Extradition back to the UK

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Policy statement

Summary

West Yorkshire Police will, where possible, extradite offenders to the UK from other countries in order for them to:

• be prosecuted for a criminal offence; or
• serve a term of imprisonment following their conviction for a criminal offence.

This policy:

• outline the roles and responsibilities of police officers and police staff involved in extraditing offenders to the UK from other countries;
• explain the different processes which need to be followed depending on whether the offender is in a category 1 or 2 country;
• help officers and staff with the application process;
• describe what happens after the application is submitted;
• detail the planning and organising required; and
• explain how the collecting/escorting should be carried out.

Scope

This policy applies to all police officers and police staff, in particular those involved in extraditing offenders back to the UK.

Principles

West Yorkshire Police will:

• Obtain domestic (UK) arrest warrants for the vast majority of extradition requests.
• Only use extradition proceedings to prosecute offenders or return persons unlawfully at large and not for the purposes of investigation or interrogation. (Unlawfully at large means a person who is accused of or convicted of an extradition offence and has been sentenced to a term of imprisonment of four months or greater left to serve).
• Consider threat, harm and risk to the public of the offender remaining at large, the seriousness of the offence and the public interest in bringing the offender to justice when deciding if extradition is appropriate.
• Identify single points of contact (SPOCs) in Protective Services Crime who will ensure the appropriate authority is obtained before planning and organising extraditions.
• Only use police officers on collection and escort duties who have undertaken appropriate training on an accredited West Yorkshire Police course and have the required skills and knowledge, e.g. in aviation safety, fuselage restraint tactics, bodycuff restraint equipment, dynamic risk assessments etc.
• Carry out a risk assessment and obtain permission from the travel service, e.g. airline, before transportation takes place.
• Ensure offenders are escorted by a minimum of three police officers.

Collecting and escorting

West Yorkshire Police will:
• Comply with the provisions of the PACE codes as stipulated in the Extradition Act 2003 Codes of Practice and the differences in the procedures associated with arrest and custody.
• Ensure the appropriate caution is used, as this is not an arrest under PACE, by stating:
  ‘You are under arrest under the Extradition Act 2003. You do not have to say anything. Anything you do say may be given in evidence.’
• Establish the identity of the person being arrested by asking their name and date of birth and record the fact that these questions have been asked and the detainee’s responses in the statement.
• Inform the detainee of why they are being arrested as it is not sufficient for them to be told that they are:
  o wanted on an EAW (category 1 offender); or
  o being extradited back to the UK (category 2 offender).
• Serve a full copy of the EAW and the certificate or extradition warrant on the subject as soon as practicable after the arrest and record the fact that it has been served it the statement. Recommended wording would be:
  ‘I handed the (subject) a copy of the European Arrest Warrant/extradition warrant. This warrant was in English and (Language) and included the certificate issued by NCA.’
  (If the statement does not include this, there is a high probability that the case will be discharged).

Searching and identifying

West Yorkshire Police will:
• If the EAW/extradition is for a convicted offender who is being extradited in order to serve out their sentence, officers may only search for material which may assist in confirming their identity.
• If the EAW/extradition is for the arrest of someone who is currently awaiting trial, officers are empowered to undertake a search for evidence in relation to that offence.
• Any property seized at the time of arrest on an EAW/extradition warrant, particularly that relating to identification, must be noted in the arresting officer’s statement.
• Should further searches be required of other property, vehicles, locations etc. frequented by the suspect, under an extradition warrant, then an ILOR (International Letter of Request) provided by CPS would be required stipulating exactly what is required.
• Under a EAW/extradition, establishing the identity of the offender and gathering as much identification evidence, e.g. identity cards, driving licence or passport, as possible to support this is paramount.
• In all cases of a EAW/extradition, every effort must be made to locate the subject’s passport. This will assist in identifying the subject to the appropriate judge and, ultimately, with the removal of the subject to the requesting country.
• Any documents or items confirming identity of a EAW/extradition detainee must be seized and bagged separately from all other property.

Responsibilities

Police officers and police staff are responsible for:
• As this policy is intended to provide an overview of the extradition process, contacting the European Arrest Warrants Section, Protective Services Operations or Protective Services Crime single points of contact (SPOCs) for further advice. (A list of European arrest warrant (EAW) SPOCs can be found on the European and international fugitives/repatriation intranet site).

The officer in case is responsible for:
• If CPS have authorised charge(s) and are aware that the nominal may be in a foreign country or in post-charge and post-conviction cases, seeking authority from your SLT, DCI or above, to start extradition proceedings.
• In authorised pre-charge cases, obtaining a domestic warrant, e.g. first instance arrest warrant or fail to appear warrant from the Magistrates Court for all offences contained in the CPS charging advice. (This will be completed by the local CPS office using the information provided European Arrest Warrant and Extradition checklist then passing a copy of the warrant to your CPS prosecutor and ask them to prepare extradition papers to the relevant country(ies).
• In post-charge and post-conviction cases, being in possession of a:
  o failed to appear (FTA) warrant from the relevant court, e.g. released on bail after conviction pending sentence; or
  o recall to prison notice for breach of licence or probation, and passing this to the CPS prosecutor depending on the category (see NB below).
• In the case of a court warrant for a person already convicted, liaising with NCA Extradition and Fugitives Unit regarding their intentions and any intelligence about the wanted person. If it is an accused offence, in addition to the above, they must also obtain a first instance warrant from the Magistrates Court.
• Seeking guidance on extradition as regards threat, harm and risk to the public of the offender remaining at large, the seriousness of the offence and the public interest in bringing the offender to justice from their senior leadership team (SLT) or detective chief inspector (DCI).
• Working with their SLT, the National Crime Agency (NCA), their district SPOC in Protective Services Crime and the Crown Prosecution Service (CPS) on the application process for:
  o a European Arrest Warrant (category 1 countries); or
  o extradition procedures (category 2 countries);
• Liaising and submitting an application for extradition to the SPOC and providing the necessary information about the offender and foreign force to enable extradition proceedings to begin (see European Arrest Warrant and Extradition checklist).
• Emailing the all relevant updated documents and completed checklist to xcextraditions@westyorkshire.pnn.police.uk mailbox and creating a Niche occurrence and attaching all documents to it (including the completed checklist), keeping it updated with progress and reviews.
• Informing the SPOC of the order to surrender at the earliest opportunity so that collection can take place within strict timescales and if the person has consented to extradition so that this information can be passed to the prosecuting authority, as the consent status may affect the timescales.

NB
• Category 1 EAW / EU cases - Local CPS will be responsible for dealing with and drafting a European Arrest Warrant.
• Category 2 cases - Central CPS Extradition Unit (London) will be responsible for drafting extradition papers for to the rest of the world.

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**Single points of contact (SPOCs)**

Single points of contacts will work with the OIC to plan and organise extradition. They are responsible for:

• Liaising with the:
  o NCA;
  o relevant local police service as appropriate;
  o authorities in the territory to agree extradition plans, travel arrangements and dates;
  o prosecuting authority;
  o SIO regarding special requirements and investigation staff involvement; and
  o courts and prison service (if the requested person has been sentenced) to arrange the collection and transfer to the UK of the person, together with any evidence seized.
• Informing the country’s equivalent of social services if the offender has fled abroad with their children and / or other family members to ensure that any vulnerable persons are supported as appropriate.
• Risk assessing the extradition in terms of the offender, members of the public and the escorting police officers and attach this to Niche. Factoring into the risk assessment any special needs that the offender has and ensure these are taken into account, e.g. prescription medicines and identifying the number of officers required.
• Obtaining permission from the travel service, e.g. airline, before transportation takes place and arranging car hire, flights and hotels etc.,
depending on the travel plan, and liaising with UK Visas and Immigration to arrange smooth passage through immigration control on arrival in the UK. (This is especially important where the person is not a British citizen or where the person is travelling on a Certificate of British Nationality rather than a full passport.)

- Liaising with neighbouring forces to establish if shared escorting can be co-ordinated.
- In category 2 cases, seeking a “letter of introduction” as this may be required when collecting the offender in the foreign territory.
- Emailing all relevant documents to: \texttt{xcextraditions@westyorkshire.pnn.police.uk} for recording and filing.

**Additional requirements for EAWs:** Single points of contacts must:
- Check the EAW to ensure it is accurate and the conduct described matches the offence for which the subject is sought:
  - An Accusation EAW should contain detailed information of the offence, including the subject’s conduct, the time and place of the alleged offence and any provision of the law of the Category 1 territory under which the conduct is alleged to constitute an offence.
  - Less detail is required for Conviction EAWs.
- Complete the NCA forms and accompanying paperwork and ensure these are correct bearing in mind these will be translated into the appropriate language.
- Ensure the EAW is signed and dated by the issuing judge or official and there is adequate information for identification purposes, e.g., photographs or fingerprints.
- Email a scanned copy to: \texttt{xcextraditions@westyorkshire.pnn.police.uk}.

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**Escorting police officers**

Escorting police officers are responsible for:
- **Not** undertaking escort duties unless they have successfully completed appropriate training on an accredited West Yorkshire Police course for escorting officers and are a qualified first aider.
- Attending the official handover, collecting, searching and cautioning the person (using the Extradition Act caution), in the extraditing territory on the point of surrender and escorting the detainee from the foreign territory to a designated airport and returning to the UK.
- Collecting evidence at the same time as the person is collected from the extraditing territory. However, where this is not possible, it may be collected separately at the direction of the SIO.
- Cautioning the detainee again on arrival in the UK following the execution of the domestic warrant and handing them over to the custody suite serving the court which issued the domestic warrant, so that they can be booked to appear at the next available date and time.

**Additional requirements for EAWs:**

Escorting officers must ensure they have:
• Detailed instructions in relation to the best time of arrest, MG forms required for the court file and guidance on the caution to be given.
• Two copies of both the English and foreign language warrant - one for the detainee and one for the file.
• Identification documents, i.e. photograph, fingerprints etc.
• An arrest checklist for post arrest.
• Previous convictions, intelligence profile and risk assessment.
• Guidance to provide the relevant custody suite.

Senior leadership teams or detective chief inspector are responsible for:
• Reviewing the case and determine if it is in the public interest to pursue.
• Subject to which country the offender is in, approving such travel.

Districts and departments are responsible for:
• The costs of returning the offender back to the UK (including all travel costs, e.g. air fares, hotels, airport fees, escort team expenses etc.) within:
  - 10 days of the extradition being ordered for category 1 countries; and
  - 30 days for category 2 countries;
• Considering proportionality, as these costs can be considerable; and
• Paying translation costs for preparing cases for some category 2 countries where the CPS attempt to recover these.

Additional information

Compliance
This policy complies with the following legislation, policy and explanatory notes:

- Extradition Act 2003
- APP Investigation - Schengen information system
- Extradition Act 2003 Codes of Practice

Related policies
European arrest warrants

Further information
A list of European arrest warrant (EAW) SPOCs can be found on the European and international fugitives/repatriation intranet site.

You can also obtain help and advice by emailing the xcextraditions@westyorkshire.pnn.police.uk mailbox.
Supporting information

The supporting information for this policy can be accessed via this link.

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Policy database administration

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The Equality and Human Rights Assessment for this policy is held on Force Registry which can be accessed via this link.

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