

European Arrest Warrants

An inspection of the Serious Organised Crime Agency's data, systems and processes for dealing with European arrest warrants

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Background and context

The Serious Organised Crime Agency (SOCA) is a UK-wide organisation with international reach. Its role is to tackle the threat of organised crime facing the UK. SOCA's main functions are set out in the Serious Organised Crime and Police Act 2005.

In common with police forces and other law enforcement agencies (LEAs), SOCA is subject to external inspection "from time to time".¹ Her Majesty's Inspectorate of Constabulary (HMIC) carries out these inspections and reports to the Home Secretary on the efficiency and effectiveness of SOCA.

European Arrest Warrants

Amongst many other activities, SOCA works to locate people wanted for criminal offences who are hiding in the UK or abroad (commonly known as 'fugitives'). European Union (EU) arrangements enable the use of European arrest warrants (EAWs) to facilitate the arrest of fugitives in any member state.

Various references are made in this report to the use of EAWs issued under Part 1 and Part 3 of the Extradition Act 2003. For ease of understanding, we provide a brief summary of some of the relevant legal provisions and business processes that accompany the issue and execution of an EAW under each of these parts:

Part 1

Warrants issued under Part 1 originate from other EU member states. They relate to offences committed in those states by people who are now believed to be elsewhere in the EU, including the UK. The issue of such a warrant enables a fugitive to be arrested in another member state and extradited to face justice. SOCA, acting as a 'UK Central Authority',² receives information about these cases via email from Interpol. For each case, SOCA assesses the seriousness of the matter and establishes whether the person wanted on EAW may be present in the UK. Serious or urgent cases prompt further action by SOCA to assure the EAW is legally valid (known as 'certification'), confirm identity of the wanted person, alert the UK Border Force and engage the police force responsible for the area in which the fugitive is suspected to be living. If arrested, the fugitive is presented before a designated court for extradition proceedings to begin. There is one such court for England and Wales (City of Westminster Magistrates), with similar arrangements for fugitives arrested in Scotland (Edinburgh Sheriffs Court) and Northern Ireland (Belfast Magistrates).

¹ Serious Organised Crime and Police Act 2005, section 16

² The Crown Office and Procurator Fiscal in Scotland is also a Central Authority.

Part 3

Warrants issued under Part 3 originate from within the UK. They relate to offences committed in the UK by people who are now believed to be elsewhere in the EU. The issue of such a warrant enables a fugitive to be arrested in another member state and extradited to the UK (or tried abroad). Part 3 EAWs are obtained by police forces and other LEAs, often during the course of major and serious crime investigations. As there are no designated courts, applications for Part 3 EAWs are made locally. SOCA's role in these cases is to advise and support police forces and other LEAs in the application process, circulate the EAW to other EU member states, trace the fugitive and, once they are arrested, liaise with the country that made the arrest. SOCA organises and facilitates the fugitive's return to the UK, but it remains the responsibility of the relevant police force or LEA to collect them.

Commission for this Report

EAWs are managed in a partnership between SOCA, police forces and other LEAs in the UK and abroad. Their success relies on the ability of all parties to provide accurate and timely information but the exchange of this critical information still relies on manual processes (albeit supported by facilities such as secure email). Under the Government's proposals for UK participation in the EU-wide Schengen Information System II (SIS II), supported by a SIRENE Bureau,³ some of these processes will be automated.

As part of the preparations both for SIRENE and for the introduction of the National Crime Agency (NCA) in late 2013, SOCA examined the systems and processes it uses for handling EAWs. Just before Easter 2013, this exercise uncovered flaws which potentially undermined the accuracy of the information on EAWs SOCA had provided to the Government in the past.

SOCA therefore carried out an audit of its Part 3 data. This found it had indeed provided inaccurate figures to Government: the number of people arrested and surrendered to the UK following execution of a Part 3 EAW was higher than it had originally stated.

The SOCA Chair notified the Home Secretary of the error. This prompted a written ministerial statement by the Home Secretary, which stated that answers to Parliamentary Questions (and other reports to Parliament) had been inaccurate and emphasised the seriousness with which the matter was viewed. At the same time, SOCA embarked on an audit of Part 1 EAW data. This inspection of SOCA's EAW processes was commissioned as a result of the errors found by SOCA.

³ SIS II is an EU-wide system that enables the exchange of criminal intelligence between member states. SIRENE is an EU-agreed acronym for 'Supplementary Information Request National Entry'.

HMIC was directed by the Home Secretary, under section 16(12) Serious Organised Crime and Police Act 2005, to:

- *undertake an audit of the data that has been collected for both Part 3 (outgoing) and Part 1 (incoming) European Arrest Warrants (EAWs) since 2009/10;*
- *test the assurance provided [to the Home Secretary] by the Serious and Organised Crime Agency (SOCA) that an error identified in the way the Agency captured and reported data on Part 3 EAWs issued since 2009/10 had no detrimental impact on public protection; and*
- *provide assurance that SOCA's new Case Information Management System (CIMS) will provide accurate data in future.*

Methodology

HMIC's approach to this inspection involved four related strands that could be delivered within the time available and enable sufficiently clear judgements to be made. These were:

- a document review, in which we examined relevant policies, guidance and material relating to the handling of EAWs, operation of SOCA's International Workflow System (IWF) and development of CIMS;
- interviews with key SOCA personnel, including leaders and operational staff concerned with either SOCA's own data audit or the development of CIMS;
- an audit of the Part 3 data, with fieldwork in SOCA, Metropolitan Police Service, Merseyside, West Yorkshire, Kent, City of London Police and Her Majesty's Revenue and Customs (HMRC), to compare SOCA's data on cases against information they held; and
- a data-matching audit of the Part 1 data that compared SOCA's EAW data with similar data held on the Police National Computer (PNC).

Findings

Part 3 EAW (outgoing)

SOCA completed its Part 3 audit prior to HMIC's commission. HMIC compared SOCA's revised figures on Part 3 arrests and surrenders against its underlying data,⁴ which included Part 3 cases where an arrest had not yet been made. **Our analysis confirmed that the revised Part 3 figures were an accurate reflection of information held on SOCA's International Workflow System (IWF).**

Data held by SOCA should match EAW data held by police forces and other LEAs. HMIC tested this by visiting the five police forces (referred to in the 'Methodology' section) and HMRC as a representative group. Our check of 234 records revealed two cases where an EAW arrest and extradition order were made but there was an international prison transfer, which SOCA should not have counted as an EAW surrender.

HMIC concluded that, whilst some problems exist with the collection of SOCA's Part 3 data on their systems, based on our test the margin of error is about 1%.

The revised Part 3 figures on the number of people arrested and surrendered can therefore be relied upon for policy-making purposes.

Part 1 EAW (incoming)

SOCA's own Part 1 audit was still ongoing at the time of our fieldwork. This audit is more complex than that conducted for Part 3 EAWs. There are at least ten times the number of Part 3 records to examine and much of the associated documentation is in other languages.

Our interviews and observations revealed SOCA was committed to the audit; it is time-consuming and resource intensive. SOCA has redeployed a significant number of experienced staff to assist in a process that had, so far, taken more than four weeks.

Although yet to be completed there are indications that, in common with the results of the SOCA Part 3 audit, the Part 1 audit will result in the identification of more arrests and surrenders than previously promulgated. HMIC considers the audit to be robust.

We concluded that SOCA's Part 1 audit process was a substantial undertaking and that SOCA was approaching it with sufficient rigour. However, because it was not finalised, HMIC was not in a position to confirm the Part 1 data previously submitted.

⁴ This refers to a snapshot of relevant Part 3 data from SOCA's IWF system as at 16 April 2013.

Public Protection

HMIC found no evidence of systemic weaknesses that would adversely affect public protection. However, further action can be taken as identified below.

In March 2013, SOCA carried out a detailed review of its EAW processes. This followed a specific case from 2011 where SOCA had identified a weakness relating to the processing of a Part 1 EAW. SOCA's PNC check and associated handling were inadequate; no subsequent action was taken to trace and arrest a fugitive. The review led to recommendations being made, against which SOCA has made progress. These recommendations proposed changes across a range of areas concerned with EAW handling including: management structures, supervision and training; and policies, practice and audit. HMIC considers that the recommendation for better audit processes must be implemented.

HMIC compared SOCA data with data from the PNC. When a Part 1 EAW is received, SOCA should risk assess the case and, where necessary, 'circulate' the person subject of the warrant on PNC. HMIC conducted a data comparison and found that SOCA was not creating PNC circulations in a consistent manner. Because of this and the ongoing Part 1 audit, HMIC's comparisons had to rely on estimates. **The results of this exercise indicated significant variance between IWF and PNC data. This needs further work by way of a PNC audit. It is the focus of our first recommendation and must be actioned before SOCA is considered to be doing all it can to minimise the risks.**

In preparation for the soon to be delivered new systems, SIS II and SIRENE, SOCA intends to 'certify'⁵ some 40,000 extra Part 1 EAWs. Some of the fugitives named on these warrants may be hiding in the UK. This presents an opportunity for the NCA to further contribute to public protection by leading a focused programme of activity, in partnership with police forces, to trace and arrest them. This forms our second recommendation.

Case Information Management System (CIMS)

The current system to manage EAWs is SOCA's IWF. This is due to be replaced by CIMS. SOCA informed HMIC that CIMS is scheduled for introduction in two stages: release 1 (CIMS Multilateral) in June 2013 and release 2 (CIMS SIRENE) in 2014. Following a number of significant delays, preparations for the first stage of the introduction of CIMS are now at an advanced stage.

'User acceptance testing' (UAT) for CIMS was underway at the time of HMIC's fieldwork and inspectors saw the system in operation. **HMIC found CIMS to be**

⁵ This process involves SOCA checking EAWs for legal validity before circulating details of the fugitive on PNC.

stable and operating effectively, albeit in the controlled UAT environment.

Software 'bugs' identified in earlier testing (which mainly caused slow running) appeared to have been fixed. Operators, using written scenarios intended to simulate normal business activity, were inputting data so as to test how the system would perform.

We were shown how completion of some of the data fields on the system is mandatory. However, there was still room for error. For example, while the system would reject the entry of a date in the future for an event that has already happened, it would allow an update to be submitted with the date of arrest missing.

Even if CIMS Multilateral is delivered so that it functions properly in the live environment, SOCA has no plans to migrate data from IWF to CIMS. Instead, existing cases will continue to be managed on IWF. New EAW cases will be created on CIMS as they arise. This means that both systems will run in parallel for a period.

Release 2 (CIMS SIRENE) is presently scheduled for delivery in 2014. When operational, the system is designed to connect electronically the newly formed UK SIRENE Bureau to similar bureaux in other member states. The effect will be to automate information exchange processes between them.

HMIC concludes that CIMS will help SOCA to record more accurate data, although the most significant benefits will not be seen until its second release brings SIRENE integration in 2014.

HMIC considers that, in due course, the NCA should focus its attention on the matters raised in this inspection. This forms our third recommendation.

Recommendations

HMIC makes the following three recommendations.

- 1. SOCA should extend its present EAW auditing processes to include a PNC data audit, comparing PNC data concerning EAW 'wanted' circulations with IWF data. This should take place as soon as SOCA's Part 1 audit is complete.**
- 2. The NCA⁶ should consider leading a focused and publicised campaign, in partnership with police forces, to find and arrest fugitives hiding in the UK.**
- 3. The NCA should review the progress of the implementation of CIMS, the outstanding March 2013 review recommendations and the results of the PNC data audit. This should be done before the end of 2013.**

⁶ The NCA, already operating in 'shadow' form, is expected to take over SOCA's EAW functions when it goes live, which is planned for October 2013.