



Service Procedure

ENQUIRIES TO BE MADE IN THE REPUBLIC OF IRELAND (RoI) AND ELSEWHERE OUTSIDE THE UNITED KINGDOM (UK)

SP Identification Number	6/2010
Protective Marking	Not Protectively Marked
Policy Ownership:	
Department	Service Improvement Department
Branch	S3 Public Protection
Author	D/Sergeant 16865
Procedure Approved By:	Head of Branch
Service Executive	N/A
Department or Branch Head	ACC SID
Date Of Approval	
Date First Issued:	11 February 2010
Version Number	V2
This Version Issued:	18 August 2014
Review Date:	1 year from issue date
Governing Policy Directive:	Investigations

ABSTRACT: This Service Procedure is relevant to all officers and staff dealing with investigations which have enquiries outside the UK in particular, Response Officers, Detectives in CID & Specialist Units and Supervisors

Personal

Professional

Protective

NOT PROTECTIVELY MARKED

INDEX

Section	Subject	Page
1	Aim of Service Procedure	3
2	Introduction	3
3	Legislative Requirements	3
4	Consultation	3
5	Human Rights/United Nations Convention on the Rights of the Child (UNCRC)/Equality/Code of Ethics/Freedom of Information	3
6	Procedures	4
6(1)	General	4
6(2)	Republic of Ireland	4
6(3)	International Letters of Request (ILOR) to Countries Outside the UK [including the Republic of Ireland (ROI)]	4-5
6(4)	Following Procedures	5
7	Monitoring and Review	5

1. AIM OF SERVICE PROCEDURE

The aim of this Service Procedure is to establish guidance procedures which must be followed by members of the Police Service of Northern Ireland (PSNI) who wish to make police enquiries outside the United Kingdom (UK) jurisdiction. These enquiries may simply be with the Police Service of the Republic of Ireland (RoI), An Garda Síochána, or may entail enquiries in a European or international context, including enquiries with Interpol and Europol.

2. INTRODUCTION

- (1) Northern Ireland has become an increasingly multi-cultural society. For that reason, police officers in the normal course of their enquiries or investigations may, on occasions, be required to seek information or conduct enquiries outside the UK jurisdiction. As officers do not ordinarily have any powers of a Constable outside their own jurisdiction the Service must rely on the co-operation and goodwill of the host authorities in the requested country. In seeking to avoid any criticism of the Service, it is important that agreed procedures are followed which in turn will ensure, as far as possible, that enquiries are conducted within the framework of current UK legislation, European Union (EU) treaties and respect the custom and practice of the requested country.
- (2) Any queries regarding police enquiries outside the UK should be discussed with Extradition and International Mutual Assistance (EIMA), S3 Public Protection, Service Improvement Department, Lisnasharragh for guidance

3. LEGISLATIVE REQUIREMENTS

Mutual legal assistance in the UK is primarily conducted by virtue of:

- (1) The European Convention on Mutual Assistance in Criminal Matters 1959;
- (2) The Crime (International Co-operation) Act 2003.
- (3) Bilateral treaties.

4. CONSULTATION

- (1) Interpol NCB Dublin, An Garda Síochána;
- (2) National Crime Agency (NCA) International, NCB Manchester;
- (3) Public Prosecution Service (PPS), High Court and International Section.

5. HUMAN RIGHTS/UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION

- (1) This Service Procedure has the potential to engage the following Human Rights:
 - (a) Article 6, The Right to a Fair Trial;
 - (b) Article 8, The Right to Private and Family Life.
- (2) However this engagement is deemed to be proportionate and justified under the legislation.
- (3) This Service Procedure is deemed to human rights compliant and has no United Nations Convention on the Rights of the Child (UNCRC) issues. It has been screened for Section 75 considerations and complies with the PSNI Code of Ethics.
- (4) This Service Procedure is suitable for release under Freedom of Information.

6. PROCEDURES

(1) General

- (a) All PSNI officers who wish to make enquiries outside the United Kingdom (UK) must first seek approval from EIMA on behalf of Head of Branch, S3 Public Protection.
- (b) The officer seeking to conduct police enquiries outside the UK must forward details to EIMA, S3 Lisnasharragh. The report should include details of the offences being investigated, the nature and scope of the enquiries to be made, the names of the officers travelling, proposed dates of travel and any other information believed to be relevant. EIMA will then take steps to contact the country concerned, or do so via Interpol, in order to make the necessary arrangements for assistance.
- (c) Once (a) and (b) above have been achieved, the officer(s) will seek approval to travel by submission of F67 as per current Service instructions.
- (d) Enquiries in respect of foreign criminal records (applications on form UKCA1) and Transfers of Crime (TOC) to other jurisdictions should also be made via EIMA, S3, Lisnasharragh.

(2) Republic of Ireland

- (a) With regard to travel and enquiries in the Republic of Ireland the procedure at Section 6(1)(a) and (b) should be followed. Prior to travel, appropriate permission must be obtained from An Garda Síochána via Interpol Dublin. Requesting PSNI officers should endeavour to provide as much notice as possible, this will allow An Garda Síochána colleagues the opportunity to make appropriate arrangements.
- (b) Police procedures, for example, witness interviews, the questioning of suspects or searches, where authorised, will be conducted by officers of An Garda Síochána NOT by PSNI. PSNI have no police powers outside the UK jurisdiction. Clearly, in the course of such enquiries, PSNI officers have a key consultation role to play with Garda officers to ensure as far as possible that the appropriate information is gathered.
- (c) When statements are being recorded by officers of An Garda Síochána or provided by them, a certificate should be included in the statement in order that it can be used in court in Northern Ireland. The statement certificate should be in the following terms:

'I declare that this statement consisting ofpages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at a trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.'

PSNI statement forms can be used to record statements.

(3) International Letters of Request (ILOR) to Countries outside the UK [including the Republic of Ireland (RoI)]

- (a) Enquiries to be made in countries outside the UK which are likely or intended to lead to the gathering of evidential material will normally necessitate the sending of an International Letter of Request (ILOR). The letter is an official judicial request to the judicial authority of the country concerned outlining what material or action is sought in that country by the UK to further an investigation or criminal proceedings.
- (b) With regard to the Republic of Ireland, the introduction of the Criminal Justice (Mutual Assistance) Act 2008 mean that, in appropriate cases, requests for mutual legal assistance may require the submission of an ILOR.

- (c) Guidance on the requirement for an ILOR is available from EIMA, Lisnasharragh on receipt of a report outlining clear details of the action or material sought in the country concerned. Consultation with the High Court and International Section of the PPS may be necessary to determine the most appropriate way forward.
- (d) In all cases where an ILOR is deemed necessary, Investigating Police will prepare a draft ILOR utilising the appropriate template setting out full details of the request. The draft should be forwarded electronically to EIMA. If required, further consultation will occur with investigating police prior to submission of the draft letter to the PPS. The PPS High Court and International Section will then produce and forward the formal ILOR to the country concerned.
- (e) It is normal mutual legal assistance practice to forward the formal letter in both English and the language of the requested country. EIMA will address any translation required in respect of an outgoing ILOR.
- (f) It should be remembered that requests to make enquiries or gather material in a country having a different judicial system to that of the UK could be a lengthy process. It is therefore important to make such requests as early as possible in the investigation process.

(4) Following Procedures

There have been occasions when PSNI officers have attempted to short-cut the official lines of communication between the Service and other countries outside the UK. Such practice has led to potential embarrassment for the Service or the loss of continuity in the handling of evidence. It is therefore essential that the above instructions are strictly complied with.

7. MONITORING AND REVIEW

D/C/Superintendent, S3 Public Protection, Service Improvement Department will review this Service Procedure annually.