

## **Justice Committee**

### **UK Government's 2014 opt-out decision**

#### **Letter from Police Scotland to the Convener**

Thank you for your letter dated 17 January 2014 regarding the above.

The introduction of measures contained within the pre-Lisbon Treaty brought about a welcome reduction in bureaucracy and have allowed law enforcement agencies throughout Europe to focus upon their primary function of keeping people safe. I am in no doubt that to opt-out of the pre-Lisbon police and criminal justice measures altogether would significantly impact upon the operational effectiveness of law enforcement agencies and place our communities at an unacceptable level of risk.

Perhaps one of the most important of these measures is the use and administration of European Arrest Warrants (EAW).

Under current arrangements, EAW's received in Scotland are certified by Crown Office and thereafter progressed by the Police Scotland Fugitive Unit. These relate to individuals wanted in a member country of the European Union for criminality, suspected of evading capture and believed to be residing in Scotland.

The continual growth of immigration across the UK, including Scotland, has an undoubted impact on the number of EAW enquiries within our communities requiring action by Police Scotland's Fugitive Unit.

Opting out of EAW measures will change the level of co-operation and timescales required to bring each enquiry to a satisfactory conclusion. It should be noted that the current situation is reliant on existing Europe wide EAW legislation and the agreed level of co-operation between law enforcement and prosecutors in the relevant European countries.

In addition, if Scotland was no longer party to EAW processes, enquiries to trace individuals wanted by Scottish courts who are seeking refuge in another European Union country, would require to be progressed on a case by case basis with negotiation for each extradition request similar to pre 2004 practices. It is assessed that this would lead to potentially significant delays in bringing back individuals who have fled to European countries to evade capture. These delays would have a significant financial impact on Police Scotland with additional case preparation required to progress extradition procedures.

The UK Government is required to make its decision on opting out before 1 December 2014. There are potential dangers if there is a gap between the block opt-out coming into effect and opting back into individual measures. However, after the initial opt-out date, the UK Government has indicated it will put in place a strong mechanism to ensure a smooth transition and that all current police and criminal justice measures will stay in place and continue to be used. Police Scotland welcomes this commitment.

Should the Committee require any further information from Police Scotland, please do not hesitate to contact my office.

Iain Livingstone  
Deputy Chief Constable  
28 February 2014