11

From: HO official

Sent: 25 September 2006 3:30 PM

To: ACPO

Cc: HO official

Subject: Central Authority backlog

We are trying to keep an eye on the workload and backlog for the central authority work following our visit. I understand there is still quite a pile of papers inherited from the previous arrangements from JCU or NIS – I think you showed us some of the boxes.

Could you let me know the extent of the backlog please, ie. approximate volume and age? Is there a risk of there being serious offenders within the backlog of notifications and if so, is there any way of identifying and prioritising serious offences/cases? I'd be grateful for your advice. Thanks,

From: HO official
Sent: 16 October 2006 3:27 PM
To: HO official
Cc: ACPO, HO officials

(12)

Subject: RE: Exchange of European criminal records: previous arrangements

Having checked with I now understand that some of the signatories to the CoE Convention e.g. Switzerland and Germany used to send information to UKCA in accordance with Article 22 of the 1959 CoE Convention (exchange of judicial records). I understand that this information was received sporadically and that for a long time UKCA tried to find a home for it, the Police and NCIS were contacted but as I understand it they did not have an interest in receiving the information. It was therefore collected in hard copy format only and I am told that came and collected approximately 8 boxes of material on or about 21st June. You therefore should by now have all the information we received.

As far as current requests are concerned it would be useful to have a meeting with regarding execution of mutual legal assistance requests for evidence of convictions.

(13)

From: HO official
Sent: 25 October 2006 2:14 PM
To: HO official
Cc:
Subject: RE: UKCA - ECR Home Office costs for Quarter 2 - 2006

Better just check with whether officers are seconded to a separate Unit (as this seems to get us out of VAT on salaries). If not then we need to give him the bad news that the £100k must include VAT.

-----Original Message-----
From: HO official
Sent: 25 October 2006 12:45 PM
To: HO official
Subject: FW: UKCA - ECR Home Office costs for Quarter 2 - 2006

– please see the attached from Hants. regarding VAT. Does this seem right to you – sorry I do not know very much about the ins and outs of VAT with regard to the police?

I have asked Hants to advise whether the £100K estimate of costs for the UKCA is inclusive of VAT (and informed them that if not then we don't have an additional £17.5K available to cover it).

-----Original Message-----
From: ACRO
Sent: 24 October 2006 1:13 PM
To: HO official
Subject: RE: UKCA - ECR Home Office costs for Quarter 2 - 2006

please see attached correspondence from our Finance department regarding VAT. Any queries, please do not hesitate to contact me.

Have you been able to obtain a copy of the first purchase order?

Regards

From: HO official office.gsi.gov.uk]
Sent: 24 October 2006 11:54
To: ACRO Mailbox
Subject: RE: UKCA - ECR Home Office costs for Quarter 2 - 2006

Have you any news re: VAT yet please? The problem I see is that if HO does need to pay VAT then this would mean that our £100K budget would have to include the VAT element ie. we will not be able to pay £100K plus the VAT. Perhaps though the original £100K estimate was inclusive of VAT.

Thanks.

From: ACRO Mailbox [.uk]
Sent: 06 October 2006 8:01 AM
To: HO official
Subject: RE: UKCA - ECR Home Office costs for Quarter 2 - 2006

Morning . hope this email finds you well.
I am checking the query on VAT with our Finance Department, so will get back to you as soon as I have heard.
Regards

From: HO official uk]
Sent: 05 October 2006 17:57
To: ACRO Mailbox
Subject: RE: UKCA - ECR Home Office costs for Quarter 2 - 2006

The PO no. is 7051137 however our purchasing people have added VAT. It is addressed to I Mew Finance Dept. Police HQ. Would you have expected us to pay VAT?

-----Original Message-----
From: ACRO Mailbox
Sent: 28 September 2006 12:45 PM
To: HO official
Subject: RE: UKCA - ECR Home Office costs for Quarter 2 - 2006

Many thanks

From: HO official
Sent: 28 September 2006 12:19
To: ACRO Mailbox
Subject: RE: UKCA - ECR Home Office costs for Quarter 2 - 2006

Thanks. We'll get the ball rolling asap.

-----Original Message-----
From: ACRO Mailbox
Sent: 28 September 2006 11:50 AM
To: HO official
Subject: FW: UKCA - ECR Home Office costs for Quarter 2 - 2006

Please find details as requested.
Should you need anything further, please do not hesitate to contact me.

Kind Regards

[Please note our new title and email address; to be used

ACPO Criminal Records Office (ACRO)

From: UK CENTRAL AUTHORITY Mailbox
Sent: 28 September 2006 11:47
To:
Subject: UKCA - ECR Home Office costs for Quarter 2 - 2006

UK Central Authority for the Exchange of Criminal Records

Expenditure detail for Q2 - 2006/07	**£**
Office rent	0
Furniture & IT	0
Staff	28,229
Total	**28.229**

The rent, furniture, IT costs are £0, as we invoiced for the full budget costs up front in quarter 1.

Staff costs have increased as we have taken on the second person.

As requested.

Regards

Manager
UK Central Authority
for the Exchange of Criminal Records

(14)

From: [redacted] .police.uk>
Sent: 24 October 2006 6:16 AM
To: HO official
Cc: HO - ACPO

Subject: RE: Requests for previous convictions [redacted]lice.uk>

I can come up and see you next week?

Anytime Monday, Tuesday morning, anytime Thursday or Friday

Regards

~

UK Central Authority
for the Exchange of Criminal Records

E-m

From: CRB
Sent: 17 October 2006 12:45
To: HO - ACPO
Cc:
Subject: RE: Requests for previous convictions

There does seem to be a duplication of work here.

is the manager of the UKCA (Exchange of Criminal Records) which is based in Winchester within the offices of Hampshire Constabulary. His CA was set up from 21st May and follows a EU Council Decision. Sorry I don't have an electronic copy to attach, but maybe does. The CD is loosely the same as the FD. The FD will improve on the CD once it is agreed in a few years time, so has a few extra articles primarily concerning the establishment of the electronic exchange of information.

I agree that we should meet soon to discuss the implications of this. I am keen that as unit is fairly new and still establishing itself, that any transfer of work is done at a speed that does not 'swamp' him.

Regards

-----Original Message-----
From: HO official
Sent: 12 October 2006 3:13 PM
To: CRB
Cc: HO officials
Subject: Requests for previous convictions

We agreed to make contact following our meeting yesterday and I now have a copy of the Framework Decision. As I explained yesterday, the UK central Authority deals with mutual legal assistance requests for evidence of previous convictions for the purposes of criminal proceedings. As it appears that this would now come within the remit of the central authority dealing with convictions, I think it would be a good idea if we met to discuss division of work. We still receive requests for previous convictions and we need to discuss between ourselves how these would be executed.

Regards

Judicial Co-operation Unit

(15)

From: HO official
Sent: 25 October 2006 5:20 PM
To: ACPO official
Subject: RE: RESTRICTED: Exchange of European criminal records: previous a rran gements

Thanks – will be in touch. We may need a plan to alert forces more widely.

-----Original Message-----
From: [ACPO official]
Sent: 25 October 2006 4:56 PM
To: HO official
Cc: Readhead, Ian; McAllister, Adrian
Subject: RE: RESTRICTED: Exchange of European criminal records: previous a rran gements

Yes I have informed Ian Readhead and Adrian McAllister when you first raised it and they are happy for me to keep them informed about progress.

From: HO officials [iov.uk]
Sent: 25 October 2006 16:03
To: ACPO officials
Subject: FW: RESTRICTED: Exchange of European criminal records: previous a rran gements
Importance: High

Anything further on the queries below please?

Has anyone at ACPO level been alerted yet? Thanks,

-----Original Message-----
From: HO official
Sent: 24 October 2006 1:09 PM
To: 'UK CENTRAL AUTHORITY Mailbox'
Cc: HO officials
Subject: RE: RESTRICTED: Exchange of European criminal records: previous arran gements
Importance: High

Just a couple of points to clarify on this please: as you have been able to identify the most serious cases (murder, manslaughter, rape etc), will it be possible to prioritise getting these offenders on to the PNC? I have noted your comment that this has been done for 68 cases - what would be the timescale for the rest?

Thank you for your further comment on identification issues, I am copying this to so that they can feed into current negotiations on the new Framework Directive, and to who is taking forward work on access to the Prum Agreement (you were going to give us advice on where this is up to). Thanks,

-----Original Message-----
From: UK CENTRAL AUTHORITY Mailbox
Sent: 23 October 2006 3:05 PM
To: HO + ACPO officials

Cc: Edmundson Peter; HO OFFICIALS
Subject: RE: RESTRICTED: Exchange of European criminal records: previous arran gements

I have tried to answer the questions posed throughout, not only where you have asked for my comment, as I thought this may provide a more complete overview of the situation.

I attach a rough guide to the numbers of records from each country and for which sentence types. Those columns in yellow have not yet been assessed as there is a need for full translation of the document and to date we have not had the resources to take these particular records forward.

If I can help further please do not hesitate to contact me.

Regards

UK Central Authority
for the Exchange of Criminal Records

From HO officials
Sent: 19 October 2006 12:11
To: HO + ACPO officials

Cc: Edmundson Peter; HO OFFICIALS
Subject: RESTRICTED: Exchange of European criminal records: previous arran gements
Importance: High

Dear All,

Vic Hogg has now asked us to provide advice to Ministers on the current backlog of criminal records notifications (see below), including the background to this issue and any current risk factors. In order to do this we need further information on a range of questions which I have set out below; these are rather detailed in order to provide a complete picture to Ministers. Please feel free to add any other background detail which you consider relevant. With apologies for the urgency it would be helpful to have responses by Monday 23 October please.

- Were notifications under the 1959 arrangements made to JCU or UKCA? (If not where were they received within the Home Office?)
- Were notifications received routinely or in response to requests?
- Do notifications apply to persons across UK jurisdictions?

_ Examining the Notifications, I can say that they do apply across UK jurisdictions.

- Why was action not taken to place convictions notified from abroad on to PNC records? Were any of the records placed on PNC?

_ A very small number appear on PNC, put there as a result of contact 'Police to Police' as a result of other enquiries or through repatriation to finish a prison sentence in the UK.

- We are advised there are around 40000 records received since 1990. What happened before 1990? Are there further records, or if not, what happened to them?

_ In total we have recovered approximately 27,500, from the UKCA. The dates range from 1999 - early 2006 and we can find no trace of any notification prior to 1999. I do not know why this should be.

- Are we aware of the range of convictions covered? Do they include serious offences and if so, what action was taken to alert the police service to them?

6 x Murder
8 x attempt murder
5 x manslaughter
27 x rapes
48 x sex abuse/assaults mainly involving children
31 x robbery
3 x terrorist offences
1 x arms trade

Most of these offences are not on PNC>

- Were records received assessed or weeded in any way? Were records deleted or destroyed?
- Are JCU/UKCA still receiving notifications of convictions from EU countries? What is being done with these?

_ UKCA have been sending me any notifications received since June 06. I have written to these Countries and asked that further notifications are addressed to me in Winchester. This has been agreed and most countries now seem to be sending direct to me.

We need an assessment of the current position and a contribution for a risk assessment, which I think may need to come from ACPO level (Ian Readhead or Adrian?) in due course. Could I ask for your advice on:

- Can you confirm the approximate numbers and range of countries covered?

_ See attached lists. In total 27,500 notifications, from a range of 15 countries. Largest contribution from Germany 16,700 (large number of rapes, child sex abuse, murder, robberies followed by

Switzerland 4,318 (many driving offences) and France 3,153 (majority for drug trafficking)

- Is it possible to provide any assessment of the number/level of serious offenders in the backlog?

We have extracted all the serious offenders from the backlog, which comprised of those with sex offences and long prison sentences. But we still have to research at least 7,000 (who were sentenced to imprisonment - 2,400 over 1 year, 4,600 less than 1 year) We do not yet know how many have existing serious previous convictions in the UK and have then been convicted of a minor offence abroad.

- Would placing the previous convictions on PNC have had an effect on police action eg in investigations, or feeding in to local intelligence?

Huge impact on all aspects - previous investigations, future enquiries, drug intelligence,

- Is the lack of updated information on PNC likely to impact adversely on police investigations of serious offences?

Comment as above. Many offenders have been released from imprisonment abroad and have committed offences in the UK since their release. The UK Courts were not in possession of the full criminal history at the time of sentencing.

- Is there any way of assessing the level of risk presented by the failure to update PNC records?

The potential risk is enormous and we don't yet have any particular 'horror stories' but I am sure they will come out, as we put this huge set of records through the process we have established. We have identified to date; 27 Rapes and 47 serious sex abuse cases (50% on children) committed by UK Nationals over the past 7 years. Most offences/offenders are not on PNC and are therefore not on sex offenders register, nor are their fingerprints on Ident1 and their DNA has never been searched on the national DNA database. And we don't know where they are now living/working. It would be difficult to find if these offenders had ever been previously interviewed by police on any serious offence and discounted because of a lack of previous convictions, MO etc.

- Would updating the records provide any indicators of the current whereabouts of serious offenders?

If the whereabouts of the offender is not known we have placed a 'locate/trace' marker on PNC in an effort to ensure when the offender comes to notice (say arrest or Police stop/Check, etc) we will be informed and can then manage the next part of the process, that is asking a force to take responsibility for summonsing person to Magistrates Court, to get Sex Offender registration

- Does the lack of updated information mean that antecedents provided to court have been inaccurate?

Yes, in the case of 22% of those 525 serious offenders, that is, all sex offenders sentenced to imprisonment and any serious offender (Murder, serious drugs trafficking, terrorism, Robbery)

sentenced to year of more. The figures for just the 525 examined are, 22% have re-offended in UK since being released from foreign prison, 39% not re-offended but 39% are no trace on PNC. This last category causes us a problem because the foreign country only supply full name, dated of birth and sometimes a town of birth - we really need a set of fingerprints, UK address, DNA to be able to say who they are and do they already exist on PNC perhaps in another name. (I could write a couple of pages for you, on the need to establish this sort of protocol with other countries!!

- And finally, is there any action we can take now to prioritise the updating of records relating to serious offenders?

In my view there is a need to obtain extra funding, to get the research completed by both translators and PNC staff, to be Hampshire based and managed by UKCA-ECR) in order to research the remaining records and either update PNC or file, as will be the case for those minor traffic convictions which are not able to be used by PNC or the DVLA. The breakdown is in the region of 20,000 crime cases and 7,000 traffic offences.

Quick brief on what we did with the 27,500

1. Sort records into countries
2. sort countries into years
3. separate each year into imprisonment more than 1 year, less than 1 year, no imprisonment (thefts, minor drugs, drink driving etc)
4. Separate, search PNC and prepare research folder for any sex offender from within those sentenced to any imprisonment
5. Separate, search PNC and prepare research folder for any offender (other than sex offender) sentenced to any imprisonment over 2 years - murder, manslaughter, drugs importation, death by dangerous driving, robbery, robbery, GBH, terrorism, arms dealers.
6. List all those in 4, 5, and 6. This is the list that we will be asking CRB to run against their system in the first instance, as they are the 'worrying set' of offenders. The remainder will be done in batches after that.

We have logged details for 525 most serious offenders, of those 133 had the foreign conviction on PNC, updated over time by Interpol/NIS when notified by foreign Police to Police, or repatriation to complete sentence. 392 did not have the conviction on PNC. We have now added 68 sex offenders to PNC, most with the Locate/Trace marker as we do not have an address in the UK (or elsewhere) We are in the process of creating PNC entries for the remainder of this serious set of offenders. The next task is to search and update PNC for all those

In the meantime countries are continuing to send details of more recent sentences (direct to UKCA-ECR now) and we action those as they arrive.

- Sould offenders committing sex offences abroad have been placed on the sex offenders register here - if so, how would this be facilitated?

[ ] So long as the process is not out of time (under Sex Offences Act 2003) Arrangements ARE in place so that UKCA-ECR will put offenders details/offence onto PNC. If the offender can be located in a particular force area, then the UKCA-ECR will formally notify the force MAPPA liaison, and request they consider applying for Magistrates Summons to have offender appear in court and be made subject of Sex Offenders register, and have fingerprints and photograph taken. Force then enabled to make full assessment of risk etc. Sex Offender registration then placed on PNC by the force. If the 'sex offender' can not be traced to a force area (may still be living abroad) then UKCA-ECR place a 'locate/trace' marker on PNC, so that if he comes to notice we will be informed of an address and be able to start the process above by writing to a force, outlining the circumstances.
I have had a meeting with CEOPS (child exploitation) and Met Police Operation Jigsaw and have agreed to notify those teams of any relevant offenders.

- Would MAPPA arrangements have come into play in serious cases - if so hopw would this be triggered? (If this is not for you, grateful if you could point me in the right direction).

[see above for MAPPA arrangements

- We may need to consider a mechanism to check whether any offenders committing serious offences abroad have since been subject to CRB disclosures here (which may therefore have been inaccurate). Grateful if you could give some thought to the process.

[I have had meeting with CRB, regarding checks to be made on CRB system. The agreement is that I will send CRB lists of (initially) the most serious and any sex offender, and they will let me know if any offender appears on CRB system as being checked and by which organisation. We (UKCA-ECR) will then manage the next process that of informing the relevant organisation concerned, of the circumstances.

Comment - One of the problems that the UK needs to tackle is the lack of information that comes to us in the official notification. We get the bare essentials (name, date of birth, court, offence and sentence) This basic set of data was acceptable years ago, but nowadays, in order to make an identification in the UK and elsewhere, we

really do need what the foreign Police force have already taken, that is;
fingerprints,
photograph,
passport,
address details
crime method (MO)
and most importantly DNA.

Thanks,

-----Original Message-----
From: HO official
Sent: 16 October 2006 2:27 PM
To: HO official
Cc: HO + ACPO
Subject: RE: Exchange of European criminal records: previous arrangements

Having checked with , I now understand that some of the signatories to the CoE Convention e.g. Switzerland and Germany used to send information to UKCA in accordance with Article 22 of the 1959 CoE Convention (exchange of judicial records). I understand that this information was received sporadically and that for a long time UKCA tried to find a home for it, the Police and NCIS were contacted but as I understand it they did not have an interest in receiving the information. It was therefore collected in hard copy format only and I am told that came and collected approximately 8 boxes of material on or about 21st June. You therefore should by now have all the information we received.

As far as current requests are concerned it would be useful to have a meeting with regarding execution of mutual legal assistance requests for evidence of convictions.

Annex M cont.

Attachment referred to in email dated 23 October 2006 at 3:05 PM from UK Central Authority official.

GERMANY

YEAR	1 year +	Under 1 yr	Other	Total
2006	200	300	1,100	1,600
2005	250	400	2,300	2,950
2004	350	500	2,200	3,050
2003	200	300	1,600	2,100
2002	150	300	750	1,200
2001	150	450	2,000	2,600
2000	200	400	1,500	2,100
1999	100	200	800	1,100
Total	**1,600**	**2,850**	**12,250**	**16,700**

HOLLAND

YEAR	1 year +	Under 1 yr	Other	Total
2,006	0	0	0	0
2,005	0	0	23	23
2,004	0	0	20	20
2,003	0	0	0	0
2,002	0	0	2	2
2,001	0	0	14	14
2,000	0	0	16	16
1,999	0	0	3	3
Total	**0**	**0**	**78**	**78**

FRANCE

YEAR	1 year +	Under 1 yr	Other	Total
2006	50	100	300	450
2005	300	100	40	440
2004	200	300	100	600
2003	100	300	60	460
2002	150	300	100	550
2001	100	100	200	400
2000	50	100	60	210
1999	40	3	0	43
Total	**990**	**1,303**	**860**	**3,153**

NORWAY

YEAR	1 year +	Under 1 yr	Other	Total
2,006	0	0	60	60
2,005	0	0	40	40
2,004	0	0	60	60
2,003	0	0	100	100
2,002	0	0	40	40
2,001	0	0	100	100
2,000	0	0	30	30
1,999	0	0	0	0
Total	**0**	**0**	**430**	**430**

SWITZERLAND

YEAR	1 year +	Under 1 yr	Other	Total
2006	1	300	400	701
2005	6	300	400	706
2004	40	300	500	840
2003	23	400	450	873
2002	21	200	400	621
2001	13	100	400	513
2000	9	27	28	64
1999	0	0	0	0
Total	**113**	**1,627**	**2,578**	**4,318**

AUSTRIA

YEAR	1 year +	Under 1 yr	Other	Total
2,006	0	0	3	3
2,005	0	0	24	24
2,004	0	0	36	36
2,003	0	0	11	11
2,002	0	0	19	19
2,001	0	0	15	15
2,000	0	0	6	6
1,999	0	0	33	33
Total	**0**	**0**	**147**	**147**

GREECE

YEAR	1 year +	Under 1 yr	Other	Total
2006	0	0	0	0
2005	0	0	26	26
2004	0	0	350	350
2003	0	0	350	350
2002	0	0	400	400
2001	0	0	400	400
2000	0	0	60	60
1999	0	0	35	35
Total	**0**	**0**	**1,621**	**1,621**

SLOVAKIA

YEAR	1 year +	Under 1 yr	Other	Total
2,006	0	0	0	0
2,005	0	0	0	0
2,004	0	0	0	0
2,003	0	0	0	0
2,002	0	0	0	0
2,001	0	0	0	0
2,000	0	0	0	0
1,999	0	0	1	1
Total	**0**	**0**	**1**	**1**

DENMARK

YEAR	1 year +	Under 1 yr	Other	Total
2006	0	0	300	300
2005	0	0	250	250
2004	0	0	0	0
2003	0	0	0	0
2002	0	0	0	0
2001	0	0	0	0
2000	0	0	0	0
1999	0	0	0	0
Total	**0**	**0**	**550**	**550**

LUXEMBOURG

YEAR	1 year +	Under 1 yr	Other	Total
2,006	0	0	0	0
2,005	0	0	15	15
2,004	0	0	14	14
2,003	3	0	308	311
2,002	0	0	7	7
2,001	0	0	2	2
2,000	0	0	0	0
1,999	0	0	10	10
Total	**3**	**0**	**356**	**359**

Annex M cont.

Czech Republic

YEAR	1 year +	Under 1 yr	Other	Total
2006	0	0	0	0
2005	0	0	30	30
2004	0	0	0	0
2003	0	0	0	0
2002	0	0	0	0
2001	0	0	0	0
2000	0	0	0	0
1999	0	0	0	0
Total	**0**	**0**	**30**	**30**

ITALY

YEAR	1 year +	Under 1 yr	Other	Total
2,006	0	0	0	0
2,005	0	0	0	0
2,004	0	0	0	0
2,003	0	0	0	0
2,002	0	0	0	0
2,001	0	0	0	0
2,000	0	0	0	0
1,999	0	0	119	119
Total	**0**	**0**	**119**	**119**

BULGARIA

YEAR	1 year +	Under 1 yr	Other	Total
2006	0	0	0	0
2005	0	0	0	0
2004	0	0	2	2
2003	0	0	3	3
2002	0	0	0	0
2001	0	0	0	0
2000	0	0	0	0
1999	0	0	0	0
Total	**0**	**0**	**5**	**5**

POLAND

YEAR	1 year +	Under 1 yr	Other	Total
2,006	0	2	8	10
2,005	0	0	0	0
2,004	0	0	0	0
2,003	0	0	0	0
2,002	0	0	0	0
2,001	0	0	0	0
2,000	0	0	0	0
1,999	0	0	0	0
Total	**0**	**2**	**8**	**10**

TURKEY

YEAR	1 year +	Under 1 yr	Other	Total
2006	0	0	0	0
2005	0	0	0	0
2004	0	0	0	0
2003	0	0	0	0
2002	0	0	0	0
2001	0	0	1	1
2000	0	0	7	7
1999	0	0	0	0
Total	**0**	**0**	**8**	**8**

Country	Notifications
Germany	16,700
Switzerland	4,318
France	3,153
Greece	1,621
Denmark	550
Norway	430
Luxembourg	359
Austria	147
Italy	119
Holland	78
Czech Republic	30
Poland	10
Turkey	8
Bulgaria	5
Slovakia	1
Total	27,529

YEAR	Imprisonment 1 year +	Under 1 yr	Sentence Other	Total
2006	251	702	2,171	3,124
2005	556	800	3,148	4,504
2004	590	1,100	3,282	4,972
2003	326	1,000	2,882	4,208
2002	321	800	1,718	2,839
2001	263	650	3,132	4,045
2000	259	527	1,707	2,493
1999	140	203	1,001	1,344
Total	2,706	5,782	19,041	27,529

(16)

-----Original Message-----
From: ACPO official
Sent: 25 October 2006 5:58 PM
To:
Cc:
Subject: RE: RESTRICTED: Exchange of European criminal records: previous a rran gements

Apologies for the confusion. We have been tackling the backlog, which is why the figures change.

525 is the top set of offenders of which we now have 84 created and resulted on PNC.

We have found a further 66 to have the basic information of the foreign conviction on PNC but not the court result (imprisonment) Initially Interpol were informed of arrest/charge and created skeleton PNC record but the court result has never been received and PNC was not therefore updated. We have now updated PNC with these court results, from the papers recovered from HO, which leaves 375 to action on PNC.

In all we have actioned on PNC 150 offenders which were saw as the most serious crime types.

Regards

UK Central Authority
for the Exchange of Criminal Records

From: HO official
Sent: 25 October 2006 17:20
To: ACPO official
Cc: 1 HO official
Subject: RE: RESTRICTED: Exchange of European criminal records: previous a rran gements

Sorry if I'm getting a bit confused with the figures, but you say "all 68" serious cases are now on; whereas your previous message referred to "525 serious offenders" and the message below says "375 other offenders to put on". Can we just clarify please so that I get the figures right for Ministers?

We fully recognise that ACRO has to carry on with and indeed prioritise its "day to day" work; on the other hand I don't want to give the impression that we're not taking the backlog issues seriously. Thanks for your help,

-----Original Message-----
From: ACPO official
Sent: 25 October 2006 4:56 PM
To: HO official, ACPO official
Subject: RE: RESTRICTED: Exchange of European criminal records: previous a rran gements

Comments inserted below.

The only way to tackle this effectively and quickly is with some additional funding to support extra office and PNC Bureau staff/overtime working. Plus some additional 'translation' work.

As mentioned below I am working up a plan to tackle this situation and will let you have my views, through when I have completed the paper/costs.

Regards

UK Central Authority
for the Exchange of Criminal Records

From: HO official
Sent: 25 October 2006 16:03
To: ACPO officials
Subject: FW: RESTRICTED: Exchange of European criminal records: previous a rran gements
Importance: High

Anything further on the queries below please?

has anyone at ACPO level been alerted yet? Thanks,

-----Original Message-----
From: HO official
Sent: 24 October 2006 1:09 PM
To: 'UK CENTRAL AUTHORITY Mailbox'
Cc: HO officials
Subject: RE: RESTRICTED: Exchange of European criminal records: previous arran gements
Importance: High

Just a couple of points to clarify on this please: as you have been able to identify the most serious cases (murder, manslaughter, rape etc), will it be possible to prioritise getting these offenders on to the PNC?

All these serious cases have already been entered onto PNC. In

many cases, as we don't know where the offender is, (UK or EU) we have entered a PNC marker called 'locate/trace' If an officer arrests or checks the offender in street say, then the marker asks that UKCA-ECR is informed. We will then start the process of asking the force to consider getting summons issued and the offender into Mags court for Sex Offender Order, then fingerprints and photograph can be taken. (Unfortunately the legislation does not allow police to take DNA!!!!)

I have noted your comment that this has been done for 68 cases - what would be the timescale for the rest?.] All 68 were entered onto PNC in the early stages, followed by the remaining most serious offenders. We have approx. 375 other offenders to put on, for offences of robbery, GBH, drug importation, fraud, anything over 3 years imprisonment, which we considered worthy of note in the early stages really. Then there are about 2,000 others with a year or more imprisonment, and lastly 5,700 where imprisonment was less than 1 year. That is the priority, but there are many offenders that didn't get custody in the remaining 19,000 that should be considered. To clear the 375 with the present staff (me plus 1) will take 2 months. Then the 2,000 (hopefully I will have recruited the 3rd staff member and the timescale will be 4/5 months, the 5,700 would not be started until after 1st April - and I would have asked for two more staff anyway for next year, so if we were me plus 4, then perhaps another 6 mths. The 19,000 remaining will probably come down to less than10,000 by the time we take out the traffic offences that are not recordable on PNC.

I am developing a plan whereby I ask the Hampshire PNC Bureau to attack some of the bulk records, and purely conduct the initial PNC search (trace/printout/prepare a.file or not trace) in that way I can attack those who already have UK convictions first and then worry about those who are unknown to date. But I need to discuss again with Hampshire PNC manager as that sort of activity can only be carried out during quite hours of night shifts. The limited research they will do is based on the fact that the conviction records are all in the foreign language, and I don't want them to create records on PNC, just do the initial research, and we complete the task. As I say, I am still developing the plan, but all in all the serious stuff is on, the next most serious will take 10months.

Please bear in mind that wer are constantly dealing with day to day enquiries, both out to EU (220 to date) and those new foreign convictions that come in weekly direct to us, from EU MS's..

Thank you for your further comment on identification issues, I am copying this to so that they can feed into current negotiations on the new Framework Directive, and to who is taking forward work on access to the Prum Agreement (you were going to give us advice on where this is up to). Thanks,

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From: HO official
Sent: 27 October 2006 10:50 AM
To: ACPO official
Cc: HO official , Readhead, Ian; McAllister, Adrian
Subject: RE: RESTRICTED: Exchange of European criminal records: previous a rran gements

Thanks - I'm sure will be able to brief us accordingly at the meeting.

Just to check one point – if one of the EU records has the correct name, date of birth etc, is that sufficient to match to any existing PNC record?

-----Original Message-----
From: ACPO official
Sent: 27 October 2006 9:38 AM
To: HO official, ACPO official
Cc: 'HO official'; Readhead, Ian; McAllister, Adrian
Subject: RE: RESTRICTED: Exchange of European criminal records: previous a rran gements

We need to be very careful with this, as s note below suggests, it will not be easy to track down so many offenders, especially as we have so little information.

work through these cases in the way has started to do and we can also check names against relevant databases, amending and reducing the risk as we go. We can, over time,

I cannot make the meeting next week called by Vic Hogg but I would caution against wanting to urgently react to this situation.

ACPO Criminal Records Office

From: ACPO official
Sent: 26 October 2006 18:30
To: 'HO official'
Cc: HO official, ACPO official
Subject: RE: RESTRICTED: Exchange of European criminal records: previous a rran gements

The research we have conducted is aimed at 'housing' the offender, in the UK. We have even asked the convicting country, for access to the arrest data, in order to find home addresses, passport details, prison release addresses, etc, but they say they are bound by their legal systems and can't release the data, but could do as part of Prum (biometrics), or if we could state we had a live crime enquiry about each individual.

the basic record and add the locate trace marker, hoping they will come to notice.

There are those that already had a record on PNC, for other minor offences, and a couple that have committed other minor offences since being released, but the majority were not known to UK Police before the foreign conviction. Those that have re-offended in the UK, would have been sentenced by the court who would not have known of the serious foreign conviction, in fact they would have been told by the CPS, no previous convictions.

Where we have been able to find an address we have written to that force and asked them to take action

There are other lines of enquiry we could take in an effort to trace them, UK passport office, DVLA, Dept. Work & Pensions, etc, but that sort of enquiry does need full resources, but if you want to find them – that it the only way,.

Find them, and establish where they are working
Summons them to appear in court,
onto the Sex Offenders Register
take fingerprints (do they match old undetected crime?)
Photographs and ensure the Police have full details for PNC.

Just to make the point, we do not even know what these offenders look like, how tall they are, whether they have ever used alias names. We could of course get enquiries from other EU countries, who may have arrested these offenders.

Regards

UK Central Authority
for the Exchange of Criminal Records

From: HO official
Sent: 26 October 2006 17:43
To: ACPO official
Cc: HO official, ACPO official
Subject: RE: RESTRICTED: Exchange of European criminal records: previous a rran gements

Just one more point as serious cases are put on to PNC, is it possible to check whether the individual has committed further offences since returning to this country? And do the records have any prior or intended address information which the police might be able to use to find them, if necessary? Thanks,

19

-----Original Message-----
From: (ACPO official .police.uk]
Sent: 06 November 2006 3:38 PM
To: (; Gaskell Vince (CRB); Dodd Tom;
Cc: ; Hogg Vic; I
Subject: RE: RESTRICTED: case criminal records advice

Sorry for the late submission, but here is our considered view.

I hope you find this useful.

Regards

UK Central Authority
For the Exchange of Criminal Records

7

From: HO official
Sent: 03 November 2006 12:59
To: CRB); Gaskell Vince (CRB); (
Cc: Hogg Vic;
Subject: RE: RESTRICTED: case criminal records advice

Dear all,

Vic thought it would be helpful if in addition to note, we provided with a summary. I have attempted to draft this as a cover page to the fuller note - see attached - and

would be grateful if you could let me know whether I have omitted or misrepresented anything vital.

Thank you for your comments on the fuller note. These will be actioned shortly along with a slight re-ordering to match the flow of the summary. The plan is to put this to by close on Monday, for him to use along with his own material on the exchange of information within

Police Workforce Strategy Directorate
Floor 6, Fry Building, NE Quarter
2 Marsham Street
LONDON SW1P 4DF

Original Message-----

OVERSEAS CRIMINAL CONVICTIONS AND THE ROLE OF CRB

Summary

Current position

1. The role of the Criminal Records Bureau is to provide criminal records checks to potential employers (through registered bodies) to help organisations in the public, private and voluntary sectors by identifying candidates who may be unsuitable to work with children or other vulnerable members of society – as set out in the Rehabilitation of Offenders Act (ROA) (Exceptions) Order 1975.

2. The CRB are wholly reliant on police records for the disclosure process, primarily at present, those held on the Police National Computer (PNC). These records will include details of convictions abroad recorded against British nationals where available. Plans are in hand to extend the range of data and criminal record sources searched for employment vetting purposes, including data sources outside the UK EU and non-EU wide.

3. Special arrangements are in place in the EU for the exchange of information on convictions of nationals abroad. Under the 1959 Convention on Mutual Legal Assistance, European jurisdictions are obliged to exchange court information on convictions of nationals abroad. A UK Central Authority for the Exchange of Criminal Records (UKCA-ECR) has been established - and placed under ACPO management in Winchester – to facilitate this exchange of information, within the EU. When a record is received by the UKCA-ECR, the aim is to place it on the PNC

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Comment: ACPO would like to have sight of the plans as any convictions that are relevant should be put onto PNC and therefore Police agreements are necessary to exchange with another country.

Deleted: In the UK, a central authority

Deleted: at Hampshire Police HQ

Impact of broadening / strengthening the current arrangements

5. *Broadening CRB's role*: Currently the ROA (Exceptions) Order 1975 provides for distinct categories of national security vetting for areas such as the UK Atomic Energy Authority and the Civil Aviation Authority. If it were decided that eligibility should be provided more generally for staff involved in the amendment would be required.

Depending on the level of disclosure required, an amendment to CRB regulations may also be necessary. Adding to CRB responsibilities would have resource implications.

6. *Obliging EU and non-EU states to provide better quality data*: This would require negotiation and some reciprocity would be expected, which could impact on the level of information we would need to provide in, for example, deportation cases.

Detail

Criminal Records Bureau role

The role of the CRB is to provide criminal records checks to potential employers (through registered bodies). Checks can only be provided for areas of employment subject to the Rehabilitation of Offenders Act (Exceptions) Order 1975, and are provided at two levels: standard and enhanced. Applications for Disclosure are made by organisations registered with the CRB who have, or on behalf of someone who has, the ability to ask an exempted question under the Exceptions Order 1975, thus the ability to ask an individual for details of any conviction held – both 'spent' and 'un-spent'.

Deleted: or

Comment: Is there a need here to explain about the Basic Check which CRB do not currently undertake. Our view is it should highlight the lack of this facility which can be carried out by Disclosure Scotland.

The CRB acts as a one-stop shop to access data held by police forces and other government departments for release on a 'Certificate', more commonly known as a 'Disclosure'. A Standard Disclosure will entail a check of the Police National Computer (which stores all recordable convictions) for details of any conviction, caution, reprimand or warning held, along with a check of the children and adults barred lists held by the Department for Education and Skills and the Department of Health.

Enhanced disclosures apply to persons working in certain sensitive occupations such as those working closely with children or vulnerable adults. An Enhanced Disclosure includes the same checks as a Standard Disclosure but will also require a check of any information held locally by a 'relevant police force'. This would include more minor conviction information held locally, and local police intelligence.

This information may be disclosed if considered relevant to the application by the chief officer of police. It can be released in two forms: as approved information or as additional ("brown envelope") information. Approved information is information which is relevant to the position applied for which has been approved as being suitable for release to both the applicant and the registered body on the face of the Disclosure. Additional information is information which the chief officer of the force considers should only be released to the registered body, but which may not be disclosed to the applicant in the interests of the prevention or detection of crime.

The CRB are wholly reliant on police records for the disclosure process. The Bureau does not itself hold data on criminal records. The CRB acts as a processing house for data held on PNC and by relevant police forces and other government departments, and can only release what is actually held. The key issue is how to get information on convictions abroad on to police systems.
record overseas convictions on the Police National computer as a conviction this should be released under both the Standard and Enhanced regime.

Comment: ACPO agree and will be talking to several other countries (outside of EU) in an effort to get formal agreement to exchange convictions, rather than just on the most serious cases, as is now the case through Interpol.

The Basic Disclosure, when available from the CRB, will contain details of any unspent conviction held. Basic disclosures are currently available through Disclosure Scotland, part of the Scottish Criminal Records Office (SCRO).

Interpol

The International Criminal Police Organisation (Interpol) manages several databases accessible to the Interpol bureaux in all member countries. The databases contain

information on criminals and criminality and include details on suspected terrorists and nominals on criminals.

There are a number of bilateral arrangements set up between the UK and most overseas countries where there is a recognised criminal justice system; many are under the Schengen system.

Comment:

/ UK Nationals. The UK send 2,600 convictions abroad each year, to all countries for a whole variety of offences. New research indicates this figures is a small percentage of the true figure.

Comment: This system wil contain details of those subjects that are 'wanted', by countries signed up to Schengen. It will not contain conviction details.

Work/plans to improve access

The CRB Five Year Strategy and Business Plan 2006/07 provides for a set of key objectives for the CRB in developing the service. Objective 4 of this plan affords for the CRB 'To extend the range of data and criminal record sources that we can search'. As part of this objective the CRB are looking at data sources outside the UK both EU wide and non-EU wide.

EU arrangements

Special arrangements exist within the EU. Under the 1959 Convention on Mutual Legal Assistance, certain European jurisdictions exchanged information on

convictions of nationals abroad. That is, information on British nationals committing offences in other European countries would be sent to the UK Central Authority here.

A new UK Central Authority for the Exchange of Criminal Records (UKCA-ECR) has been established - and placed under ACPO management in Winchester. This is to comply with the 2005 EU Council Decision on the exchange of criminal records information. This will provide a more consistent approach to the exchange of criminal records within the EU, and will ensure that information on convictions by British nationals within EU countries is placed quickly on to the PNC. There is also scope for requesting details of the criminal records of EU nationals from their home member state. These processes are now being actively managed with the assistance of ACPO. Identification information is still a difficulty and negotiations for the new Framework Decision on the format and content of criminal records exchange will need to address this issue.

Deleted: central authority for the exchange of criminal record information has been established under ACPO management at Hampshire Police HQ

CRB role on convictions from abroad

The CRB disclose information based on criminal records and this will therefore include any details of convictions abroad which are recorded against British nationals on PNC ( ). It is the intention that the CRB will incorporate into its Disclosure product the ability to request such information through the UKCA-ECR. The CRB are currently working with ACPO colleagues in the UKCA-ECR on a feasibility study on the functionality and operation of this process.

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Comment: ACPO are very keen to work with CRB in this area, although little progress has been made to date.

Although the EU conviction material is in the main to be used for judicial purposes, the CRB will seek to use this legislation to reach agreements with other Member States to share this information for employment vetting purposes. Agreements will have to be made individually with Member States as any sharing of data is dependent upon the national laws of each country. In some cases this will mean that data can not be shared for purposes other than judicial. The CRB is undertaking a feasibility study to understand how this will impact the disclosure requirements.

Other Countries:

The CRB has highlighted a number of countries to prioritise making agreements with to share data for employment vetting purposes. This list is made up of countries where previous disclosure applications have shown significant numbers of applicants having lived previously in those countries, for example Australia and South Africa. There are still many issues to be resolved, such as whether data can be shared based upon a) other countries willingness and/or legal ability to share data, b) the reliability of data that may be received and c) whether the UK police would wish to share UK data with specific countries. A feasibility study will be undertaken to determine which of these countries the UK will share data with and the impact this will have upon the disclosure service.

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Comment: ACPO would need to be included in any discussions with other countries. If any country (outside of the EU) agrees to share conviction data, there would need to be agreement on content, format, biometrics. At the present time Interpol send limited information.

A key problem is that some countries where demand for checks is high - for example Zimbabwe or Kenya, have very unreliable or non-existent criminal records systems. This is likely to be a serious problem with many other jurisdictions.

Areas for further improvement in access to records in foreign jurisdictions, particularly terrorists jurisdictions

Legislative amendments

Currently the Exceptions Order provides for distinct categories of national security vetting for areas such as the UK Atomic Energy Authority and the Civil Aviation Authority. If it were decided that eligibility should be provided for generally for staff involved in the ' an amendment would be required to the ROA Exceptions Order. This would be led by the Sentencing Powers and Penalties Unit as custodians of the Order. Amendments under the Order are subject to affirmative resolution and would require debate by both houses but would take approximately 4-6 months to implement from initial ministerial approval to lay the amendment regulations.

A requirement for Enhanced Disclosure eligibility would in addition require amendments to be made to CRB regulations to prescribe as an additional category. This would however be led by the CRB and would be subject to the negative resolution procedure and would take approximately 3-4 months to implement from initial ministerial approval to lay these amendment regulations.

Further data sources

The CRB are aware that there are a number of databases within other UK government departments, in particular the Immigration Service that may contain other useful data to underpin the approach

Comment: Certain EU countries already include the more serious driving convictions in the notifications sent to the UKCA-ECR, e.g. Death by Dangerous driving and drink drive offences. Whilst these offences can be added to PNC there is no EU agreement to have these convictions placed on DVLA. (UK has agreed to exchange driving convictions Ireland and IOM only)

Deportation information

Ken Sutton has recently provided advice on the exchange of information in deportation cases. In these cases - many of which will involve the return to the UK of British nationals convicted of serious offences outside the EU - it would be helpful to the police for full details of identification and offence details to be provided to the police on the individuals return to this country. We understand that further work to develop policy in this area in being taken forward by IND.

Comment: It would be very useful if the ACPO team could be included in these discussions, in order to make best use of convictions that will be exchanged between UK and foreign record office.

Other channels

(18)

From: HO official
Sent: 27 October 2006 12:20 PM
To: HO + ACPO officials

Cc: an.police.uk>
Subject: RE: Requests for previous convictions

Fine for me.

International Policy Team
SC3 (Judicial Co-operation)
5th Floor, Fry Building
2 Marsham Street
London SW1P 4DF
020 7035 1274

-----Original Message-----
From: HO official
Sent: 27 October 2006 12:18 PM
To: HO + ACPO officials

Cc:
Subject: RE: Requests for previous convictions

OK shall we make it on 10th November at 10.30 at the Home Office? For an hour ?
The main issue we need to discuss from a UKCA point of view is assistance with mutual legal assistance requests for details of convictions. We should discuss arrangements for any Article 22 notifications we receive

Head, UK Central Authority

-----Original Message-----
From: ACPO official
Sent: 27 October 2006 10:13 AM
To: ACPO + HO officials
Cc:
Subject: RE: Requests for previous convictions

I can also make 10th and (who is away today) will be ok.

ACPO Criminal Records Office

From: HO official
Sent: 27 October 2006 10:07

To: ' HO + ACPO officials
Cc: '
Subject: RE: Requests for previous convictions

I'm available on the 10th

5th Floor, Fry Building
Home Office
2, Marsham Street
London SW1P 4DF

-----Original Message-----
From: ' HO official
Sent: 27 October 2006 10:07 AM
To: \ HO + ACPO officials .
Cc: I
Subject: RE: Requests for previous convictions

10th best for me.

International Policy Team
SC3 (Judicial Co-operation)
5th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

-----Original Message-----
From: HO official
Sent: 27 October 2006 10:07 AM
To: HO + ACPO officials
Cc:
Subject: RE: Requests for previous convictions

All,

Wednesday morning 8th is a possibility for me or Friday 10th again in the morning.

As I am away all next week I would prefer if a date was fixed today.

-----Original Message-----
From: HO official
Sent: 26 October 2006 6:20 PM
To: ' HO + ACPO officials
Cc:
Subject: RE: Requests for previous convictions

All,

The week commencing the 6th would be good for me, but like I am not available on the 9th.

It would seem most appropriate to set the meeting up around and availability. If not available to travel on that day I could join a meeting by phone if that was possible.

Regards

-----Original Message-----
From: ACPO official

Sent: 24 October 2006 12:04 PM
To: HO + ACPO officials
Cc:

Subject: RE: Requests for previous convictions

I will leave it to you to decide on day, date and who attends.

The following week, I not available Thursday 9th but the rest of that week is OK.

Regards

UK Central Authority
for the Exchange of Criminal Records

From: HO official

Sent: 24 October 2006 11:25
To: HO + ACPO officials
Cc:

Subject: RE: Requests for previous convictions

Dear

I am away all next week but have no objection to the meeting taking place in my absence providing can attend. out of the office until Friday when he should see this e mail and indicate his availability.

-----Original Message-----
From: HO official

Sent: 24 October 2006 9:21 AM
To: HO + ACPO officials
Cc: HO + ACPO officials

Subject: RE: Requests for previous convictions

If you would find it helpful I will be happy to attend - for background on the Council Decision. I'm free Monday, Tuesday or Thursday afternoon.

International Policy Team
SC3 (Judicial Co-operation)
5th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

-----Original Message-----
From: ACPO official

Sent: 24 October 2006 6:16 AM
To: HO + ACPO officials -
Cc: [redacted] U);

Subject: RE: Requests for previous convictions
Importance: High

I can come up and see you next week?

Anytime Monday, Tuesday morning, anytime Thursday or Friday

Regards

UK Central Authority
for the Exchange of Criminal Records

(23)

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-----Original Message-----
From: ACPO official
Sent: 27 November 2006 9:17 AM
To: HO officials
Subject: RE: Meeting 10.30 tomorrow

Fine by me

Regards

Manager
UK Central Authority
For the Exchange of Criminal Records

Fax:

From: HO official
Sent: 24 November 2006 15:42
To: HO official, ACPO official
Subject: FW: Meeting 10.30 tomorrow

I have tracked some small changes in red on page 2 which reflect a subsequent telephone discussion with

Hope this is acceptable.

-----Original Message-----
From: HO official
Sent: 23 November 2006 11:37 AM
To: HO officials, ACPO officials
Cc:
Subject: RE: Meeting 10.30 tomorrow

Please see attached a draft of the minutes following our meeting on 10th November. Please feel free to let me have any additions or amendments you consider necessary.

5th Floor, Fry Building
Home Office
2, Marsham Street
London SW1P 4DF

http://police.homeoffice.gov.uk/operational-policing/mutual-legal-assistance/?version=1

-----Original Message-----
From: HO official
Sent: 15 November 2006 2:23 PM
To: ACPO official
Cc: HO official
Subject: RE: Meeting 10.30 tomorrow

As long as the EU CA in the other EU Member State can distribute the material to the party that requested it in the letter of request - often a prosecutor, sometimes a court - (which I have referred to as a judicial authority) then I think it will be OK.

-----Original Message-----
From: ACPO official
Sent: 15 November 2006 2:18 PM
To: HO official
Cc: HO official
Subject: RE: Meeting 10.30 tomorrow

I don't think that is a problem. We currently request of another EU CA against the criteria 'criminal proceedings' and they respond direct to me as the UKCA-ECR, as agreed in the FD, I then distribute to the UK requestor, Police or other agency entitled to ask us.

Is that OK?

There is no agreement that they will respond direct to a 'judicial authority'. We are seen as the hub for UK in order that we control quality, standards, record activity and update PNC, Scotland CRO and PSNI if there is a need.

Please call if you need to discuss further.

Regards

Manager
UK Central Authority
For the Exchange of Criminal Records
Tel:
Mobile:
Fax:

From: HO official
Sent: 15 November 2006 12:51

To: ACPO official
Cc: HO official
Subject: RE: Meeting 10.30 tomorrow

As discussed will be preparing minutes of the meeting in due course.

Just in relation to EU cases, we discussed that responses to the convictions aspect of any mutual legal assistance request could be forwarded by you to your corresponding central authority (convictions) in the requesting state, however it must be emphasised to your counterparts that the information was requested by a judicial authority for the purposes of criminal proceedings and that they would be required to forward the material to that judicial authority. I am assuming that they will be agreeable to this but do you forsee any difficulties with this?

Grateful for your thoughts - (we can include in the minutes)

Regards

-----Original Message-----
From: ACPO official
Sent: 13 November 2006 5:12 PM
To: HO officials, CRB official
Cc: ACPO official
Subject: RE: Meeting 10.30 tomorrow

Very useful and practical way forward outlined and agreed.

Regtards

UK Central Authority
For the Exchange of Criminal Records
Tel:
Mobile:
Fax:

From: HO official
Sent: 13 November 2006 16:41
To: CRB official
Cc: (ACPO officials
Subject: RE: Meeting 10.30 tomorrow

Yes very worthwhile is doing the minutes and will circulate when ready.

-----Original Message-----
From: CRB official
Sent: 13 November 2006 3:48 PM
To: HO official, ACPO official
Subject: RE: Meeting 10.30 tomorrow

Did you have a good meeting on Friday?

-----Original Message-----
From: HO official
Sent: 09 November 2006 11:42 AM
To: HO officials ; HO officials ; CRB officials

Cc: HO official
Subject: Meeting 10.30 tomorrow

Dear All,

In order to give our meeting some structure tomorrow, can I suggest that discussions take place under the following headings

1. The provisions of FWD on exchange of criminal records
2. The role and responsibilities of the UKCA
3. The roles and responsibilities of the UK Central Authority for exchange of criminal records
4. Ability to assist UKCA with MLA requests for conviction material
5. Future notifications made in accordance with Article 22 CoE

See you all tomorrow at room F2.29 NW at 10.30

Regards

Judicial Co-operation Unit

Meeting between UK Central Authority (for mutual legal assistance) and UK Central Authority (for exchange of criminal records – 10th November 2006

In Attendance:

- Head of UKCA (MLA)
- Deputy Head of UKCA (MLA)
- Head of International Policy Team
- UK Central Authority (ECR)
- UK Central Authority (ECR)

I opened the meeting by giving some background to the Framework Decision covering Exchange of Criminal Records. It was primarily designed as an emergency measure following a number of terrorism incidents in order to speed up the process introduced under Article 22 of the European Convention on Mutual Assistance in Criminal Matters 1959. Member States had only been given six months to implement the decision into their domestic legislation and UKCA (ECR) had just about been set up within this time scale.

detailed UKCA (MLA)'s areas of responsibility and confirmed that any MLA requests that included conviction material fell to UKCA to action.

stated that UKCA (ECR) was mainly him operating on his own but he added that he had received assistance from Hampshire Constabulary. He confirmed that they would be looking to take on a coordinator and an administration clerk to assist him further as a budget for three people had been approved.

gave some additional information about the work of UKCA (ECR). He said it had been developed as an ACPO initiative and that both the Criminal Records Bureau and Scottish authorities have interests in the project. New premises were being arranged which would also house UKCA (ECR) and a dedicated National Bureau would be set up to assist work. He would also be pushing for an exchange of fingerprint records for identity purposes. He stressed that UKCA (ECR) should not be seen as a stand alone project but that it had implications for other police resources.

confirmed that requests from the UK to other countries were being routed through his office, and that he had dealt particularly with a lot of request to the Polish authorities. added that they were working closely with the Criminal Records Bureau, who had initially been identified as the location for UKCA (ECR) on managing the dynamics of the use of the information they received. He felt that it would be appropriate to use this mechanism outside of Europe (given that the Framework Decision only covered certain EU countries, but not Council of Europe countries) but added that he had not received funding for this as yet. Funding comes from the Police Leadership & Powers Unit (PLPU) at the Home office and that was their contact there. However, he stressed that if this was to occur it would need to be kept to a minimum initially as he needed to ensure it was kept to a manageable level as he could envisage that there would be a flood of requests from around the world.

confirmed that, under the Framework Decision, UKCA (ECR) could not assist the rest of the world and that such requests should be routed through Interpol. However, it was clear that they wanted to pass these requests onto 's office.

asked whether UKCA (ECR) would be able to deal with any MLA requests that included requests for criminal records. It was agreed that MLA requests for criminal records from EU countries could be passed to UKCA (ECR) to deal with and they would respond directly to the judicial authority in the country concerned, as well as the Central Authority responsible for the exchange of conviction related material in that country, whilst notifying UKCA (MLA) of their response. For countries outside of the EU they would respond via UKCA (MLA).

expressed concern that, in relation to EU cases, responses to the convictions aspect of any mutual legal assistance request could be forwarded by UKCA (ECR) to the corresponding central authority (convictions) in the requesting state, but it must be emphasised to their counterparts that the information was requested by a judicial authority for the purposes of criminal proceedings and that they would be required to forward the material to that judicial authority. confirmed that he did not consider this to be a problem as he currently makes requests of other EU CA against the criteria 'criminal proceedings' and they respond direct to him as the UKCA-ECR, as agreed in the Framework Decision. He then distributes the information to the UK requestor, Police or other agency entitled to ask them. concluded by stating that as long as the EU CA in the other EU Member State could distribute the material to the party that requested it in the letter of request – often a prosecutor, sometimes a court – (which would be referred to as a judicial authority) then she thought it would be acceptable.

said that he was still receiving Article 22 notifications from a number of countries, which were being forwarded to as soon as they were received. confirmed that he was contacting the other Central Authorities across Europe in order to make them aware of the correct avenue for transmission of these documents.

Original Message-----
From: ACPO official
Sent: 21 November 2006 3:23 PM
To: IHO official
Subject: RE: UKCA Costs

Many thanks will await your advice.

Regards

From: HO official
Sent: 21 November 2006 15:06
To: ACPO official
Subject: RE: UKCA Costs

Thanks. Yes I'm the right person. Our section is the policy sponsor for the UKCA and is providing the funding however I need to establish the basis of the funding with our finance people. I shall get back to you as soon as possible.

-----Original Message-----
From: ACPO official
Sent: 21 November 2006 2:55 PM
To: HO official
Subject: UKCA Costs

Good Afternoon

I hope you can assist me, there appears to be some confusion over the basis for the funding of the UKCA (Exchange of Criminal Records) project, and I have been given your name as the contact for this. Please let me know if this is not the case.

We recently submitted two invoices (P0012500 & P0012501) for costs related to this project against the purchase order no 7045728 dated 27th October 2006, these invoices were submitted with VAT which is applicable for recharges of this nature. However I have since been advised that the funding for this project is a Grant and as such, should not be subject to VAT if processed in the correct manner.

I have made several enquiries and discussed this with our Asst Director of Finance, [redacted] and we believe that neither the purchase order or invoices should have been raised for this and that we now need to unscramble this and re-submit paperwork following the correct procedure for grant funding.

Are you able to confirm to me that you are in agreement with us, that this is a Grant, and therefore I can go ahead and issue appropriate paperwork to rectify the confusion?

Many Thanks
Kind Regards

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