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Cross Border Transit

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This Service Instruction provides guidance to Police Officers as to how the PSNI will respond to the operational requirements of the escorting of Detained Persons in to and out of Northern Ireland.

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1. Introduction

The International Policing Unit (IPU) has the primary responsibility within the Police Service of Northern Ireland (PSNI) for the movement of Detained Persons (DPs) into Northern Ireland (NI) by way of Extradition and out of NI by way of International Mutual Aid to assist extradition out. Suitably trained Officers from other Departments may be required to transport a DP into NI following arrest under Cross Border Enforcement Legislation such as [Criminal Justice and Public Order Act 1994](#) (see [Appendix B](#)), which will be managed by the Duty Cross Border Transit Co-ordinator.

Officers require specialist training in escort and restraint techniques, particularly for use on-board aircraft and ferries, which must be followed to minimise inherent risks. [Tactical Training Faculty](#) (TTF) have responsibility to delivery this training.

2. Objectives

This Service Instruction aims to ensure that any DP that requires a Police escort, by any means of transport, transiting through other jurisdictions within the UK or international jurisdictions, are transported in a manner:-

- To ensure the safety of the Public and Transport Staff on the engaged transport vehicle, the DP and escorting

Police Officers;

- To remove the opportunity for a DP to escape and manage this risk;
- To avoid causing distress to other passengers;
- To ensure medical implications are considered and properly managed to minimise risk;
- To ensure transport emergencies are considered and contingencies are in place;
- To ensure the DP is moved in a way that respects their human rights;
- To reduce the likelihood of any offence contrary to legislation (e.g. [Health & Safety at Work Act 1974](#) or [Corporate Manslaughter and Corporate Homicide Act 2007](#));
- To reduce potential financial liability to the PSNI as a result of a commercial carrier having to divert to an alternative destination due to untrained and ill-equipped escorting s failing to control a DP during a flight.

3. Who will use these Instructions?

This Service Instruction will be applied by Police Officers who have passed Cross Border Transit (CBT) training delivered by

TTF.

This Service Instruction will be applied by Operational & Event Planning, Co-ordination and Tasking Centres, Districts, Departments and any Officers involved in the preparation, planning or execution of CBT operations, including Investigating Officers or Healthcare Professionals accompanying the CBT team.

Extraditions will be managed by [IPU](#). Internal UK deployments will be managed by the duty [CBT Co-ordinator](#).

4. What Resources will be used?

Cross Border Transit Officers are trained to work in teams of three, as the specific techniques used for; entry and exit of vehicles, searching, provision of meals and restraints techniques which require at least three Officers. Although three Officers is the minimum number to be used, Risk Assessments for specific operations may dictate that more Officers are deployed.

The number of Officers required will be decided by the CBT Supervisor for the operation, who must have an operational awareness of the role, and may supervise the deployment in person.

On overseas transport the number of Officers may increase to four CBT Trained Officers, or up to six Officers for long haul transport - depending on the appropriate Risk Assessment. This is to ensure team members can rest adequately and alternate with other members of the team during longer transports to maintain security of the DP and minimise risk, especially where the route requires connecting flights.

The number of Officers is based on the reality that Officers must be self-sufficient and able to mitigate for the dynamic nature of transport and the multitude of possible scenarios during transport.

CBT Trained Officers will travel as a team, only carrying hand luggage (unless long haul) and have objectives as listed in the section above.

Domestic Short-Haul

Minimum of three CBT Trained Officers, including a Supervisor.

Overseas Short-Haul

Usually four CBT Trained Officers, including a Supervisor, Risk Dependent.

Overseas Long-haul

Potentially six CBT Trained Officers, including at least one Supervisor, Risk Dependent.

At least two members of the CBT Team deployed should be of the same sex as the Detained Person.

CBT Trained Officers:

- Must be current in First Aid (minimum First Aid Enhanced 2 day) and Enhanced Operational PSP for this role;
- May be deployed to assist with the transit of all DPs, regardless of which District or Department is leading the investigation; and are
- A separate resource to the Investigating Officers.

In an investigation that involves an Offender who is located outside NI, an Investigating Officer may travel as part of their role to ensure continuity and recovery of evidence. Investigating Officers will be not be considered part of the CBT team.

Due to the financial and reputational risk to the organisation, Untrained Officers must not be used for any Cross Border Transit of DPs.

5. Dress Code and Equipment

Officers will not wear any identifiable uniform. This is requested by the companies who allow Police Officers to

travel on their services. Plain clothes will allow for discreet movement of the CBT team and the DP, avoiding unnecessary attention.

Batons and PAVA spray will not be carried as these are not permitted on most forms of transport and their use in confined spaces can be difficult or can pose a risk to persons other than the intended target.

Body armour should not be worn as the threat from a knife or firearm from the subject is not considered to be realistic and may impede movement in the confined space of an aircraft, road vehicle or ferry. If, following consideration of the threat assessment of a particular operation, it is determined that body armour should be worn, covert covers can be obtained. This should form part of the risk mitigation planning.

Necessary Equipment for the task:

- Handcuffs & key;
- Surelock BodyCuff & key (contact IPU, TTF or CBT Co-ordinator);
- Warrant Cards;
- Pocket mask for resuscitation;
- Disposable fluid repellent masks;
- Disposable Gloves;

- Limb Restraints; and
- Spit & Bite Guards.

NOTE: – Restraint devices may only be carried as cabin luggage on flights with the prior approval of the airline; airport security should be advised in advance.

6. Planning, Preparation and Risk Assessment

Types of Operation

PSNI Operations involving the transportation of DPs by air, sea or any other means of transport to NI by virtue of the:

- [Extradition Act 2003](#);
- [Schedule 10: Cross-Border Enforcement of the Criminal Justice & Public Order Act 1994](#);
- [Crime \(Sentences\) Act 1997](#);
- [Trade and Cooperation Agreement between the UK and the EU](#).

PSNI Risk Assessments

Transporting any DP carries risk, but doing so by aircraft or ferry carries a special risk as an uncontrolled DP could easily endanger: themselves, other Passengers

and Staff, escorting Officers, and the aircraft or ferry.

A violent DP on a commercial carrier, even whilst adequately restrained could cause a great deal of distress to other passengers and may result in an emergency being declared.

Paramedics may not be summoned rapidly in the event of a serious medical emergency. For this reason Officers need to be conscious of any existing medical conditions that the DP may have and bear this in mind during the planning process.

Generic Risk Assessment

Overland

A Generic Risk Assessment' for escorting the DP overland during the course of the operation must be considered during the planning phase alongside [College of Policing](#), Authorised Professional Practice guidance around the Moving and Transporting of Detainees.

Subject Risk Assessment (PSNI Only)

As part of the initial planning process this Risk Assessment should be used to gather all the information required that will assist in deciding what risk the DP poses to themselves and others.

This comprehensive Risk Assessment is the main working document for the Police

and will form the basis of the Transport Risk Assessment Matrix.

Transport Providers Risk Assessment

Each airline or ferry company has its own Risk Assessment Form, to be completed by the Cross Border Transit Team (CBT Co-ordinator for UK jobs), and based upon the subject Risk Assessment. The information contained within the form will provide / influence the carrier's decision to grant permission for the transport.

Current forms are available from Selective Travel.

Data Sharing with Transport Providers

The [Data Protection Act 2018 \(Schedule 2, Part 1: Paragraph 2\)](#) and GDPR provide a framework to ensure that personal information is shared appropriately. Police may only share enough personal data with the Transport Providers to allow them to consider our request and come to a decision and to satisfy the strict Risk Assessment Criteria.

Information may only be shared for a Policing purpose, in these cases, to bring Offenders to justice. Officers should comply with the Data Protection Principles, ensuring information is:

- Used fairly, lawfully and transparently;
- Used for specified, explicit purposes;
- Used in a way that is adequate, relevant and limited to only what is necessary;
- Accurate and, where necessary, kept up to date;
- Kept no longer than necessary; and
- Handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

There are separate safeguards for personal data relating to criminal convictions and offences.

Further guidance is available from PSNI's [Data Protection Officer](#).

7. Role of Supervisor / CBT Co-ordinator

One CBT Trained Officer will travel with the team in a Supervisory capacity, not rank-specific. In Extradition cases, this will be an Officer from the International Policing Unit.

In addition to their team role, the Supervisor will have additional responsibilities including (as necessary):

Supervisor / CBT Co-ordinator
For internal UK deployments, points in <i>italics</i> will be completed by CBT Co-ordinator.
<i>Liaise with the Investigating Officer;</i>
<i>Plan and Risk Assess the operation including contingencies;</i>
<i>Senior Officer (HOB / District Commander) authorisation for travel costs;</i>
<i>Consider finance issues e.g. expenses, accommodation and insurance;</i>
<i>Consider Flexible fares for alternative flights or sailings if circumstances change;</i>
Organise working visas if required;
Organise transit authorities for long haul flights where a stopover is required;
Obtain medical advice from OHW particular to the destination, including any inoculations required;
<i>Plan any DP luggage;</i>
<i>Liaise with airport security, airline and local police to carry restraints as hand luggage;</i>

Ensure restraint equipment is serviceable and ready for use;
Liaise with medical examiners overseas and FMO re any medication during transit;
Conduct a dynamic risk assessment on meeting the DP to mitigate risks;
Liaise with foreign police, interpreters, NCA or any other relevant parties to ensure a smooth handover;
Carry the Home Office letter of introduction for the extradition;
Ensure DP has a valid travel document or obtain appropriate carrier waiver;
Receive any property or exhibits within the terms of the arrest warrant;
Ensure transport log is maintained;
Brief transport commander on DP risk/ control strategies as required;
Record the rationale for use of any restraints (Surelock BodyCuff, handcuffs, limb restraints);
Arrange UKBA immigration pre-clearance for Officers and DP prior UK arrival
<i>Organise IO handover for NI arrival.</i>

8. Entry onto an aircraft, search procedure and exit on arrival.

The Cross Border Transit Team will enter the aircraft in accordance with their training.

The CBT team and DP should be seated on the aircraft before other passengers board and on arrival, they will disembark last to meet Local Police or Immigration.

9. Aircraft Seating

Seats should be booked at the very rear of the aircraft, where possible, as the safest place to transport a potentially disruptive DP. It will also avoid unnecessary embarrassment for the DP. If not possible, conduct a dynamic Risk Assessment to consider alternative travel arrangements.

10. Surelock BodyCuff

An aircraft is a confined space and the DP they can pose a risk to the members of the Public, the Aircraft Crew, the CBT and themselves.

An incident of self-harm or violence on the ground can be difficult to bring under

control and in flight, it can result in far more serious consequences.

CBT Trained Officers will have a Surelock BodyCuff available for use if required. This is Civil Aviation Authority compliant for use on aircraft and allows a DP to comply with emergency procedures to the same level of protection as other passengers and crew. Whilst deployed the DP can eat, drink and use the toilet. Using rigid handcuffs is not permitted on an aircraft unless immediately essential, but should also be carried.

11. Information given to the DP before Travel

The CBT team should meet the detained Persons in a secure environment prior to travelling, to inform them of their intended travel and any restrictions to be used. The CBT Supervisor will assess the DP attitude and level of co-operation and can dynamically risk assess and consider contingency plans.

The Surelock BodyCuff can be applied at this time.

12. Managing Wellbeing of the Detained Person during Transit

Meals and Drink

Mealtimes can be Dangerous

The CBT team will not all eat simultaneously;

The DP must be observed closely when eating;

All food and utensils must be checked prior to feeding, and accounted for after;

Consider bringing wooden or plastic cutlery;

Use of the Toilet

If the DP needs the toilet during transit, the team should use the procedures taught by TTF in the CBT course;

Use of toilet must be closely supervised;

Toilet will be checked before and after use;

The DP can be searched before and after a toilet visit if necessary;

The DP should be escorted to and from the toilet, as per CBT training.

Delays or Cancellations

If the transport is delayed, the CBT team must remain with the DP, or lodge the DP into police custody, to await the next appropriate departure or to make alternative arrangements.

13. Ferry Transit

Early boarding and first access to the passenger areas of the ferry are essential considerations for the safety of all and the DP's Human Rights.

Any sailings with potential to contain large crowds that may be Anti-Police should be avoided and alternative sailings used.

A cabin **MUST** be used when transporting a DP, irrespective of the length of the crossing. One Officer should collect the key and search the cabin to ensure it is fit and safe for the DP to enter.

Lifts should be used to convey the DP from the vehicle dock to ensure speed and safety. Once in the cabin, the DP will not be left alone. Meals will be eaten in the cabin under supervision.

On arrival, Ferry Crew will inform the Team when to return to the vehicle before other passengers; obtain a contact number for the purser or on board information desk.

14. Transit by Other Means

Vehicle: (Long Journeys)

The long haul transportation of a Detained Person by road may be unavoidable. The

PSNI has limited access to unmarked cell vans, - an unmarked 7 or 9 seat vehicle may be appropriate.

The interior layout of the vehicle should be checked to ensure the:

- DP cannot immediately access a door; and
- Child locks are working and the team can activate / deactivate them as required.

All Officers in the team should be qualified to drive the vehicle, so that drivers can be swapped to avoid fatigue.

The seating arrangement of Officers in relation to the DP will be dictated by the number of Officers, the seating layout in the vehicle, the threat to Officers from the DP and the likelihood of the DP trying to escape.

If transiting through other countries, appropriate permissions must be obtained.

When planning the route, ensure that the location and contact details of all Police or other Law Enforcement Organisations along the route are documented and accessible to the whole Team. This is to cover all eventualities, e.g. illness, breakdowns, road traffic collisions or any

circumstances that impact Officer or DP safety.

as the transport company may change or cancel any planned journey.

If the DP has any medical conditions of immediate concern, ensure that the location and opening times of A&E facilities along the route are documented and accessible to the team.

Trains / Public Transport:

Public transport is not recommended, due to the ease of escape, the difficulty of keeping a sterile area free from the Public, and the additional Officers that would be required. The constant use of Surelock BodyCuff would be essential and both toilet breaks and feeding would be more difficult having a greater associated risk of escape or interference. Additional vigilance at every scheduled stop would be essential due to the movement of Public on and off the transport used.

The purchase of adjacent seating, (or potentially an entire train carriage) may be required to ensure the safety of Staff and the Public.

Early engagement with any travel company is essential and some knowledge of The Transport Hub is advantageous to establish a safe, secluded or secure area if necessary. Contingency plans are required

15. Powers Outside UK

Powers Outside UK

Stage 1: Delivery of Requested Person to Aircraft - Closing of Aircraft Doors:

- Requested State (RS) law applies.
- Jurisdiction remains with the RS until the aircraft doors are sealed.
- Jurisdiction for indirect flights is with the country the plane stops in.

Stage 2: Closing of Aircraft doors - Flights outside Requested Territory

- RS law applies until the aircraft leaves their airspace. [Articles 5-10 of Tokyo Convention](#) (which give pilots police-type powers) apply once aircraft doors are closed.
- Any offence committed on the plane during this period is a criminal offence in the UK. There are no express enforcement provisions for Police Officers the aircraft.
- The pilot can authorise Police to take reasonable measures to protect good order and discipline on board.
- Without the pilot's authority, any use of force must be immediately necessary.
- Immunity from prosecution is provided to Police if any action is in accordance with the Tokyo convention.

Stage 3: Entry into UK airspace

- UK has jurisdiction and UK laws apply; police can use PACE powers.
- The Tokyo Convention still applies until the aircraft doors are open.

16. Cross Border Transit

Training

Training for CBT is provided by the Tactical Training Faculty.

The training consists of a three day initial course and followed by a one day refresher every two years. Officers must undertake three CBT deployments since their last training date to be eligible for refresher training. The TTF can provide advice if required.

17. Arrests in GB on behalf of PSNI

Should a Great Britain based Police Service / Custody Suite contact the PSNI to request the transfer of a wanted / detained person back to Northern Ireland, contact the On-call CBT Coordinator through PVI who will arrange the transfer process.

Appendix A: Transit Considerations around Infectious Diseases

Transit Considerations around Infectious Diseases

Officers must comply with Foreign & Commonwealth Office (FCO) restrictions of any country visited, including local requirements of any country visited or transited through.

Early consultation is essential with the transportation bodies, so that you know fully what their policies are. This may require some prior negotiation regarding spacing, use of toilets, etc.

Officers must comply with all Personal Protective Equipment (PPE) guidance issued by PSNI and the Public Health Authority, have sufficient PPE for all escorting Staff and the Detained Person, and ensure that any liquid hand sanitiser is carried in 100ml bottles for flying.

In the eventuality of: anyone developing symptoms of an infectious disease (including the Detained Person), a contingency plan is required to include details of:

- The nearest Medical Facility;
- The nearest Custody Suite; and
- Any replacement Officers.

Consideration should be given to the availability of a vehicle that allows increased spacing in a secure manner, e.g. a cell van or a MPV.

Any Detained Person from a country subject to quarantine arrangements on arrival into the UK, must be treated as positive. Specialist crews should be pre-arranged for transfer to a custody suite. Custody must be advised prior to arrival so appropriate quarantining can be arranged.

Appendix B CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994 (as amended with Policing & Crime Act 2017)

The [Criminal Justice and Public Order Act 1994](#) introduced a number of changes to amend or extend the criminal law and powers to prevent crime throughout Scotland, England and Wales, and Northern Ireland (but not Isle of Man or Channel Islands). The legislation was amended by the Policing and Crime Act 2017, with additional Cross Border Powers of Arrest introduced.

Section 136 Criminal Justice and Public Order Act 1994 – Execution of Warrants

- A warrant issued in Northern Ireland for the arrest of a person charged with an offence may be executed in Scotland, England and Wales by any constable of the country of issue or of the country of execution, as well as by any other persons within the directions in the warrant.
- A person arrested in pursuance of a warrant shall be taken, as soon as reasonably practicable, to any place to which he is committed by, or may be conveyed under, the warrant.
- This section also applies to a warrant of commitment and a warrant to arrest a witness issued by a judicial authority in Northern Ireland as it applies to a warrant for arrest.
- There is no PACE clock as this is **not** a PACE arrest. A person arrested in pursuance of a warrant shall be taken, **as soon as reasonably practicable**, to any place to which he is committed by, or may be conveyed under, the warrant.
- Courts in Scotland, England and Wales do not have jurisdiction to deal with warrants issued in Northern Ireland – DPs must be conveyed back to Northern Ireland.

Section 137(3) CJ & PO Act 1994

Any constable of a police force in Northern Ireland who has reasonable grounds for suspecting that an offence has been committed or attempted in Northern Ireland and that the suspected person is in England or Wales or in Scotland may arrest without a warrant the suspected person wherever he is in England or Wales or in Scotland – as long as the Constable would have had the power of arrest had the person been in Northern Ireland.

Section 137(A) CJ&PO Act 1994

Any constable in Scotland, England or Wales may arrest a person in Scotland, England or Wales without a warrant if they have reasonable grounds for suspecting that the person has committed a **Specified Offence** in Northern Ireland, and they also have reasonable grounds for believing that it's necessary to arrest the person to allow the prompt and effective investigation of the offence, or to prevent any prosecution for the offence from being hindered by their disappearance.

An offence committed in Northern Ireland is a **Specified Offence** if it is:

- An offence that is punishable with imprisonment for a term of 10 years or greater;
- An offence specified in Part 3 of Schedule 7A;
- An offence of attempting, conspiring or inciting the commission of an offence above;
- An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence mentioned above.

Detention

The person may be detained for that purpose:

- (a) For an initial period of 3 hours beginning with the time of the arrest;
- (b) For a second period of no more than 21 hours beginning with the end of the initial period, but only if detention for that period is authorised by both an Inspector in the arresting force and a PSNI Inspector; and / or
- (c) For a third period of no more than 12 hours beginning with the end of the second period, but only if authorised by both a Chief Inspector or above in the arresting force and a PSNI Chief Inspector or above.

*This means from the time of arrest **PSNI has 36 hours** to further arrest in the Custody Suite by virtue of Section 137(3) CJ & PO Act 1994.*

They are then conveyed to a designated Police Station in Northern Ireland.

Appendix C Contact Us

Service Instruction Author

Detective Inspector International Policing Unit

[zInternationalPolicing](#)

Branch Email

UK Cross Border Transit Team

For matters relating to DPs in Scotland, England or Wales, contact [zCBTCoordinator](#)