which sits under the U-EU Trade and Cooperation Agreement.

Within Part three of the Trade and Co-operation Agreement (TCA), Title V, PSNI continue to maintain cooperation with Europol via this partnership with NCA in Northern Ireland. This provides access to Europol exchange systems via a competent authority. The Police Service of Northern Ireland share this route and can service any European State intelligence request in this way.

## **International Collaboration**

PSNI continue to host a range of strategic law enforcement partners and key stakeholders from across the international law enforcement community to build relations, enhance collaboration and strengthen information sharing agreements in the prevention and detection of criminal activity. It is positive that a number of EU Member States are working closely to further develop and refine existing law enforcement policies and mechanisms for data share through the provision of new bi-lateral treaties, protocols and information sharing agreements.

It is worth specifically highlighting that the PSNI continue to enjoy excellent working relationships with An Garda Síochána (AGS) and the Irish Criminal Justice Authorities. This strong cooperation continues to exist at every level between our organisation's and across the broad range of policing services from intelligence to road traffic. These robust mechanisms and ongoing commitment around data exchange ensures a collaborative response in tackling cross border threats and risks.

## **Conclusion**

Strong levels of law enforcement cooperation and consistency around past EU arrangements were the bedrock foundations that led to efficiency and effectiveness in tackling international crime. Bespoke arrangements delivered through the TCA have arguably overcome many challenges but we should not lose sight of the dynamic nature of international crime trends and emerging risks. The nature of cooperation and information exchange continues to evolve and PSNI will continue to play a key part working with justice partners to support a holistic approach that is fit for purpose and adaptive to the needs of the wider law enforcement community.

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