



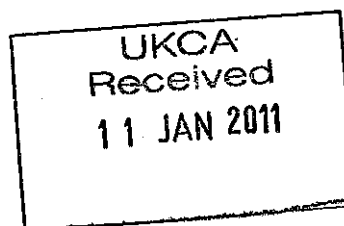
Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

**WILL KERR BA(HONS) MSc LLM
ASSISTANT CHIEF CONSTABLE**

Our Ref: Crim Just 10\7340

29^m December 2010

Dear Sir,



REVIEW OF EXTRADITION

I refer to your letter dated 3 November 2010 to David Withey of the Northern Ireland Office seeking contributions to the deliberations of the review panel on extradition arrangements in the United Kingdom, announced by the Home Secretary on 8 September this year.

As Assistant Chief Constable for Criminal Justice in the Police Service of Northern Ireland (PSNI) with responsibility for this area, I would like to take this opportunity to offer the following observations, primarily in respect of the operation of the European Arrest Warrant (EAW) process.

The Police Service of Northern Ireland is largely self-sufficient in the area of extradition. Our Extradition & International Mutual Assistance Unit has key responsibility for the management and action of all extradition business in this Service and has many years' experience in this area. A tripartite arrangement between police, the Public Prosecution Service for Northern Ireland and the Crown Solicitors Office for Northern Ireland ensures appropriate attention to the various elements of the extradition process. The appropriate court in Northern Ireland for extradition matters is the Belfast Recorder's Court, a higher Court than that concerned with the extradition process in England and Wales. The Service enjoys a sound working relationship with SOCA London and, as the only area of the United Kingdom with a porous land border with

Assistant Chief Constable's Office
Knocknagoney House, 29 Knocknagoney Road, Belfast BT4 2PP
Telephone: Belfast (028) 90 922 264 Fax: 028 90 922 331
Email: William.Kerr@psni.pnn.police.uk



another EU member state, also works closely with colleagues in An Garda Siochana Extradition Section in the Republic of Ireland.

The current European Arrest Warrant process, to which the UK is a signatory, permits the transmission of warrants for what this Service would consider to be relatively minor offending, for example, lower level dishonesty offences. Whilst it is understood that the national law of a number of Member States requires criminal offences of whatever gravity to be pursued to a natural conclusion, the pursuit of such warrants has proved to be demanding both financially, and in terms of the resource commitment required to fulfil our obligations.

In general terms, I believe UK police take a more selective and measured approach to EAWs by seeking warrants in respect of a range of more serious offending when all other avenues of enquiry have been pursued.

The PSNI incurs considerable costs at the point of extradition from the UK due to our geographical position and lack of direct flights to and from key member states such as Poland and Lithuania. Requesting countries often insist on using national airline carriers for extradition, which will bring them as far as one of the London airports. As a result, PSNI Officers will escort requested persons from Northern Ireland to London in order to complete the extradition process. The travel cost borne by the PSNI is around £1000 per extradition.

On this basis, I believe there is a case for Government to consider steps to propose changes to the current EU agreements on extradition thresholds. As a result, one is likely to see a reduction in warrants received by the UK, the prospect of reduced costs for Police and other stakeholders and the opportunity to enhance our focus on more serious offenders who present the greatest risk to public protection.

A more effective mechanism for communicating the arrest of persons or withdrawal of EAW warrants would also be welcomed. For example, a warrant is received in Northern Ireland for a Polish national believed to be in the jurisdiction. Subsequent police enquiries reveal no trace of the requested person. SOCA is subsequently informed that the warrant is to be returned on the basis of police enquiries and it is discovered that the subject of the warrant has already been located in Spain.

This has occurred on a number of occasions and one could see how valuable resources could be expended in seeking a person already detected elsewhere. Whilst I envisage that Schengen II will address this issue in the longer term, a more effective communication process would be welcomed in the interim period.

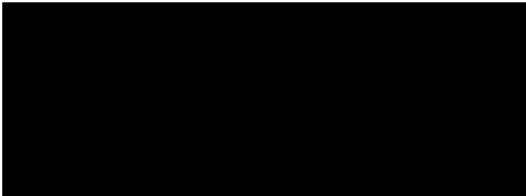
With reference to the issue of whether requesting states should be required to provide prima facie evidence, I understand from discussion with our Crown Solicitors Office that there would be support in principle for this development.

Assistant Chief Constable's Office
Knocknagoney House, 29 Knocknagoney Road, Belfast BT4 2PP
Telephone: Belfast (028) 90 922 264 Fax: 028 90 922 331
Email: William.Kerr@psni.pnn.police.uk

That said, it is recognised that this would be a considerable departure from current process.

I trust these observations will be useful in informing the review process. Please do not hesitate to contact me should you require any further detail or clarification.

Yours sincerely



WILL KERR
Assistant Chief Constable
Criminal Justice

Rt Hon Sir Scott Baker
Extradition Review Panel
C/o Head of Judicial Co-operation Unit
5th Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

Assistant Chief Constable's Office
Knocknagoney House, 29 Knocknagoney Road, Belfast BT4 2PP
Telephone: Belfast (028) 90 922 264 Fax: 028 90 922 331
Email: William.Kerr@psni.pnn.police.uk