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Operational Guidance for Police Cooperation when Dealing with Overseas Enquiries

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Introduction

This guidance is aimed at those employed by the police service in England and Wales. It provides an overview of:

- Mutual cooperation between UK police forces and foreign police forces. This is often described as ‘police-to-police enquiries’.
- When to consider police-to-police enquiries.
- Channels for international police-to-police enquiries.
- INTERPOL.
- Sharing intelligence with other countries’ law enforcement agencies.
- Questions to consider before beginning international enquiries.
- Useful contacts list.

The Joint International Crime Centre (JICC) is housed by the National Crime Agency (NCA).

Comprised of officers representing UK policing, the NCA, ACRO Criminal Records Office, Immigration Enforcement, the Crown Prosecution Service (CPS) and UK Central Authority



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(UKCA), the JICC provides advice and guidance to officers in an ever-changing policing environment.

Police-to-Police Enquiries

Exchanging information between police forces in the UK and overseas is vital. It can provide important intelligence for an investigation and open up new lines of enquiry.

Intelligence or evidence?

Information exchanged between UK police forces and foreign law enforcement is usually treated as intelligence only. In other words, in most cases it is not suitable for use as evidence in courts in England and Wales. In certain countries there are some circumstances where police-to-police channels can be used to obtain evidence by non-coercive means which can be used in court.

If you need specific information from overseas in an evidential format for court, your first step should be to make police-to-police enquiries to identify that the evidence exists and is available. If you have already obtained intelligence through police-to-police channels and need foreign law enforcement to produce the same material evidentially for court purposes, it will be necessary to submit a request for mutual legal assistance (MLA) through the CPS or other prosecuting authority. *Contact the Judicial Cooperation Desk in the JICC on 0300 790 0000 for advice on obtaining evidence from overseas through MLA channels.*

Case study

A fraud investigation in England identified links to an online gambling company in a British territory overseas. Before submitting a request for mutual legal assistance through the CPS, the investigator made police-to-police enquiries to local police. Detectives in the territory contacted the company and obtained a full download of the suspect's transactions which they sent to the investigator as intelligence to progress the investigation. Before the trial the CPS submitted a request for the same material to be supplied as sworn evidence through mutual legal assistance. This evidence was submitted in court and helped to secure a conviction.

When to consider police-to-police enquiries

As a general guide consider police-to-police enquiries for:

- **Obtaining criminal intelligence.** For example, intelligence held on foreign police national criminal intelligence databases.
- **Obtaining information held by state or official bodies.** For example, births, marriages and deaths; driving licence records.
- **Obtaining some evidence available through non-coercive measures.** For example, in a handful of countries police-to-police cooperation can be used to obtain a statement from a willing and cooperative witness.
- **Sharing intelligence.** For example, to ensure a victim in a foreign country is effectively safeguarded.



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Different countries have different laws governing what material can be collected and shared. Before an investigator submits a request to obtain intelligence or information directly from another country via police-to-police enquiries, they must be satisfied that **it is lawful to do so under UK law and under the law of the foreign state.**

Channels for international police-to-police enquiries

Every case is different and the JICC provides specialist support to identify the best route for your international enquiries. Options may include:

- **NCA UK International Crime Bureau (UK ICB), the gateway for INTERPOL.** Based in Warrington, the UK ICB is part of the NCA, and has the capability to send INTERPOL notices, requests or diffusions to INTERPOL bureaus all over the world. Following the UK's exit from the EU, this is the only secure formal international intelligence exchange route between UK and foreign law enforcement. *See the section on INTERPOL on the next page.*
- **The Foreign Law Enforcement Community (FLEC).** These are foreign police liaison officers and diplomatic police attachés stationed in embassies and consulates in the UK. Their role is to build international relationships to enhance investigations, to engage with law enforcement in the UK and to provide operational assistance to UK law enforcement in relation to international investigations. Their focus is mostly, but not exclusively, on serious and organised crime. They often have diplomatic status and some hold extremely senior ranks in their countries' domestic law enforcement agencies.
- **Europol.** Europol is the EU law enforcement agency and is based in The Hague in the Netherlands. It provides intelligence, support and coordination functions to EU Member States and non-EU partners covering the investigation of cross border, serious and organised criminality. The UK effectively has third party status access to Europol and can exchange operational and strategic crime-related information and intelligence with EU Member States and other countries.
- **NCA International.** The NCA Intelligence and Operations Directorate International section is based in London and has specialist desks covering all regions of the world. NCA International can provide expert advice on overseas operational capabilities of law enforcement in specific countries, and has access to a global network of NCA international liaison officers (ILOs) deployed overseas. Their primary focus is on serious organised crime, but their remit is flexible enough to include support for significant criminal investigations that fall outside the serious organised crime definition. *Use the UK ICB to contact NCA International and the NCA ILO network.*
- **CPS international liaison prosecutors.** The CPS has a network of prosecutors based all over the world, who engage with justice ministries and prosecuting authorities in their host countries. In countries where prosecutors lead investigations, CPS liaison prosecutors can often provide useful contacts and certain information.

Case study



An investigation in England sought details of the evidence produced in court during a linked prosecution in a European country. The local police force who had investigated the offence was unable to help. However, the British CPS prosecutor based in the country approached the court and obtained a copy of the judgement. This included a rundown of the evidence and an overview of the case, and was suitable for the needs of the English investigation.

INTERPOL

The INTERPOL secure network will usually be the primary channel of international communication for police-to-police enquiries. The UK ICB sends and receives INTERPOL enquiries on behalf of UK police forces, usually via force International Liaison Officers or Intelligence Bureaus. To submit an enquiry overseas, use the Interpol Enquiry Form, which you can find on your force Intranet or download from the [JICC Police Knowledge Hub](#) Forms page. If you are sending the enquiry to a country outside the European Union, European Economic Area and the UK's 'Five Eyes' partners of Australia, Canada, New Zealand and the USA, you will also need to download and submit a risk assessment authorised by an inspector or above.

Every police officer can obtain a login to the INTERPOL dashboard at www.interpol.pnn.police.uk/i247/. This provides access to the INTERPOL eASF system to search INTERPOL Notices and databases such as vehicles and stolen works of art, and access to the I-24/7 Share file-sharing system. I-24/7 Share users can upload material securely and share with a password to colleagues overseas who are also users of the system.

INTERPOL has a system of colour-coded Notices and Diffusions that enables police to share circulations and ask for information across all INTERPOL members or specific countries or groups of countries. In some cases the appropriate route for police-to-police communication is by publishing a formal Notice or sending a less formal Diffusion rather than directing a specific enquiry. [Read more about INTERPOL Notices and Diffusions on the INTERPOL web site](#). Please also refer to JICC guidance on Extradition and Missing People, Vehicles and Documents for other uses of INTERPOL Notices and Diffusions.

Case study

A fugitive fled England and took refuge in a country in the developing world. Following assessment of the risks, the investigators decided that it was not appropriate to communicate directly with law enforcement in the country concerned. Following consultation and discussion with the CPS, the solution was for the UK to issue a Red INTERPOL Diffusion to a number of other specific countries where intelligence suggested the fugitive might visit or transit. This maximised the chance that the wanted person might be arrested, while reducing associated risks.

Sharing intelligence

It will often be appropriate for UK police to proactively share intelligence with foreign law enforcement partners. Sharing police information, whether within the UK or with international partners, must always be linked to a policing purpose such as:

- Protecting life and property
- Preserving order



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- Preventing and detecting offences
- Bringing offenders to justice
- Any duty or responsibility arising from common or statute law.

When proactively sharing intelligence with law enforcement in other countries, officers in the UK must be mindful of their obligations under domestic laws such as the Human Rights Act 1998 and the Data Protection Act 2018. As a general rule, before sharing intelligence with police overseas, UK officers should be satisfied that they have properly considered any human rights, political and/or reputational risks. Officers should be aware of human rights risks when sharing intelligence with countries which retain the death penalty, such as Japan and the USA. When sharing intelligence via INTERPOL with countries outside the EU, EEA and 'Five Eyes' communities, officers will always be required to complete and submit a risk assessment.

Download the current range of INTERPOL and other forms from the JICC Knowledge Hub pages at <https://knowledgehub.group/group/hhxdpttatw>.

Case study

A British investigator needed details of an historic investigation into sexual abuse which included offences reported in a sub-Saharan African country. The investigator sent an INTERPOL Enquiry Form to the country's INTERPOL Bureau, who responded with a report containing details of the allegations made in that country.

Mutual cooperation

Although there are no strict rules on when to use police-to-police channels for seeking assistance, every destination country has defined boundaries setting out the purposes for which they can provide help. Police-to-police enquiries are based on mutual cooperation – in other words, foreign colleagues help us with our enquiries because they hope that we will reciprocate by helping them in the same way in the future. Remember, if UK officers fail to cooperate this may have a negative impact in the future when the UK seeks help from the same country.

Questions to Consider

Basic checks

If your subject is a foreign national or has links abroad (e.g. British national who has resided outside the UK or has dual nationality) carry out:

- **Police National Computer (PNC) check**
- **I-24/7 check (INTERPOL database) check**
- **Immigration Command and Control Unit (NCCU) check**

You can request an ACRO (overseas conviction check) on people involved in criminal proceedings. *For further ACRO information, please refer to the ACRO operational guidance.*

Always consider PNC, I-24/7 and CCU checks on witnesses and victims, as they might be illegally in the country or have convictions overseas that could undermine your case.

Investigation

- What intelligence/information/evidence required for your investigation is held outside the UK, and where is it held?
- What are you seeking: evidence, intelligence, or both?
- What time-critical matters are there in your investigation?
- What has the CPS directed in terms of seeking information and evidence from overseas?
- What potential challenges are you facing with your investigation?
- What overseas law enforcement agencies outside the UK have you already contacted?
- How likely is it that your case could be appropriate for a transfer of proceedings abroad? (I.e. that the prosecution could be transferred to another country's court)

Suspects in custody/voluntary attendance interviews

- What are you hoping to achieve with the information you seek?
- How time-critical is the information you seek?
- What, if any, are the risks involved in obtaining or not obtaining the information?
- How will the information you seek assist with remanding your suspect?
- What crime type is involved, and how serious is the offence?
- What, if any, links does the investigation have with serious organised crime?
- What do you need intelligence for? Is it to progress your investigation, or is it a pre-check that evidence exists?

Witnesses

- What are you hoping to achieve with the information you seek?
- How time-critical is the information you seek?
- What, if any, are the risks involved in obtaining or not obtaining the information?
- What crime type is involved, and how serious is the offence?
- How is the witness linked to the victim and/or suspect, if at all?
- What specialisation if any does the witness demonstrate in their evidence?
- Are they required for court proceedings?

Victims

- What are you hoping to achieve with the information you seek?
- How time-critical is the information you seek?
- What, if any, are the risks involved in obtaining or not obtaining the information? For example, how will police or government in the receiving country view or interpret the crime? What risks or negative repercussions could there be for the victim or family in the country?



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Always remember

- 1) Duplication – Avoid this at all cost! Do not send identical requests via multiple channels. Always ascertain what previous enquiries have been conducted.
- 2) Cooperation – Always remember one day you might need help from that country.
- 3) The NCA UK ICB are the gateway for all INTERPOL requests between the UK and other countries. Most police forces have an International Liaison Officer (ILO), who will advise on accessing INTERPOL channels.
- 4) INTERPOL – The receiving country will decide how they deal with your request – the UK cannot dictate timescales or responses.
- 5) To access the Foreign Law Enforcement Community (FLEC) contact the JICC in the first instance.
- 6) For cross-border serious organised crime enquiries always consider contacting the UK desk at Europol.
- 7) Risk assessments – Carry out your own risk assessments for all enquiries and record your conclusions.
- 8) Where appropriate, ensure deconfliction/flagging checks have taken place prior to engaging with the FLEC. Speak to PCOP desk who can assist/advise with this.

If you have any further questions or queries, do not
hesitate to contact the **JICC 0300 790 0000**.

Useful Contacts

Unit/Organisation	What for?	Contact
Joint International Crime Centre (JICC)	• General international advice	0300 790 0000 (24hrs) JICCPoliceGeneral@nca.gov.uk
JICC PCOP Desk	• Specific advice and guidance concerning overseas police cooperation • Overseas police intelligence required in high risk cases • JICC can make enquiries with the Foreign Law Enforcement Community (FLEC), to assist with your enquiries and cases	0300 790 0000 JICCCOP@nca.gov.uk
National Crime Agency NCA - UK ICB – who deal with all INTERPOL matters	• Primary route for arranging international police-to-police	020 7238 8115 (24hrs) manchester@nca.pnn.police.uk



	communication channels.	
International Liaison Officer (ILO), Force gateways and Regional SPOCs	• Most police forces have an ILO and Regional SPOC for general advice and assistance • ILOs execute international enquiries or direct enquiries to the right channels • Some forces may have a dedicated International Unit	Contact your force intelligence bureau. Contact the JICC if unsure who the designated ILO is
Immigration Command and Control	• Immigration checks – whether subject is of interest/arrestable/an overstayer • Confirm nationality	0161 2611 640 (24hrs)
INTERPOL I-24/7	• To obtain a login for the INTERPOL NCB dashboard and access to eASF and I-24/7 share	i247admin@nca.gov.uk