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COPY

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**INQUEST INTO THE DEATH OF ALICE POPPY MADELEINE GROSS –
REGULATION 28 REPORT**

Thank you for your 'Report to Prevent Future Deaths' of 12 July 2016, following the inquest into the death of Alice Gross, who died between 28 August 2014 and 30 September 2014 in Hanwell, Ealing. The untimely death of any citizen, particularly one as young as Alice, is a tragedy and I am grateful to you for your report. I have carefully considered the matters of concern highlighted in your report and welcome the opportunity to set out the steps the Government has already taken on the issues, as well as further actions we will take. The Government's response to the points you identify is taken in order, below.

(1) That mandatory checks for foreign convictions are not conducted on arrest in all police forces across the United Kingdom;

As you remark, no checks for foreign conviction information were carried out on Arnis Zalkalns when he was arrested in 2009. As was noted in evidence provided by my Department to the inquest, it was not regarded as "normal practice" for the police to do so and as you report, the allegation against him at the time was not progressed as the victim did not cooperate with the police investigation.

Since 2010 however, mechanisms have been put in place to allow the police to conduct criminal records checks on all foreign nationals who are arrested in the UK. Since 2012 the European Criminal Record Information System (ECRIS) has provided police forces with access to criminal records information quickly and through an automated system via the ACRO Criminal Records Office (ACRO), which manages criminal records exchange across the European Union for the UK.

For non-EU nationals, police forces are increasingly using Interpol I-24/7, a browser-based system, which was made available to the 190 Interpol members in 2002, to share police information across the globe on a 24/7 and 365 days a year basis. Police forces in the UK are able to access information via the secure Police National Network. Usage of the system has rapidly increased in the last few years and work continues with UK law enforcement to promote its use on a daily basis.

The Government sees the use of criminality information as an important tool in protecting the public and continues to engage with law enforcement agencies to ensure that this information is used to the fullest. It is, however, ultimately for individual chief constables to decide how their police force should conduct operational matters. Furthermore it is for police and crime commissioners, as the elected persons responsible for police governance under the Police Reform and Social Responsibility Act 2011, to hold their chief constables to account for their performance in combating crime. That is not to say that there is not more that can be done which is why ACRO has worked with police forces and chief constables to promote the importance of conducting checks in all cases. In light of your comments I have asked officials to ensure your concerns are communicated to the National Police Chiefs' Council.

(2) That checks for foreign convictions are not undertaken on UK nationals given the current levels of international travel;

ECRIS requires EU Member States to notify the UK within a set timeframe when a UK national has been convicted of an offence in their territory. This information is processed by ACRO and uploaded onto the Police National Computer (PNC) and the effect of this is that an EU-wide criminal record for UK citizens is made available to UK law enforcement. This enables them to put in place public protection measures where necessary (such as ensuring an individual can sign the sex offenders register on the basis of a previous sexual offence committed elsewhere in the EU).

Outside of the EU, the 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters ensures that when a UK national is convicted of an offence in another country, the information is made available to the police by other signatory countries. The UK exchanges criminal records information with several non-EU countries under this Convention including Norway, Iceland, Liechtenstein and Switzerland who are members of the European Free Trade Association (EFTA), and three other countries - Chile, Israel, and South Korea. Brazil and South Africa are also signatories but have not yet ratified the Convention. Countries that have signed and ratified the Convention are required to exchange information on the convictions of another country's own nationals at least once a year.

The UK also has a number of agreements in place with other non-EU countries which further supports the prompt exchange of information on the foreign convictions of UK nationals. Indeed since 2010 ACRO, on behalf of the UK, has signed criminal records sharing agreements with Jamaica, Anguilla, Bermuda, the Cayman Islands, Montserrat, Turks and Caicos, Antigua and Barbuda, Trinidad and Tobago, Barbados, St Kitts and Nevis and the Sovereign Base Area of Cyprus which has enhanced the amount of criminal records information we can access on UK nationals. The Foreign and Commonwealth Office also notifies ACRO each time a UK national is convicted of a serious offence abroad.

(3) That the Home Office continues to encourage both EU and non-EU countries to update the 'watch list' such that there is a readily referenced computer database at international borders of matters such as murder convictions;

The UK maintains its own domestic 'watch list' known as the Warnings Index and information on that system can and is used to refuse entry to individuals who pose a risk to the UK public. Indeed, over 6,500 individuals from the EU and wider European Economic Area have been refused entry since 2010. Furthermore, the UK's connection to the EU second generation Schengen Information System (SISII) in April 2015 has enhanced the amount of criminality information which the police and border officers can access. SISII helps to track the movements around Europe of over 10,000 people convicted of sexual or violent offences in the UK as and when they come into contact with law enforcement across the EU, with over 6,000 hits received on these individuals. SISII information is made available to UK police (through the Police National Computer) and to Border Force officers to enable them to make more effective decisions whether to grant entry to the UK at the border.

It is of course a matter for each country to decide how to operate their own domestic 'watch list' systems. However, the UK is actively working to expand information sharing with other partners such as India and our "Five Eyes" partners (the USA, Australia, New Zealand, and Canada), to promote greater criminal records exchange practices and encourage other countries to do more to update their 'watch lists' to further protect the public. This includes pushing for bilateral agreements to underpin the efficient and prompt exchange of information - the UK has signed ten such agreements since 2010 - and supporting countries to improve their criminal register and fingerprint systems, which in turn, enhances the criminality information which can be exchanged with the UK. Within the EU the UK has been a leading proponent of greater information exchange between countries for public protection reasons, including at the border, supporting an EU 'Roadmap', endorsed by the Justice and Home Affairs Council in June this year, which seeks to enhance the sharing and management of criminality information systems. This envisages exchanges of data between the Schengen and non-Schengen countries, which includes the UK.

We will continue to play a role in promoting greater information sharing within the EU while we remain a member and whilst it would be wrong to set out unilateral positions in advance of negotiations on options for future cooperation arrangements once the UK has left the EU, we will do what is necessary to keep people safe to ensure we have robust criminal records sharing arrangements in place when we leave the EU.

(4) That the Home Office continues to encourage both EU and non-EU countries not to delete serious convictions such as murder from their data bases;

As you suggest, the UK continues to encourage EU Member States to commit to longer retention periods of criminal records, particularly where the offence is serious. Likewise, the UK continues to encourage our international partners to consider longer retention periods of criminal records for serious offences, setting out the clear public protection arguments as to why this information is needed. However, these matters are of course ultimately for individual countries to decide.

(5) That contingency plans are considered on how to manage the 'watch list' and Operation Nexus when and if the UK leaves the EU, both in respect of how systems operate when no longer resting on EU Directives and how to maintain international communication and cooperation; and

(6) That the UK does not lose access to Europol intelligence when and if the UK leaves the EU;

The Prime Minister has put the whole machinery of Government behind getting the best deal as the UK leaves the EU. A great deal of work is going on across Government to ensure that happens. The Prime Minister has made clear that whilst we are leaving the EU, cooperation on security with our European and global allies will continue and we will do whatever is necessary to keep our citizens safe. Clearly it would be wrong to be drawn on the specifics of any future arrangements in advance of negotiations with our EU partners.

(7) Whether non-EU foreign nationals need special consideration in respect of how to identify their foreign convictions and thus for the UK to manage their criminal propensity;

The Government took firm action during the last Parliament to ensure that the public interest in seeking to deport non-EU foreign national offenders was clearly set out in statute in the Immigration Act 2014. My Department also continues to actively support ACRO to increase the volume of criminal records information exchanged with non-EU countries. The increase in criminal records sharing agreements signed with other countries since 2010 has helped support a very significant increase in the number of checks made by the police of non-EU nationals in the last four years, from 644 requests for overseas criminal convictions made in 2011 to 44,695 requests in 2015.

(8) That audit systems are in place that would allow regular checking of whether (i) checks for foreign convictions are being carried out by all UK police forces on arrest; (ii) that 'watch and warnings lists' are up to date; and (iii) that persons with serious convictions are detained at UK borders and their potential criminal propensity thus appropriately managed;

(i) My Department has worked with ACRO and police forces to promote and increase the levels of criminal records checks undertaken on foreign nationals who they come into contact with, regardless of their nationality, and continues to work with the police and police and crime commissioners to improve the quality of data.

(ii) The UK's Warnings Index system is an aggregated database of adverse immigration information, criminality and intelligence data. The responsibility for ensuring the Warnings Index information is up to date rests with the relevant data holders.

(iii) With regard to this last matter, Border Force has arrangements in place to identify criminal, security and immigration concerns. All passengers arriving at UK passport controls have their identity and travel documents checked against 'watch lists' and, as I have noted, where it is believed an individual poses a risk, Border Force Officers can, and do, refuse them entry. The Government places the highest priority on ensuring the law enforcement community has as much information as possible to do their jobs and keep our citizens safe, whether at the border or in-country, and is committed to building on the good progress that has been made in recent years.

I hope that this response addresses the concerns you raised. I would like to take this opportunity to thank you again for raising these important issues and for your work examining Alice's death.

I am copying this letter to Alice Gross's family and the family's legal team.

A handwritten signature in black ink, appearing to read 'Amber Rudd', written in a cursive style.

The Rt Hon Amber Rudd MP