



Council of the
European Union

010211/EU XXVII.GP
Eingelangt am 05/02/20

Brussels, 5 February 2020
(OR. en)

11904/1/04
REV 1 DCL 1

CRIMORG 73

DECLASSIFICATION

of document:	11904/1/04 REV 1 RESTREINT UE/EU RESTRICTED
dated:	27 September 2004
new status:	Public

Subject:	EVALUATION REPORT ON THE THIRD ROUND OF MUTUAL EVALUATIONS "EXCHANGE OF INFORMATION AND INTELLIGENCE BETWEEN EUROPOL AND THE MEMBER STATES AND BETWEEN THE MEMBER STATES RESPECTIVELY" REPORT ON THE UNITED KINGDOM
----------	---

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



COUNCIL OF
THE EUROPEAN UNION

Brussels, 27 September 2004

11904/1/04
REV 1

RESTREINT UE

CRIMORG 73

EVALUATION REPORT ON THE
THIRD ROUND OF MUTUAL EVALUATIONS
"EXCHANGE OF INFORMATION AND INTELLIGENCE BETWEEN EUROPOL AND
THE MEMBER STATES AND BETWEEN THE MEMBER STATES RESPECTIVELY"

REPORT ON THE UNITED KINGDOM

RESTREINT UE

TABLE OF CONTENTS

1. INTRODUCTION	3
2. GENERAL INFORMATION AND STRUCTURES	4
3. INTERNAL ORGANISATION OF THE EXCHANGE OF INFORMATION	6
4. EXTERNAL EXCHANGE OF INFORMATION	7
5. EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND EUROPOL	9
6. EVALUATION BY EXPERT TEAM.....	13
7. GENERAL CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT TEAM	33
ANNEXES	
ANNEX A: Programme of visits	38
ANNEX B: List of persons met	39
ANNEX C: List of abbreviations.....	40

1. INTRODUCTION

1.1. Following the adoption of the Joint Action of 5 December 1997, a mechanism was established for evaluating the application and implementation at national level of international undertakings in the fight against organised crime.

1.2. Following a proposal originating from the Swedish delegation and taken up by the Presidency to evaluate the supply of information and intelligence to Europol and the exchange of information and intelligence between Member States, the MDG adopted the proposal at its meeting on 3 and 4 June 2002.

1.3. At its meeting on 3 December 2002 the MDG approved the questionnaire on the third round of mutual evaluations on the topic "exchange of information and intelligence between Europol and the Member States and among the Member States respectively".

1.4. Following discussion at the MDG meeting on 9 January 2003, a list showing the order of Member States to be visited was agreed. The United Kingdom is the seventh Member State to be evaluated during the third round of evaluations.

1.5. The questionnaires and the objectives of this evaluation are contained in 11679/3/02 REV 3 CRIMORG 71.

1.6. The experts in charge of this evaluation were: Mr Eugene GALLAGHER (Ireland), Mr Benny WAHLBÄCK (Sweden) and Mr Lars HENRIKSSON (Finland). Two observers, Mr Kalle PUHALAINEN (EUROPOL) and Mrs Sabine WENNINGMAN (Commission), were also present together with the General Secretariat of the Council.

1.7. The evaluation team has prepared the following report with the assistance of the Council Secretariat, on the basis of the observations and conclusions of the experts in the team together with the United Kingdom authorities' answers to the questionnaire.

RESTREINT UE

1.8. The report first deals with the general information and structures (2), followed by the internal organisation of the exchange of information (3) and of the external exchange of information (4) and then deals more specifically with Europol (5). In the last chapter, the experts make a global and technical evaluation and then propose some recommendations to enhance cooperation and effectiveness in the exchange of information within the United Kingdom and with other Member States and Europol.

2. GENERAL INFORMATION AND STRUCTURES ¹

(a) The UK attaches great importance to exchanging intelligence and information with other EU Member States to combat and prevent organised and international crime. This can be done under the UK legal system without the need for specific enabling legislation.

The UK is party to the major multilateral instruments which facilitate the exchange of information and evidence for investigations and prosecutions, including:

- European Convention on Mutual Assistance in Criminal Matters 1959, and its additional protocol of 1978;
- Vienna Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, 1988;
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime, 1990.

2.1 LEGAL BASIS

(b) There is no specific UK legislation beyond the Europol Convention governing the exchange of information with and through Europol. The Europol National Unit for the United Kingdom is part of the International Division of the National Criminal Intelligence Service (NCIS International). All exchanges of information between UK law enforcement agencies and Europol are routed through NCIS International.

¹ This part of the report is based largely on the answers to the questionnaire.

The legal base of NCIS is the Police Act 1997, Part I, article 2(3d) of which provides for NCIS to exchange information with relevant authorities outside the UK.

2.2 STRUCTURES

2.2.1 All information/intelligence exchanged between the UK and Europol is via the Europol National Unit (NCIS International), facilitated by the UK Liaison Bureau at Europol.

2.2.2 The UK uses the following channels to exchange information and intelligence with other Member States: Interpol, Europol, NCIS Overseas Liaison Officers, Fiscal Liaison Officers, SIRENE, and Eurojust. With the exception of Eurojust and the Fiscal Liaison Officers, these channels are managed by NCIS International, reducing the occurrence of duplication of effort and allowing for channels to be changed where appropriate. NCIS International has a good working relationship with UK members of Eurojust and a Memorandum of Understanding (MOU) is currently being drafted. The Fiscal Liaison Officers are managed by Her Majesty's Customs and Excise (HMCE).

2.2.3 The different channels are employed for the following purposes:

- Interpol is generally used for the exchange of information required in an evidential form;
- Europol is the default channel used by NCIS to handle requests from UK law enforcement authorities for intelligence and real time surveillance, within the areas mandated by the Europol Convention;
- Bilateral Overseas Liaison Officers obtain intelligence in their host country in accordance with priorities set by the Government and NCIS; they are used primarily to facilitate complex intelligence and surveillance requests which benefit from the presence of an officer in country;
- Fiscal Liaison Officers carry out similar activities to NCIS Overseas Liaison Officers, but are focussed specifically on fiscal matters, such as Excise and VAT fraud. In many cases they are the preferred channel of HMCE for exchanging information and intelligence with other Member States;
- SIRENE handles the European Arrest Warrant and will deal with cross-border surveillance.

RESTREINT UE

2.2.4 The role of Eurojust is still a little unclear, but NCIS Europol Liaison Officers have a close working relationship with Eurojust UK members which leads to Eurojust increasingly being used to facilitate the assistance of Member States' prosecutors in cases which the law enforcement channels are finding difficult to resolve. The relationship between Eurojust and the law enforcement channels needs time to mature – the MOU currently being drafted should be the first step towards this.

2.2.5 The Customs Enforcement Network run by the World Customs Organisation (RILO network) provides a further channel for HM Customs and Excise to exchange information with Customs organisations in other Member States. Additionally OLAF, the anti-fraud unit of the European Commission, facilitates information exchange between Member States through the Anti-fraud Information System.

2.2.6 The following UK law enforcement agencies are responsible for the Europol-mandated areas:

- NCIS
- National Crime Squad
- Her Majesty's Customs and Excise (HMCE)
- UK Immigration Service
- 52 Police Forces
- Scottish Drug Enforcement Agency (SDEA)
- Financial Regulatory Authorities

These are all civil agencies. Each organisation has its own database for intelligence. However, as all intelligence exchanges with Europol are channelled through NCIS, coordination, at least in terms of the UK's engagement with Europol, is achieved.

3. INTERNAL ORGANISATION OF THE EXCHANGE OF INFORMATION

3.1 Generally speaking, Bilateral Overseas Liaison Officers deal with bilateral cases, particularly those of a sensitive matter (e.g. involving an undercover officer). All other channels deal with both bilateral and multilateral cases.

RESTREINT UE

3.2 There is technical compatibility between NCIS bilateral channels and NCIS Europol channels. All other channels are not technically compatible. However, co-location and single management of all channels avoids duplication of effort.

3.3 The Eurojust channel is a notable exception to this, there being no single point of contact within the UK to coordinate requests, as the UK national member is able to fulfil this role from his location at Eurojust. Regular meetings and exchange of information between UK Liaison Officers at Europol and UK Members of Eurojust address this adequately at present, but a more formalised solution will need to be found as awareness of Eurojust as viewed as an efficient channel increases amongst UK law enforcement agencies.

3.4 There are rigorous security systems in place to preserve the integrity of the information contained in these communication channels. Each system is kept physically separate and protected by firewalls. Access to files and databases are strictly restricted to authorised personnel, through the use of authenticity checks (e.g. personal passwords).

4. EXTERNAL EXCHANGE OF INFORMATION

4.1. DATA EXCHANGE PROCESS

4.1.1 Although no specific figures are available to demonstrate (beyond those recorded above), there exists a general perception of positive cooperation with regard to the flow of information between the UK and other Member States. The Europol liaison officer network in particular is viewed as the most efficient and effective channel for the rapid and secure exchange of information with other EU Member States. Consequently it is UK policy to use Europol as the default channel for handling EU intelligence/information requests (for operations within the mandate of the Europol Convention). The UK's success in making operational use of Europol's resources is demonstrated by the fact that in 2003 a total of 803 UK intelligence requests were initiated through Europol, a 45% increase over 2002. For the third successive year this was the highest figure of all Member States. These information exchanges resulted in a number of significant operational results.

RESTREINT UE

4.1.2 However, the value obtained from the Europol channel is limited by the extent to which other Member States are willing to exchange information by this means. The UK perception is that a majority of other Member States prefer to use other channels to exchange information, such as direct bilateral links. The UK's view is that operational cooperation in the EU would be greatly improved if all Member States were committed to using Europol as the preferred channel for exchanging information.

4.1.3 No formal ranking exists, but the volume of exchange in core areas demonstrates that France, The Netherlands, Germany and Spain are the most regular partners.

4.1.4 Exchange of information with other Member States is in accordance with the UK Data Protection Act 1998, which gives effect in UK law to EC Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 (on the protection of individuals with regard to the processing of personal data and on the free movement of such data).

4.1.5 As all EU Member States are required to have broadly similar data protection legislation, there are rarely impediments in this area to the exchange of information. When such occasions arise these are normally quickly overcome by using the Europol Liaison Officer network or the Interpol European Contact Officer to seek more detail or clarification.

4.2 INFORMATION OWNERSHIP

4.2.1 Impediments in this area arise not so much from the differences in law enforcement or judicial structures, but more from a breakdown in understanding and appreciation of those differences. These are being addressed by the provision of UK liaison magistrates to some Member States, and by seeking assistance or advice from Eurojust and The European Judicial Network. Additionally liaison law enforcement officers from some Member States work closely with NCIS International Division and other UK law enforcement agencies in order to improve cooperation and understanding.

RESTREINT UE

4.2.2 Information ownership may also cause impediments. For instance, in some Member States judicial findings are available to the police and in others only to judicial authorities. This again is more an issue of understanding so that the correct level of request (i.e. police or judicial) is made by the Member State seeking the information. These problems are overcome by using the same channels referred to above, and by making full use of the Europol Liaison Officer network to facilitate close cooperation and resolve differences in procedure.

4.2.3 Generally speaking, information is provided on a timely basis, although unavoidable delays do sometimes occur, usually due to operational restrictions. It is not possible to expand further at present on any trends in timescales for exchanges between Member States. However, NCIS are currently reviewing their case management system to ensure it provides better feedback on such trends, which will help to identify ways of improving performance in the future.

5. EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND EUROPOL

5.1. DEFINITION OF INFORMATION AND INTELLIGENCE

5.1.1 The UK does not have a legal definition of these terms with regard to exchange with Europol.

5.1.2 Sensitivity levels for information within the UK range from "unclassified" to "top secret". If appropriate, using the "need to know" principle, and provided secure handling procedures are in place, information classified at any level can be passed to Europol. The establishment of Europol's Confidentiality Desk and associated procedures provides reassurance.

5.1.3 Sensitive intelligence is risk assessed and strict handling rules are applied. If the risk assessment requires that such intelligence is passed to the Europol National Unit, it would be passed. A further risk assessment would be carried out before such information was handed to Europol. In practice, the ENU receives such intelligence very rarely indeed.

RESTREINT UE

5.1.4 In practice, live investigative information is passed to Europol if the services of the UK Europol Liaison Bureau are required. As the Europol channel is the "default" channel, the bureau handles live investigative intelligence on a daily basis, often passing this to Europol through the Analytical Work Files.

5.2. NATIONAL EUROPOL UNIT

5.2.1 The head of the Europol National Unit is the Director International Division, NCIS.

Two Assistant Directors are responsible for the intelligence and information exchange channels.

All intelligence requests for Europe are directed to the Central Intelligence Team, which screens the request and allocates the appropriate channel. Europol is the default channel – intelligence requests will only be passed through bilateral channels if there is a specific reason for doing so. There are fifteen officers currently working and managing the Europol channel. A Case Management System ensures that every request is recorded, enabling its progress to be monitored.

5.2.2 In terms of promotion, the use of the Europol channel as the first choice for all EU intelligence requests means that officers active in the area of international investigation have rapidly become aware of the role of the Europol National Unit. In addition, the UK has hosted two awareness seminars at Europol in The Hague and both Central Intelligence Team desk officers and UK Europol Liaison Officers regularly make presentations to courses and seminars relevant to international intelligence exchange. Desk officers and Liaison Officers are selected from a range of UK law enforcement agencies in accordance with the multi-agency approach adopted in most areas of UK law enforcement. There are therefore no barriers to any law enforcement agency engaging with the Europol National Unit.

5.2.3 There remain further opportunities for HM Customs and Excise to make greater use of Europol's services, for example in making better use of AWFs on drugs. HMCE look forward to increasing their understanding of Europol's resources and services.

RESTREINT UE

5.2.4 Whilst co-located, Interpol and SIRENE requests do not come through the Central Intelligence Team. Currently, real time requests for surveillance are carried out using the Europol channel. It is anticipated that the SIRENE Bureau will take on an increasing amount of this work. NCIS International is currently considering the impact of this on the Central Intelligence Team.

5.2.5 NCIS International depends on other law enforcement agencies to provide it with information and intelligence and it has no legislative powers enabling it to require intelligence from any forces who might feel reluctant. However, because it supplies services (such as those provided by the ENU) to law enforcement agencies, there is generally no problem in obtaining intelligence.

5.2.6 In relation to carrying out requests for information via the Europol Liaison Officers, there is no problem with the intelligence flow from UK law enforcement agencies, since they appreciate the need to provide justification for their request. All such information is entered on to the Europol Information Exchange System and passed to the relevant Member State. Where appropriate and where handling codes permit, this information is copied to the relevant Europol Analytical Work File. This occurs on a frequent and regular basis.

5.2.7 However, where other channels have been used, there is currently limited copying of intelligence to Europol. NCIS International Division is formulating plans to deal with this, for example, the inclusion on all relevant NCIS departments' annual performance indicators of a measure of the amount of intelligence provided to Europol, and the draft MOU with Eurojust suggesting that NCIS International becomes the UK point of reference for Eurojust enquiries, ensuring that intelligence emanating from these enquiries is available to Europol.

5.2.8 NCIS is a multi-agency organisation with representatives from all major UK law enforcement agencies and, as such, the ENU has exposure to all of these agencies.

RESTREINT UE

5.3. USE OF INFORMATION AND EUROPOL ANALYSIS CAPABILITY

5.3.1 The UK policy is to be active participants only in AWFs that have specific relevance to UK priorities. This does not preclude us from feeding information into AWFs in which we have no particular interest, when such information becomes available.

5.3.2 The UK constantly reviews the threat from serious and organised crime. In doing so, analytical products from AWFs would be certainly used even they do not correspond to priorities defined by UK.

5.3.3 The UK carries a good reputation within Europol for the level of its support to AWF.

5.3.4 The UK does not participate in all the presently existing AWFs. The UK follows the model of intelligence-led policing, which is informed by the UK's annual threat assessment of organised crime, produced by NCIS. It is UK policy not to commit resources to areas outside of the priorities identified in the threat assessment. Therefore NCIS does not proactively gather intelligence on non-priority areas, and has little to offer AWFs covering such areas.

5.4. PERCEPTION OF EUROPOL VALUE

5.4.1 The Liaison Bureau at Europol plays a vital and successful role for UK law enforcement agencies in achieving operational successes in Europe. The AWFs have the potential to greatly assist in providing a European overview of serious and organised crime and to provide valuable tactical analysis to support cross-border operations.

5.4.2 The role of the remainder of the Serious Crime Departments is unclear. Europol should set clear performance indicators for these departments by which their contribution can be measured. If Serious Crime Departments are offering a service which is of benefit to UK law enforcement agencies, this should be more vigorously marketed.

RESTREINT UE

5.4.3 A wealth of live investigation material is passed between liaison bureaux within the Europol network however unless a conscious decision is made to pass that material to the analytical unit of Europol it is not generally available. Whilst all international investigations share a common IT platform within the UK Europol bureau it is a concern that a significant volume of information is lost within the exchange system, as it is not accessible to Europol.

5.4.4 The value Europol adds to MS investigations is increasing over time. However, it would increase further if the organisation directed its resources more acutely in a smaller number of priority areas and supported groups of small numbers of MS in specific areas, rather than all 15 all of the time.

5.4.5 The Liaison Bureau and SC7 (Analysis) regularly add value to UK investigations.

5.4.6 The quality of certain analytical products has been exceptionally good, adding value not achievable elsewhere. The UK has the highest figures of all MS for the exchange of information within Europol.

6. EVALUATION BY THE EXPERT TEAM

6.1. INTRODUCTION

6.1.1 Before making any comment, the experts wish to state that the UK authorities showed extreme willingness during the entire evaluation, which took place just a few weeks after the evaluation of SCHENGEN by other experts mandated by the EU Council. Apart from this specific detail, the experts also wish to emphasise the ambition and motivation of the agencies responsible for prevention, security and the fight against all forms of national and international crime. At a sensitive time notably on account of the international terrorist threat, the UK authorities displayed wholly exceptional medium and long-term ambitions with regard to everyday requirements, but also to the institutional traditions which form an integral part of the UK system.

RESTREINT UE

6.1.2 The open-mindedness of all parties involved must also be emphasised; they did not hesitate to show the experts their shortcomings in order to better highlight the planned solutions, which will in most cases take account of both the achievements and observations of a renowned policing system, but also of the European and international experiences and ambitions of the UK.

6.1.3 The evaluation took place against an unusual background, in that at the end of February 2004 the UK Government had just announced the creation of a new agency to combat crime by publishing a White Paper, which reviews the situation of the law enforcement authorities and their organisational shortcomings while seeking to devise new ways of combating serious crime in the future.¹ On account of the importance of the reform, which was put forward by the UK Home Secretary and submitted for consultation to a wide audience of public-sector and private professionals, the evaluation experts also devoted part of their analyses and exchanges with the parties involved to attempting to analyse the existing situation in the light of the planned reforms, in order to improve understanding of both the current situation and the reasons behind such a major reform of the way in which the fight against international crime is organised. This approach was felt to be very important insofar as the reforms planned by the UK authorities will inevitably have an impact on the nature of cooperation with their European partners. Moreover, certain multidisciplinary and multi-agency approaches could without doubt inspire other Member States to further improve their efficiency and results in the fight against international crime.

6.2. INTERNAL ORGANISATION OF EXCHANGE OF INFORMATION

The UK police force is a total of 52 separate autonomous police forces which cover the areas of England, Wales, Scotland and Northern Ireland.

¹ "One Step Ahead: A 21st century strategy to defeat organised crime" – published in March 2004.

6.2.1 The UK police forces

43 forces and 138 155 officers. These forces have agreements with the other police forces in the UK but are operationally independent. They are overseen by Police Authorities, with the Home Office providing policy and guidance. Like all the other UK police forces, police forces in England and Wales are under the control of their own Chief Officers who are responsible for the policing of their areas. The Association of Chief Police Officers (ACPO) is a body comprising the most senior police officers in the UK. ACPO represents the views of the association to Government and engages in debates with all interested parties in police issues.

6.2.2 The Scottish police service

8 police forces and 15,645 officers (as at 31 March 2004). Accountability for the Scottish police service is secured through a tripartite relationship between: chief constables who are independent in operational matters; the local police authority, primarily responsible for setting police budgets; and the Scottish Ministers (primarily the Minister for Justice) who retain overall responsibility for policy. Chief Officers in Scotland are represented by the Association of Chief Police Officers in Scotland (ACPOS).

6.2.3 Police service of Northern Ireland

This police force is the successor to the Royal Ulster Constabulary and has 9 851 officers (including reserves). As a result of the local political situation, the Police Service of Northern Ireland works closely with the UK's other police forces and Ireland's An Garda Síochána.

6.2.4 Other police services

The UK's other police forces include:

- Ministry of Defence Police: 3 800 officers,
- British Transport Police: 2 206 officers United Kingdom Atomic Energy Authority Constabulary: 500 officers,
- Port of Dover Police: 52 officers.

6.2.5 HM Customs and Excise

Customs and Excise has a staff of 22 000, of whom over 3 000 are employed on investigation duties. It is the Chair in the lead agency in the Concerted Inter-Agency Drugs Action group (CIDA) and has its own prosecutors. More generally, HM Customs and Excise have extensive coercive powers in comparison to those of police and within their assigned matters (areas of responsibility) act as another law enforcement agency.

6.2.6 Other Law Enforcement agencies

- National Criminal Intelligence Service – 1200 officers,
- National Crime Squad – 1300 officers seconded from police forces in England and Wales with 420 support staff employed by the national Crime Squad Service Authority,
- Asset Recovery Agency (120 officers distributed in 2 offices London + Northern Ireland),
- Scottish Drugs Enforcement Agency (186 officers).

6.2.7 The National Criminal Intelligence Service (NCIS)

The National Criminal Intelligence Service (NCIS) was first launched in April 1992 to provide leadership and excellence in criminal intelligence. Its current legal basis is laid down in the Police Act of 1997. The organisation aims to combat the top echelons of crime (*Level 3 – National and International and Level 2 – Regional*). It plays a key role in multi-agency strategies such as CIDA and Reflex (Reflex deals with forms of organised crime in relation to illegal immigration and human smuggling). NCIS deal with the development of criminal intelligence on a national scale. Its initial 500 staff drawn from the police, Customs and Excise and the Home Office increased to approximately 1,200 today and its budget tripled to £100 million. It aims to help law enforcement and other agencies, at home and abroad, by processing and disseminating information, giving guidance and direction, and analysing major criminal activity.

Apart from a Resources Division, NCIS comprises the Headquarters (HQ), United Kingdom (UK) and International Divisions. HQ Division includes an operational support unit, an intelligence coordination unit, policy and research unit and a strategic and specialist intelligence branch. The latter's responsibilities range from organised crime to football hooliganism.

6.2.8 NCIS Regional Offices.

NCIS has a network of regional offices which are coordinated by area. NCIS has six regional offices based in London, Bristol, Birmingham, Manchester, Wakefield, Glasgow and Northern Ireland.

6.2.8.1 The priority of the regional offices is to work with locally based law enforcement agencies, promoting and supporting tasking and coordination forums and developing criminal intelligence on specific targets with their partners. Through the regional offices, as the primary point of contact with these agencies, NCIS provides the following services:

- a secure flagging service to avoid duplication of law enforcement effort by the various agencies,
- 24-hour search facility across NCIS intelligence databases,
- the interface between police forces, law enforcement and the intelligence agencies,
- advice and support for applications under the Regulation of Investigatory Powers Act 2000.

6.2.8.2 The establishment of NCIS has provided considerable added value for the UK law enforcement community. The UK lacked centralised structures in the fight against organised and international crime. NCIS, with its territorial organisation and national mission, is now a key and natural interlocutor for different partners.

6.2.8.3 The International Division manages a network of European Drugs Liaison Officers (DLOs) and Europol Liaison Officers (ELOs) and are linked to the worldwide DLO network managed by Customs and Excise. The ELOs are connected to UK National Central Bureau through the ENU which is established at NCIS to have direct access to Interpol's 181 member countries. The UK SIRENE Bureau will also be established in NCIS's International Division.

6.2.8.4 NCIS's UK Threat Assessment of Serious Organised Crime (UKTA) is the basis on which the Organised Crime Strategic Group sets priorities. As a result national priorities are established that are formulated in national partnership strategies aimed at tackling specific areas of crime, particularly class A drugs, illegal immigration, money laundering and firearms-related crime. The provision of intelligence products and specialist services to support this framework is now NCIS's main business.

6.2.8.5 NCIS's Director General is responsible for the day-to-day management of NCIS, which is statutorily maintained by a Service Authority that, in turn, reports to the Home Secretary. NCIS Service Authority has 19 members ¹, eight of whom are known as core members and are also part of the National Crime Squad Service Authority. Although NCIS and the National Crime Squad have different roles (NCIS intelligence, NCS operational services), they work closely together in tackling serious and organised crime. In addition to the members that are appointed by the Home Secretary, NCIS Service Authority also has representatives from the police service, the police authorities and other agencies with which NCIS works closely.

6.2.8.6 The experts also learned that the FIU ² is located within the premises of NCIS and has its own database. It should also be pointed out that the officers in charge of the database are police officers, and that officers with access to NCIS databases are not technically prevented from accessing the FIU database when they need to. The officers in charge of the FIU also work closely with officers in the Intelligence and Security Services.

6.2.8.7 The role of NCIS is:

- to define inter-agency strategy for reducing the supply of class A controlled drugs in the UK,
- to define inter-agency strategy for combating organised crime (people smuggling and trafficking in human beings affecting the UK),
- to provide high quality assessments and actionable intelligence to increase disruption of criminal enterprises engaged in money laundering and related financial fraud within or affecting the UK, maximising mutual support and cooperation with law enforcement agencies at local and national levels,

¹ Police Act 1997, Part 1(1)(2).

² Financial Intelligence Unit.

RESTREINT UE

- in collaboration with partners, to identify and implement opportunities for improved inter-agency working,
- to provide specialist coordination and support services to aid effective law enforcement operations,
- to develop the professional skills and expertise of NCIS staff within a career structure in order to enhance the long-term performance of the organisation.

6.2.8.8 One of the primary tasks of NCIS is to produce an annual "threat report" in order to allow the UK police forces to define their own objectives for the fight against crime. But NCIS also acts as national coordinator so that inter-agency projects can be set up for the most serious crime as defined in the national strategy plan. The UK representatives recommended that the Europol organised crime report should be developed into an international threat assessment. This is how project groups are formed around subjects such as the fight against illegal immigration, fraud and drug-trafficking. Since its creation, NCIS has systematically pursued the goal of developing a cross-ministerial approach in the analyses it draws up for all agencies responsible for fighting crime. As described above, one of NCIS' main tasks is to develop a National Intelligence Model (NIM), which is intended as an instrument to allow police forces throughout the UK to take the appropriate and necessary decisions. The chief NCIS officers acknowledged, however, that this model and its practical implementation had not been fully put in place by all law enforcement authorities across the UK. NIM was fully implemented to ACPO 'minimum standards' by April 2004. This was achieved only in England and Wales. Scotland had its own version of NIM and timetable. The Police Service of Northern Ireland expects to be fully NIM compliant by April 2004. NCIS' methodology can be broken down into three areas:

- focus on harm reduction,
- intelligence assessments driving operational actions,
- pursuing target of choice.

In view of the diversity of the police forces and their relative autonomy, all major forces have signed agreements with NCIS, Memoranda of Understanding (MOU). For a full understanding of how information is processed, it is necessary to know that the information processing model consists of three levels (Level 1 – Local, Level 2 – Regional and Level 3 – National and International).

6.2.8.9 The National Intelligence Model is the product of work led by the National Criminal Intelligence Service on behalf of the Crime Committee of ACPO. It represents the collected wisdom and best practice in intelligence-led policing and law enforcement.

6.2.8.10 The model provides important opportunities for law enforcement managers whether from the police service or another law enforcement agency. Whilst, therefore, the model has a very specific benefit for the police service in providing clarity and standards for intelligence work for Chief Police Officers and operational commanders, a number of other law enforcement agencies have identified how the model can enable them to review intelligence systems and introduce more rigour into the follow-up of investigation by codifying best practice, professional knowledge and by identifying selection and training requirements of staff. It is also recognition of the changing requirements of law enforcement managers which highlights three particular needs:

- to plan and work in cooperation with partners to secure community safety,
- to manage performance and risk,
- to allocate resources based on accurate assessments of need. In future NIM may be linked to financial planning.

In the police context the intelligence model sets the requirement for the contribution of patrolling, reactive, pro-active and intelligence staff.

6.2.8.11 The model has been designed to impact three levels of business: local, cross-border and serious and organised crime:

Level 1 – local issues – usually the crimes, criminal and other matters, affecting a basic command unit or small force in terms of area. The crimes will be wide ranging scope from low value thefts to very serious crimes, such as murder. The handling of volume crime will be a particular issue at this level.

RESTREINT UE

Level 2 – cross-border issues – usually the actions of a criminal or other specific problems affecting more than one basic command unit. Problems may affect a group of basic command units, neighbouring forces or a group of forces. Issues will be capable of being resolved by forces, perhaps with the support of the National Crime Squad, HMCE, the National Criminal Intelligence Service or other national resources. Key issues will be the identification of common problems, the exchange of appropriate data and the provision of resources for the common good.

Level 3 – serious and organised crime – usually operating on a national and international scale, requiring identification by pro-active means and response primarily through targeting operations by dedicated units and a preventive response on a national basis.

6.2.8.12 As we have stated, NCIS is mainly concerned with Level 2 and 3 criminality. However, all forces which have this system are supposed to work on the basis of the same model, thereby enabling them to work on priorities also on a national level with comparable tools. This allows the law enforcement authorities to plan their work using a pro-active approach whenever necessary. NCIS acts as Secretariat for regional level 2 activity, coordinating force level strategic assessments to build up a regional picture of level 2 criminality. These in turn form the Level 3 national picture.

6.2.8.13 In practice, the UK police forces have a range of databases. Amongst them there are a number of large national and international information systems of immediate relevance to intelligence officers and analysts:

- police national computer,
- National Automatic Finger Identification System (NAFIS),
- NCIS Alert and Elementary databases,
- specific law enforcement agency systems, perhaps subject to controlled access, such as the HMCE's CEDRIC system,
- the police national information pilot project being developed,
- INTERPOL, EUROPOL, SIRENE (available shortly).

RESTREINT UE

In addition to those data facilities mentioned above, at the local level people require IT systems and systems controls to access efficiently:

- local and force case files, crimes and intelligence records, operational information and incident response records, scene of crime records,
- open source information,
- in order to manage properly the work of the intelligence unit, a file tracking system is required which registers and monitors progress on agreed intelligence development work.

6.2.8.14 In theory, it looks like an ideal system. But nowadays, the system is overly complex. This essentially stems from the fact that the 43 different police forces are operating with the support of the 8 *regional* NCIS agencies. This means that the regional police forces do not normally have direct access to NCIS files. Although the police forces and the other agencies are required to forward to NCIS any useful information concerning serious crime, they do not have direct links to the databases compiled by NCIS officers¹. The only link is between the central NCIS and the 8 regional NCIS, which have signed an agreement on methods of information exchange. The experts also gathered that local police did not even have computer terminals for accessing, even indirectly, the information kept by NCIS. They were told that, in order to get round these difficulties, regular meetings were held at regional level to brief chief officers and practitioners on the priorities defined and upheld at national level. The national databases are not available at the local liaison offices at Europol.

6.2.8.15 In other words, the plus point which allows the intelligence unit of each police force ² to work along the same lines as NCIS does not allow the different services' computer systems to communicate to NCIS' information technology tools. The only technical added value in the area of communications is provided by a secure email channel. According to our interlocutors, a new database is under examination for the future, which could allow information kept by all agencies responsible for the fight against crime to be integrated.

¹ Project Impact is working to change this, in line with recommendations from the Bichard report.

² This concerns the 43 police forces of England and Wales, HMCE, the RUC and the 8 Scottish Police Service Forces.

6.2.8.16 It is important to point out that while this development is essential, it will also be necessary in the near future to give the multiple agencies throughout the UK access, even indirect access, to the databases kept by NCIS. Even if this system did not allow access to the content of the information, it would still save investigators' time and avoid duplication. Above all, it would supplement the tasks of NCIS as defined at governmental level: to ensure the consistency of the work of the police services and the consistency of national priorities with those pursued at local level.

6.2.8.17 The UK chief officers are perfectly aware of these difficulties. It was reported to the expert group that Metropolitan police readily acknowledge the problems described above. In fact, they regard the fact that the UK police forces do not have compatible computer systems as an obstacle to efficient and useful cooperation. Furthermore, NCIS' centralisation of information seems to bring its own difficulties. Due to the unique profile of the work undertaken by the Metropolitan Police in terms of criminal diversity and volumes a decision was made to establish a regional NCIS office within New Scotland Yard. This is understandable, considering that the Metropolitan Police consist of 30 000 police officers and 11 000 support police staff. Furthermore, the decision to create a regional NCIS especially for the Metropolitan Police results from the fact that the various UK police forces' computer networks are not compatible with each other. Each police force has developed its own computing system: there has not been an integrated plan.

The experts emphasise the need to draw up a work programme to bring together the main police forces, so that there is a minimum integration of their computer networks. The UK Government's new project will be described in greater detail later in this report (paragraph 6.2.8 .24). At this point, however, we would mention that the future agency to combat organised crime, SOCA ¹, aims to provide an initial response to these major technical difficulties. There is, however, a positive aspect to this situation, which is becoming relatively difficult to manage: each law enforcement authority has its own information service, which has very direct links to the operational force it is part of.

¹ SOCA: Serious Organised Crime Agency.

RESTREINT UE

However, the main shortcoming lies in the impossibility of exchanging information directly with other law enforcement authorities.

6.2.8.18 HMCE has the same residual problem. This department organises monthly operational meetings in conjunction with the Metropolitan Police and the International Division of NCIS. The aim of these meetings, which are usually subject-based, is to gather as much useful information as possible in order to avoid overlaps or conflicts of interests. This situation results from the fact that HMCE also has its own database, from which any necessary and useful information needed is forwarded to NCIS. HMCE can then ask NCIS whether it has a specific item of information and, if so, identify the service responsible for a particular investigation. This working method is known as the "coordination project". The co-ordination project relates to a particular threat - Colombians based in the UK. HMCE chair monthly meetings attended by all law enforcement agencies who have active operations or intelligence activity. Thereby achieving a coordinated approach to intelligence gathering, dissemination and operational activity.

6.2.8.19 The customs officers also mentioned the difficulties they encountered vis-à-vis certain requests from NCIS officers. One reason for these difficulties is caused by the fact that a single point of contact does not exist. Depending of the subject matter of the material, it could be referred to anyone of a number of offices.

6.2.8.20 However, the methods employed and the experience of the UK police can often get round problems of this type. For example, the National Crime Squad (NCS) has a central intelligence unit in Birmingham, which covers all the areas of the investigation units. This unit gathers information and analyses it. This work is then sent directly to the services concerned, or to NCIS directly if required. The unit operates on a 24-hour basis. However, despite the defining role of this information unit, it does not have a database which can be shared with the other services concerned. Today, with 31 intelligence units across the UK, the police want to set up a central intelligence unit to collate information. There is plainly a need to set up a central information unit for the NCS, which would bring together the 31 intelligence units and thus provide a clearer overview of all investigations and strategy throughout the UK.

RESTREINT UE

6.2.8.21 The expert group was impressed by the reported closer working cooperation between HMCE and the NCS. However once again, direct access to NCIS computer system does not exist. Practical solutions are adopted by staff on the ground. The present situation leaves something to be desired. All services can access and consult all databases concerning evidence tied to specific facts, such as information in the PNC on charged or convicted persons, fingerprints, stolen vehicles and wanted persons. To address the communication difficulties which have been encountered a highly interesting practice has been put in place, whereby all information services are concentrated on a common project (such as immigration) and all these sources are made available to the service responsible for that particular thematic objective. In this way, the NCS, HMCE and the immigration service are able to meet regularly to exchange information. It should be noted, however, that the system is still somewhat complex: the person in charge of the immigration theme at the NCS does not cover the geographical area of Scotland.

6.2.8.22 Generally speaking, the UK police have adopted a pragmatic approach and brought together thirty or so difference agencies within NCIS, which effectively act as the relay between the operational services or ministries responsible for specific problems. NCIS comprises information services, traditional police services, HMCE and immigration service representatives. NCIS's work links to work on social services and child protection, and they liaise with these areas of work.

6.2.8.23 Finally, at ministerial level, there is the Organised Crime Strategy Group (OCSG). It is chaired and led by the Home Secretary, who defines the priorities for the various services involved in the fight against organised crime. In other words, policy is defined at ministerial level and specific operations are the responsibility of the individual specialised agencies. However, the administrative structures in the UK are such that these agencies enjoy considerable autonomy and independence. This situation makes it more difficult to implement at local level the measures defined at ministerial level. In a clear attempt to curb this trend, the Home Office drew up the national police plan for 2003 to 2006.¹ To give an example of its impact it could have across the UK, we refer to the point 5.29 of the action plan which is concerned with modern IT policy.

¹ Presented to Parliament by the Secretary of State for the Home Office in accordance with Section 1 of the 2002 Police Reform Act (published in November 2002).

RESTREINT UE

Among the considerations contained in this chapter are the following; that police services should:

- have a secure e-mail facilities across the Criminal Justice System by 2003,
- have the profiles of the whole of the active criminal population on the national DNA database by 2004 (currently projected to be 2,6 million offenders by 2004),
- complete the roll out of Airwave, the new police radio communication service by 2005,
- have begun to enable victims to track progress of their case on line by 2005,
- ensure that the Case and Custody system is implemented in every force, with links to Courts and Crown Prosecution Service by 2005-2006,
- Set out in local police plans the proposed arrangements for implementing the force or authority integrated systems.

6.2.8.24 However the Government wants to go further and has just submitted, in March 2004, a proposal for a Serious organised Crime Agency (SOCA), which should in particular help meet the priorities defined at governmental level, while also allowing for better cooperation with the judicial system. To quote the introductory remarks by David Blunkett, the Home Secretary: *"... the existing divided responsibilities are no longer appropriate in the face of what is increasingly technically sophisticated and international crime. The Agency will be more than the sum of its parts. Its activities will be driven by a focus on the harm caused by organised crime, more effectiveness of intelligence and specialist investigators ..."*.

The Agency will bring together the NCS, NCIS, HMCE's investigation and intelligence work on serious drug trafficking and recovering related criminal assets and the Immigration Service's work on organised crime. Specialist prosecutors, answerable to the Attorney General, will work closely alongside the Agency's staff. As explained in the White Paper *"... as the agency will have a role in Northern Ireland and Scotland, the Home Secretary will be obliged in statute to consult the Scottish First Minister and the Secretary of State for Northern Ireland before promulgating its objectives ..."*.

6.2.8.25 As noted by the experts in the course of several meetings with the chief officers of various law enforcement authorities, the UK authorities are perfectly aware of their current weaknesses, but many of the problems within the IT, administrative and territorial structures will undoubtedly find an initial response in the new agency, SOCA, which will certainly provide a stimulus to other UK services.

6.2.8.26 In this regard, the experts are in the unusual situation of having to make recommendations, most of which are already blueprinted in the project for the new agency.

6.2.8.27 The UK authorities are planning to bring together roughly 5 000 officers in the new agency in an initial stage. However, an agency with various types of expertise will, it seems, require a new training college to be set up.

As an initial conclusion, the chief officers thought that 70% of successful investigations were the result of joint investigations. Information exchange, as already noted above, remains as the most difficult area for the police services, HMCE and other agencies. Their wish is to no longer concentrate on the specific activities of a particular administration, but rather to work towards common objectives by effectively combining the skills of customs, police services and immigration services. This fundamentally new idea in these branches of activity could certainly be taken into account by other Member States with similarly outdated practices or working methods.

6.3. EXTERNAL EXCHANGE OF INFORMATION

6.3.1 Generally speaking, NCIS serves as a platform, with regard to level 3 crime, for all services concerned by the exchange of information in Europe and throughout the rest of the world. Thus, NCIS has an international division, which is responsible for processing international information. It should be pointed out that the UK authorities have grouped together on the same floor of one building all services responsible for international cooperation (INTERPOL, EUROPOL, bilateral relations, SCHENGEN cooperation ¹).

¹ Council Decision 2000/365/EC.

RESTREINT UE

6.3.2 The principle is to use the EUROPOL channel as a default (see chapter 7). In the London NCB (INTERPOL office), 60 staff are in charge of processing information on a 24-hour basis. In terms of volume, INTERPOL remains the principal channel, essentially because the information it gathers can be integrated into criminal proceedings conducted by investigation services. The chief officers also said that controlled deliveries of drugs were also carried out in the context of bilateral relations. This was mainly to protect the sources behind the investigations. The same was true for all areas related to immigration; on the whole, exchanges take place in the context of bilateral relations.

6.3.3 It is also worth noting that liaison officers posted to the UK can have an office at NCIS, which allows them to have direct contact with all ministries and services represented there, but also so that, indirectly, they can have rapid access to the databases managed by the various law enforcement services in the UK. NCIS representatives did not disguise the importance of these bilateral relations: this is also demonstrated by the number of UK liaison officers posted abroad: 120 (from all ministries). In view of the importance of external representation, three seminars are held each year at NCIS headquarters to harmonise practices and thus maintain highly effective contacts.

6.3.4 One major operational advantage was noted at NCIS by the expert team. The liaison officers from most countries are located in one large open planned office at NCIS. This means that relationships have developed between the liaison officers from all of these countries with the UK based officers. This has led to increased operational effectiveness as practical solutions to issues can be explored within the offices and then implemented to insure maximum efficiency. The fact that NCIS also has developed regional offices around the UK adds even more value to this structure. The chief NCIS officers explained that in this way they no longer needed to decide in advance which channels messages should be distributed to. Each message received or sent is given a number to make sure it is sent to the correct office and to avoid any overlap. The system operates on a 24-hour basis; outside office hours each head of unit can be contacted by mobile phone so that all correspondents posted abroad can obtain help and assistance at all times (between 7 p.m. and 7 a.m.). Experts noted that approximately 90% of platform staff were directly employed officers on private contracts and only 10% were Crown officers.

6.3.5 As underlined by the experts in the previous chapter, one of the difficulties in the area of international cooperation is the lack of internal flexibility, due to the fact that the major services' IT systems are not compatible with each other. Thus, there is no IT compatibility between the NCS, HMCE and NCIS¹. The new agency (SOCA) should resolve this serious problem.

6.3.6 The most important external change expected is likely to be the appointment of liaison officers to standardised posts, who can then be assigned to either the customs or the police services. This is also underlined by the UK authorities in its White Paper, "One Step Ahead". Indeed, on page 17 we read: *"... much bilateral assistance relies on smooth and effective cooperation between law enforcement agencies, including through the network of INTERPOL bureaux. In addition UK diplomatic posts host over 120 UK law enforcement liaison officers who support domestic and enforcement agencies by providing a focus for operational cooperation on drugs, organised crime, illegal immigration and fiscal crime. They work with local law enforcement agencies on operational matters and report on local trends. These networks are an invaluable asset. The forthcoming creation of the new organised crime agency will lead to the merger of the existing NCIS liaison network with the drug liaison network of HMCE ..."*.

6.3.7 With regard to the deployment of joint investigation teams in another EU Member State, our interlocutors were open about the fact that they would face considerable difficulties arising from differing interpretations of the different judicial systems, common law and continental law. Given that, as a result of this distinction, a team can have a legal or police authority, no agreement has as yet been reached on this point. There is also the issue of leadership of international investigation teams which has presented difficulties in the past. In continental Europe investigations are led by lawyers whereas in the UK they are led by senior police officers. The chief NCIS officers and several police officers openly expressed their fervent hope that EUROJUST would develop practical cooperation agreements.

¹ Services can communicate with each other on GSI, XGSI and PNN via fire secure e-mail links.

6.4. EUROPOL

6.4.1 In the various discussions on EUROPOL, the experts noted that all UK chief officers were keen to use the possibilities provided by EUROPOL to the maximum. This desire is also expressed in the White Paper, "One Step Ahead", where the authorities state that their priorities include "... *improving the operational effectiveness of EU bodies responsible for tackling organised crime, including EUROPOL, EUROJUST and the Police Chief Task Force*". It is also worth noting that, in all interviews conducted, our interlocutors always took the trouble to mention that the UK was without doubt the best partner out of all Member States. This is confirmed by the UK authorities in the first part of this report, where they state that, with a 45% increase between 2002 and 2003 in the total number of information requests, the UK is the Member State which makes most use of EUROPOL's operational functions. Although the experts do not have any information denying or confirming this trend, it must be said that our interlocutors were not in a position to distinguish between messages circulating via EUROPOL liaison officers and those sent to EUROPOL for internal use.

6.4.2 The major idea put forward by the Home Office representatives was that the future major specialised agency, SOCA, should also act as an efficient interface with EUROPOL. Furthermore, the chief ENU officer at NCIS said he wanted to discuss with the various law enforcement agencies the threat evaluation carried out each year by EUROPOL, to a greater extent than in the past. Thus, by way of example, we were informed that the services are currently compiling statistics on drug seizures provided by Member States to EUROPOL in order to define the UK police's work approach and thus obtain better results. However, NCIS chief officers are not very satisfied with the working methods used by EUROPOL to compile its annual report on crime. They consider that the report does not take sufficient account of EUROPOL's work as an institution, and that the report is basically the sum of all reports provided by the Member States. The UK representatives want the report on crime to take better account of the results achieved as a result of work on the AWF files, and as a result of the analyses conducted by EUROPOL. According to the UK experts, UK investigation services are increasingly involving EUROPOL analysts in operational investigations, to enhance the decision-making, if necessary.

RESTREINT UE

This approach seems logical, given that it is part of the strategy of law enforcement agencies to gear most investigations to the analyses produced. In this sense it would doubtless be desirable to recommend that Member States adopt in part the method used in the UK, which is to encourage the use of EUROPOL analysts in the fight against crime within Member States, by involving them in the work of national investigators, where possible.

6.4.3 The Home Office representatives were disappointed that other Member States had not implemented the Council Framework Decision on joint investigation teams; that as yet there was nothing in place. Nonetheless, they wanted to describe the difficulties to be overcome if future joint investigation teams were planning to intervene in a third country. For the Home Office, such an intervention presupposes that the team leader is a national of the third State in question. Member States should be prompted by this remark to reflect on this scenario so that they can put in place the necessary arrangements for this type of intervention in third countries.

6.4.4 The second major idea put forward by our interlocutors was to make EUROPOL the default channel. Thus, if a liaison officer starts investigating a case, NCIS representatives' first question will always be whether it is worth using the EUROPOL channel. For our interlocutors, this is wholly independent of the geographical origin of the information. So, even if the information or the request for information comes from a third country – for example, the USA – the response will be the same. This approach explains to a large extent the increase in the number of messages sent via the EUROPOL channel in 2003 (+ 40%).

The experts were not able to get any idea of lead times for information requests. Therefore, they could not assess the efficiency of the system, or its performance. This is especially regrettable, given that an evaluation system exists for information transmitted via the INTERPOL channel. Furthermore, NCIS representatives did not hide the fact that they were having difficulties convincing certain Member States of the value of EUROPOL as a default channel. The experts believe that the development of an instrument to measure lead times within the UK for information requests which are made via NCIS channel, but where the information is transmitted via the EUROPOL channel, would provide considerable added value.¹

¹ The new IT system will be capable of compiling all of this data.

RESTREINT UE

6.4.5 With regard to the organisation of the ENU, 12 officers are employed in this unit. This number has to be viewed in comparison with the situation in 1996, when only one officer was in charge. The ENU office authorises direct contacts between operational services. However, all instructions and exchanges have to go via the ENU in order to contribute to NCIS case management file, so that the information is retained and it is possible to follow, almost in real time, what is happening on the ground. This is in keeping with the provisions of the EUROPOL Convention and is particularly logical, given that NCIS is fed information by all law enforcement authorities and, as a result, can almost immediately feed information into the AWF that are available to EUROPOL if required, as NCIS officers have all the information that EUROPOL may need. Furthermore, as explained in the first part of this report, there are many agencies within NCIS whose representatives can ask their administrations at any time to access their respective databases.

6.4.6 All liaison officers posted abroad have to go through this office to contact the police services or prosecuting authorities. One of the strengths of the UK system is that all law enforcement contact, whatever the origin, is that it has to go through NCIS and is dealt with on a single platform.

6.4.7 As far as the EUROPOL Information System (EIS) is concerned, the UK authorities informed the experts that their discussions and the technical finalisation were very advanced. Thus, two persons are working on the project full-time. In this connection, our interlocutors wish to make increasing use of EUROJUST in the future database. In view of the fact that NCIS was created in 1992 to avoid all duplication in external exchanges, our interlocutors believe that EUROJUST should pursue the same goal in its field. In this respect, the chief NCIS officers think that EUROPOL and EUROJUST could coordinate their work and strategies, in order to avoid that, in computerised information exchanges, two separate files are created independently of each other. The idea is to develop a closer cooperation between EUROPOL and EUROJUST concerning the exchange of information in order to maximise the productivity of the two complementary institutions.

6.4.8 Finally, as far as liaison officers posted abroad are concerned, the practice in the UK is that they are trained at EUROPOL in their liaison officer role. Good cooperation does not rule out residual difficulties tied to the role of EUROPOL liaison officers. NCIS representatives cited the example of Customs: some Member States have no Customs representatives, others have Customs officers who are liaison officers, and others still have Customs representatives who are not liaison officers, but belong to the Customs service. Harmonisation within each Member State of the role and duties of each administration's representatives would further improve the platform of Member States' representatives seconded to EUROPOL and that national liaison officers should be representative of all law enforcement agencies within the Member States.

6.4.9 Raising awareness: NCIS organises an annual seminar to raise the awareness of the various law enforcement authorities of the role and operation of EUROPOL. Each law enforcement authority designates one of its staff to disseminate the information from these seminars to all officers concerned. If this practice is not already followed in other Member States, it could prove very useful to appoint a resources officer in each law enforcement agency to act as the interface with EUROPOL.

7. GENERAL CONCLUSIONS OF AND RECOMMENDATIONS OF THE EXPERT TEAM

The expert team were impressed that all the presenters identified the same core goals in the fight against serious and organised crime. The experts were also impressed with the National Intelligence Model as developed by the UK and how this model feeds into operational objectives through the UK threat assessment. Throughout the evaluation, the experts noted the importance attached to the intelligence field by all law enforcement authorities.

The expert team also noted the new UK methodology focused on harm reduction rather than the former methodology of result orientation. The expert team believe this is a most useful development but because this is in early stages of development, the UK were not yet in a position to provide detail on performance criteria.

RESTREINT UE

The experts also found that the authorities were highly aware that some problems had to be solved immediately, for at least two major reasons. The first problem concerns the administrative structure in the UK. Indeed, the independence of the police forces in particular, and the lack of a common IT structure make information exchanges laborious, even inefficient in operational terms. The second problem is directly tied to the development of European structures: the UK authorities wish to avoid duplicating efforts and plan to align some of their internal structures with European models, in particular via EUROPOL and EUROJUST. In fact, the chief officers consider that separate agencies for combating international crime can no longer meet the current challenges, in particular the fight against serious and organised crime. This is undoubtedly one of the main reasons behind the planned establishment of SOCA in 2006.

The UK authorities consider that there is a need to create a new multi-disciplinary agency, whose principal aim will be to share powers and objectives with the aim of reducing as far as possible the damage to our society from international crime. While the goals seemed clear and ambitious to the team of experts, the fact remains that the UK will have to continue to streamline its administrative and operational procedures without waiting for the establishment of SOCA. For example, the fact that operational services cannot have reading access to NCIS database render the current working methods ineffective.

Before making their main recommendations, however, the experts wish to highlight the major efforts the UK authorities have made to improve all their systems. In fact, the Government has now commissioned work to pull together a national strategy to link these "sectoral" strategies together, and in particular has established a new Cabinet sub-committee on Organised Crime. This group chaired by the Home Secretary includes all the Ministers with relevant responsibilities in this area. It has been tasked with driving forward a national and international strategy against organised crime. The Government aims to produce the first such national strategy by the end of 2004.

RESTREINT UE

In the conduct of selective operations at the frontier, for example, the new model for border cooperation will also be assisted by the improved coordination of Special Branch efforts regionally and nationally. A national Special Branch Coordinator was appointed by ACPO last autumn to provide a national focus for Special Branch work, promulgate policy, set standards, develop codes of practice and quality and oversee Special Branch activity. Special Branch Regional Intelligence Cells (RIC) have been set up in 8 ACPO regions in England and Wales to support the coordination of Special Branch activity on a regional basis. This is in accordance with general principles of the National Intelligence Model which supports the identification and prioritisation of business.

NCIS has developed the National Intelligence Model which sets a framework for tackling crimes at all levels on the basis of a clear threat assessment. This has been adopted by ACPO and was fully implemented to minimum standards in April 2004. with the result that for the first time there will be a standard template for the collection and dissemination of intelligence in all 43 forces in England and Wales.

NCIS has now completed and made available a common "doctrine" to inform criminal intelligence activity. Its aim is to standardise the intelligence process, command and control procedures and intelligence products for effective harm reduction based on action plans to combat serious and organised crime. In addition, over the next 12 month, the National Centre for Policing Excellence will be working with NCIS and ACPO to link together the intelligence processes at regional and national levels.

7.1 FOR THE UNITED KINGDOM

7.1.1 Study the possibility for each law enforcement authority to allow access to delegated officers, even simple reading access, to NCIS's databases. (see 6.2.8.16)

7.1.2 Develop IT solutions for the various agencies on the ground to make it possible to consult and exchange information on line. (see 6.2.8.16)

RESTREINT UE

- 7.1.3 Study the possibility of improving the flow of intelligence between the 31 regional intelligence units between NCIS and other law enforcement agencies to allow for a better overview of the information available, and make it possible to cross-check the various information sources more easily. (see 6.2.8.20)
- 7.1.4 We recommend that criteria should be introduced to measure the effectiveness of harm reduction. (see 7)
- 7.1.5 The UK would continue to develop measures designed to improve formal and informal intelligence cooperation. (see 7)
- 7.1.6 Develop a system for determining the UK authorities' lead times for requests for information made by other Member States via the EUROPOL channel. (see 6.4.4)
- 7.1.7 In the context of the establishment of SOCA, provide for the integration of the relevant agencies for Scotland and Northern Ireland. (see 6.2.8.24 and 7)

7.2 FOR EUROPOL

- 7.2.1 Consider developing the EIS as a matter of urgency. (see 6.2.8.9)
- 7.2.2 The European Organised Crime Report should become the EU Organised Crime Threat Assessment and thus inform the Member State's National Threat Assessments. This would enable law enforcement across all Member States to set priorities more effectively. (see 6.2.8.8)

RESTREINT UE

7.3 FOR THE OTHER MEMBER STATES

- 7.3.1 Encourage the development of intelligence led policing. (see 7)
- 7.3.2 Examine ways of involving the police, customs and immigration services more closely so that, in the interests of cooperation, information can be shared more effectively.
(see 6.2.8.27)
- 7.3.3 Involve, where possible, EUROPOL analysts in Member States' investigations, where several Member States are concerned. (see 6.4.2)
- 7.3.4 Conduct the necessary studies to also encourage establishment of joint investigation teams in third States. (see 6.4.3)
- 7.3.5 Harmonise as far as possible the authority and the role of the Europol liaison officers by Member States. (see 6.4.8)
- 7.3.6 Harmonisation within each Member State of the role and duties of each administration's representatives in order to improve the platform of Member States' representatives seconded to EUROPOL. (see 6.4.8)

PROGRAMME OF VISITS

Wednesday 31 March 2004

Overview of UK organised crime policy, EU co-operation and the role of the Europol National Unit.

- 08:45h Transfer from hotel to National Criminal Intelligence Service (NCIS)
- 09:15h Welcome by Director General of NCIS, Peter Hampson, DG NCIS
- 09:30h Introduction to NCIS International Division, Rob Wainwright, Director International
- 10:45h COFFEE BREAK
- 11:00h Presentation on UK Europol National Unit, Colin Woodcock
- 13:00h LUNCH
- 14:30h Transfer to Home Office - Queen Anne's Gate
- 15:00h Afternoon hosted by Home Office – overview of UK Government policy on national organised crime strategy and EU police co-operation, Stephen Webb, Geoffrey Sonnenberg, Martin Edwards
- 17:30h Transfer to hotel

Thursday 1 April 2004

Presentations from UK law-enforcement agencies on operational co-operation with Europol and other Member States.

- 09:00h Transfer from hotel to Her Majesty's Customs and Excise (HMCE)
- 09:30h Presentation by HMCE, Duncan Stewart
- 10:45h COFFEE BREAK
- 11:00h Presentation by National Crime Squad (hosted at HMCE), John Dillon
- 12:15h LUNCH
- 13:30h Presentation by Metropolitan Police Service, Steve Kupis
- 14:45h Presentation by Scottish Drugs Enforcement Agency (hosted at the Home Office), Bob Lauder, Stephen Ward
- 15:45h COFFEE BREAK
- 16:00h Presentation by UK Europol Liaison Officer, Phil Tucker
- 17:00h Transfer to hotel
- 19:30h Dinner - Shepherds

Friday 2 April 2004

Review session at NCIS

- 10:15h Transfer from hotel to NCIS Head Quarters
 - 10:30h Review session – presenters will be available to answer further questions
 - 12:30h BUFFET LUNCH
- End of evaluation visit

LIST OF PERSONS MET

National Criminal Intelligence Service

- Peter Hampson, Director General
- Rob Wainwright, Director of International Unit
- Colin Woodcock, UK Europol Unit
- Andy Baran

Home Office - Policing Organised Crime Unit, International Section:

- Stephen Webb
- Geoffrey Sonnenberg
- Martin Edwards
- Sara Kvarnstrom
- Nadia Hashmi

- Duncan Stewart - Customs and Excise
- Detective Chief Superintendent John Dillon - National Crime Squad
- Bob Lauder - Scottish Drugs Enforcement Agency
- Detective Chief Superintendent Steve Kupis - Metropolitan Police
- Detective Superintendent Sean Cunningham - Metropolitan Police
- Phil Tucker - UK Liaison officer, Europol

LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

ACRONYM ABBREVIATION TERM	ENGLISH TRANSLATION OR EXPLANATION
ACPO	Association of Chief Police Officers
ACPOS	Association of Chief Police Officers in Scotland
AWF	Analysis Work File (Europol)
CEDRIC	Computer system used by HMCE
CIDA	Concerted Inter-Agency Drugs Action group
DLO	European Drugs Liaison Officers
ENU	Europol National Unit
FIU	Financial Intelligence Unit
GSI	Government Secure Intranet
HMCE	Her Majesty's Customs and Excise
MOU	Memorandum of Understanding
NAFIS	National Automatic Finger Identification System
NCIS	National Criminal Intelligence Service
NCS	National Crime Squad
OCSG	Organised Crime Strategy Group
PNN	Police National Network
RIC	Special Branch Regional Intelligence Cells
RILO	Customs Enforcement Network run by the World Customs Organisation
SCEA	Scottish Drug Enforcement Agency
SIRENE	Supplementary Information Requested at National Entry
SIS	Schengen Information System
SOCA	Serious Organised Crime Agency
UKTA	UK Threat Assessment of Serious Organised Crime
XGSI	Government Secure Intranet (handling information of a higher security classification)