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Investigation

Schengen Information System (second generation) SISII

SISII is a pan-European database that passes real-time information from one participating country to another, in the form of alerts relating to people and property. Most EU countries (and some non-EU) have access to SIS data. SISII data is available in the UK to all police officers, police staff and law enforcement agents (referred to as officers in this APP).

Each member country communicates with the Central Schengen Information System (C.SIS) in Strasbourg in real time. C.SIS is the central hub for circulating alerts to SISII countries. It is from here that all alerts are broadcast to member states. Each SISII country has its own National Schengen Information System (N.SIS) that is a synchronised copy of C.SIS. In the UK officers create, circulate and respond to SISII alerts via the Police National Computer (PNC). SISII data is also delivered to the Warnings Index to protect the UK border. Once created, most alerts are immediately visible across all SISII countries.

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SIRENE Bureau

Each participating country has a Supplementary Information Request at the National Entry (SIRENE) Bureau responsible for managing alerts. The UK's SIRENE Bureau is in the National Crime Agency.

Each participating SISII country's SIRENE Bureau manages alerts and communication between Bureaux. They communicate directly with each other in cases such as [geographical targeting](#) or requesting a [flag](#) when one country cannot take action requested in an alert from another. For efficiency and to reduce workload, SIRENE Bureaux process communications between SISII countries using [standardised forms](#).

The UK SIRENE Bureau operates alongside existing international functions such as Europol and INTERPOL. The SIRENE Bureau is the central authority for the European arrest warrant (EAW) and is responsible for validating some SISII alerts. SIRENE supports the police and other law enforcement agents in submitting and acting on alerts. SIRENE has access to interpreters and legal advisers for SIRENE matters only. Contact details are held in force and can be obtained from SISII single point of contacts, controls rooms and intranet sites.

Law enforcement agencies (LEAs) must deal with SISII alerts by taking the requested action **or** reporting why they cannot take the requested action. SISII does not confer any extra powers on UK law enforcement officers. They can deal with all alerts under existing UK law enforcement agency powers and normal discretionary rules.

Participating SISII countries

The following countries use SISII:

Category 1 countries:

Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, UK.

Category 1 countries are the UK's partners in the EAW system. The [Police and Criminal Evidence Act 1984](#) does not cover the arrest of persons identified in an EAW, so there are differences in the arrest and custody procedures.

Category 2 countries:

Iceland, Switzerland, Norway and Lichtenstein.

Category 2 countries are not signatories to the EAW but have the same access to create or act on SISII alerts.

The [Extradition Act 2003](#) places different demands on extradition, depending on which category the other country is in. The difference is only important when dealing with an extradition alert and is fully explained in the section on [Article 26](#).

UK agencies with access to SISII

Strict rules apply to the way in which SISII data is used. Only authorities responsible for border control, police and customs checks carried out within member states have the right to access or search SISII data.

The SIRENE Bureau manages the list of agencies entitled to use SISII data. Agencies may have access to this data, but not every agency is able to access all alerts.

SISII data must not be shared with an agency which has not been granted direct access to SISII data. It cannot, for example, be used to make decisions on a person's immigration status.

Home Office funded police forces

SISII will soon become an established policing tool. All UK forces, including Police Scotland and the Police Service of Northern Ireland, will have access to the full range of SISII data.

Each force has a dedicated SISII lead officer and a SISII SPOC to help with the implementation of SISII before it goes live, and to ensure the smooth running of it when it is live.

Each force also has a dedicated 24-hour response unit to deal with the receipt of supplementary information following a hit on an alert raised locally. This unit also acts as a conduit between the force raising the alert and the SIRENE Bureau, once an alert raised by a UK force is hit in another country.

Non-Home Office funded police forces

There are a number of non-Home Office funded forces which have access to SISII. These include:

- British Transport Police
- Civil Nuclear Police
- forces charged with policing ports and tunnels, eg, the Port of Dover Police and the Mersey Tunnels Police.

The remit and funding of these forces may be slightly different, but they still have police powers and are able to access alerts via the PNC.

All non-Home Office funded police forces have local agreements with funded forces to hand over, where appropriate, matters that fall outside their jurisdiction. Where officers from a non-Home Office funded force locate a person or object that is the subject of a SISII alert, they must, in accordance with their local agreements, either deal with it in line with the instructions contained in this APP or hand it to a Home Office funded force to deal with in the same way.

A non-Home Office funded force creates an alert directly in line with this APP or, where they do not have direct access to the PNC, requests a Home Office funded force to do this on their behalf, in accordance with this APP.

A full list of agencies with access to SISII data is maintained by the SIRENE Bureau. Enquiries in relation to this should be directed to the Bureau.

Other law enforcement agencies

The responsibility for policing the UK no longer lies solely with traditional police forces. Other law enforcement agencies have responsibility to support the police response. Each law enforcement agency has been reviewed against the SISII legal basis to ascertain whether it fulfils the criteria for receiving and acting on SISII data. If an agency is permitted access to SISII data, it must comply with the instructions contained in this APP. Failure to do so could contravene European law.

SISII data rules

All agencies must comply with the 10 rules for the use of SISII data.

1. Misuse of SISII data is serious and could lead to the UK being subject to Infraction Proceedings brought by the European Court of Justice.
2. SISII data is European data (EU plus Norway, Iceland, Lichtenstein and Switzerland) and as such cannot be shared with any other country without the prior authority of the country that issued it.
3. SISII data cannot be passed to another organisation through existing information sharing agreements unless that organisation is listed by the UK SIRENE Bureau as one that fits the criteria to access SISII data.
4. The action requested (in line with UK law) has to be taken when a SISII alert is hit. Any reason for not doing so must be reported as outlined in this APP.
5. SISII is a hit/no hit system (with no historical information stored) and not an intelligence tool. SISII cannot be used to target people because of their nationality, nor can its data be used to develop intelligence.
6. SISII data is European data (see 2 above) and must not be copied onto local or national data systems such as case management or intelligence systems.
7. All correspondence relating to a SISII alert following its creation, or a hit on an alert must be channelled through the UK SIRENE Bureau.
8. SISII covers participating countries only. INTERPOL should be used for matters outside Europe (plus Norway, Iceland, Lichtenstein and Switzerland).
9. Apart from a clarification in powers of seizure under Article 38, SISII does not give any new policing powers. Any action required should be taken using existing powers.
10. The accuracy of SISII data created in the UK, and the timely cancellation of alerts through the PNC (in line with this APP) is crucial. Failure to deal with this may result in people or objects being unnecessarily delayed, detained or arrested in different countries.

SISII alerts

Officers can create the following alerts on SISII:

- **Article 26:** alerts for persons **wanted for arrest for extradition** purposes on the basis of a warrant
- **Article 32:** alerts for **missing persons** who need to be placed under police protection or in a place of safety, including minors and adults not at risk
- **Article 34:** alerts for **witnesses** or for **absconders or subjects of criminal judgments** to appear before the judicial authorities
- **Article 36:** alerts relating to **people** or **vehicles** requiring **discreet checks**
- **Article 38:** alerts relating to **objects** that are **misappropriated, lost, stolen** or **evidence** and are sought for the purposes of seizure.

Validating alerts

Validation is where the SIRENE Bureau checks the information received (incoming or outgoing) from UK law enforcement or from another SISII country before entering it onto SISII or the PNC. Validation applies to two types of alert only:

- **Article 26** alerts (extradition)
- **Article 36** alerts (information request/discreet check) but only when they relate to national security.

All other alerts are entered automatically.

Linking alerts

Officers can create links between alerts to show a relationship. They can create links between subject and object alerts, for example, linking a person circulated on an Article 26 alert to a car and passport circulated on an Article 38 alert. They can also create links between several subjects, for example, linking a number of children missing from the same family circulated on Article 32 alerts.

Links between alerts make LEA officers who hit on one alert aware that they may need to locate the subject(s) or object(s) on the linked alerts. For example, a person circulated on an Article 26 alert by the UK is travelling using a stolen passport circulated on an Article 38 alert by the UK. The person presents the passport to officers in France during a routine stop. The officers check the passport on their national police system, where it is shown as stolen and linked to the person. This tells them that the subject is wanted.

Officers can only create links between UK alerts. If an officer in force A wishes to create a link to an alert owned by force B, they must obtain permission from the alert owner in force B.

Once the officer has permission to create the link, they should enter **Transaction code #LC (link create)** into the PNC. The PNC will prompt the user to enter the SISID number of the alert they wish to link from (the primary alert) and display a small summary of the alert, allowing the user to check it is the correct alert. The process repeats for the alert the officer wishes to link to (the secondary alert). Once this process is complete, the alerts are linked.

Removing a link

To remove a link, the user enters **Transaction code #LD (link delete)** into the PNC. The PNC will ask the user for confirmation before deleting the link.

Additional information needed for PNC circulation

This information is needed to circulate a person alert on SISII via the PNC Schengen Alert page.

Identity status – the operator must confirm one of the following:

1. Identity known and confirmed by fingerprints, a photo or a DNA profile. This applies if the LEA knows who they are circulating and has information to confirm the subject's identity, such as fingerprints indicated by a PNC ID number.
2. Identity known but not confirmed. This applies if the LEA knows the person's identity but has no confirming details such as fingerprints or other identifying information.

Identifying marks

The operator can add up to two identifying marks to a record from a list of 56 Schengen-specific ID marks. These marks do not directly correlate with those on the PNC and cannot be mapped across, so operators should include other descriptive information.

Fingerprints

Some alerts for persons require officers to include fingerprints when creating or responding to the alert.

Creating an alert requiring fingerprints

Before circulating an Article 26 alert, the UK SIRENE Bureau will link the alert with the relevant warrant, validate the alert, extract the relevant fingerprints (if applicable) and attach them to the SISII alert.

Responding to an alert with fingerprints

Most Article 26 alerts received from other SISII countries will have fingerprints attached. SIRENE UK will check these against the UK national data set to establish if the subject is known here and return the results. They will then load the fingerprints into a separate SISII cache within the UK national data set. Livescan automatically checks the SISII cache when a person is brought into custody.

Not all hand-held reading devices used for checking fingerprints are compatible with SISII. However, SISII is compatible with all systems in custody suites.

Requests to access, delete or correct subject data

All EU citizens have a right to access information about them. This right exists under EU law and is enshrined in [section 7](#) of the UK Data Protection Act. This right is not an absolute right as UK data controllers may choose to limit that right if relevant UK exemptions apply. Controllers have 40 days to respond to requests for SISII data from receipt of the subject access request (the same as with UK data requests).

Requests for UK data access where SISII data is involved

SISII data is not owned by the UK but by the state that raised the alert. If officers receive a request to access data which involves SISII data, they should notify the UK SIRENE Bureau immediately to obtain the opinion of the circulating state prior to granting access.

Information supplied by the circulating state can be used to obtain an exemption under [Part 4](#) of the Data Protection Act, specifically under sections 28 and 29 (national security and preventing, detecting or investigating crime). Force and SIRENE data controllers should liaise throughout the process.

Forms

SIRENE Bureaux in SISII countries use different forms to communicate with each other. Officers complete these forms via the PNC. If a law enforcement agency (LEA) cannot access the PNC, officers should download the relevant form by clicking on it and email it to SIRENE UK.

The following forms are most relevant to UK LEAs:

- **A Form (Supplementary information)** – includes supplementary information that needs to be supplied with an Article 26 alert (offence details and other information from the warrant).
- **F Form (Flagging)** – used to request a flag (see [flagging](#)).
- **G Form (Hit on an alert)** – includes all the relevant information required following a hit on an alert.
- **H Form (Unable to carry out action)** – includes all the relevant information required to inform another member state that the alert was matched in this country but the action was not able to be carried out.
- **M Form (Miscellaneous information)** – used to send information not covered by any other form. This form can also be used to request that an alert is geographically targeted.
- **P Form (Further information required following vehicle recovery)** – deals with the exchange of owner/keeper and insurance details following the recovery of a stolen vehicle.
- **Q Form (Misused identity)** – used to circulate information to the SIRENE Bureau that a person is the victim of misused identity.

Geographical targeting

If officers gather specific information that the subject of the alert is in a specific SISII country, they should inform the SIRENE Bureau as soon as possible using an **M Form**. The UK SIRENE Bureau can contact the SIRENE Bureau in the relevant

country so that action can be directed to locate the subject of the alert. Geographical targeting exists for all alerts except for Article 36.

Flagging

SISII has a unique concept of flagging. All SISII countries can request that certain alerts are flagged to indicate that they cannot carry out the action originally requested. This should not be confused with any other traditional policing meaning of flagging.

Flags fall into two categories:

- A refusal flag indicates that the country receiving the alert cannot carry out the prescribed action, usually due to legal constraints. Only Articles 32 and 36 can be flagged for refusal.
- An alternative action flag indicating that the country receiving the alert cannot carry out the prescribed action but can carry out a lesser action. (An example of this would be where an officer is unable to arrest a person for extradition under Article 26 because they are subject to an ongoing UK operation, but may be able to provide an address under Article 34 so that the issuing country can serve a criminal judgment on them.) Only Article 26 can be flagged for alternative action.

Only the agreed alternative action identified by the alternative action flag appears on the PNC. The LEA officer, therefore, only sees the information that they are required to deal with.

The process of requesting a flag falls mainly to the SIRENE Bureau. This usually occurs when they are validating alerts. An agent/officer can, however, ask SIRENE to request a flag if they locate an alert on the PNC that they consider to be unsuitable. The SIRENE Bureau assists with questions relating to flagging.

Hit and match

These terms have specific meanings under SISII, which may be different from their usual meaning.

Hit: A hit occurs if officers conduct a SISII check and discover one or more possible identical results. While these results are **unconfirmed**, they are known as hits.

Match: A match occurs if officers carry out further analysis of a hit (or hits) and **confirm** (through, eg, fingerprints, ID marks, questioning, ID documents) that the details of the hit match the details (persons or objects) that officers are checking.

Article 26 alerts

Article 26 alerts are for people wanted for arrest for extradition purposes to or from the UK on the basis of a warrant. Article 26 covers two separate processes:

1. **Creating an Article 26 alert** to extradite someone **to** the UK because they are wanted here.
2. **Responding to an Article 26 alert**, which details how to respond to an alert to extradite someone **from** the UK because they are wanted by another SISII country.

By creating an Article 26 alert, officers and staff can circulate the details of someone wanted in the UK across all SISII countries or a specific SISII country through [geographic targeting](#). If the person is located in another SISII country, the UK will initiate extradition proceedings to return them to the UK. All SISII countries can act on the alert so circulating an offender's details on SISII guarantees increased opportunities to apprehend them.

Requirements for creating an alert

Before creating an Article 26 alert, officers and staff must have the following:

- a domestic warrant for the accused or convicted person
- force or law enforcement agency (LEA) authorisation for the costs associated with extraditing the person
- approval from the prosecuting authority
- a signed Part 3 warrant from magistrates', district or crown courts.

Obtaining a domestic warrant

A domestic warrant must be in place before officers can apply for an extradition warrant. If a domestic arrest warrant has been issued for the person concerned, they can be the subject of an extradition warrant under [section 142](#) of the Extradition Act 2003 if:

- there are reasonable grounds to believe they have committed an extradition offence, or
- they are unlawfully at large after conviction for an extradition offence by a UK court.

Forces do not need overwhelming evidence that a suspect is in another SISII country in order to create an alert and apply for extradition. For example, information that a person is no longer in the UK, regularly travels overseas or has connections to another country is enough to seek extradition.

Not all cases where a suspect has fled to a SISII country are suitable for extradition or circulation on SISII. For example, if the suspect committed lesser offences or is due back to the UK at a known time, extradition may not be suitable. There may be significant costs associated with bringing suspects to the UK and actions must be proportionate.

Forces should also be case ready as suspects cannot be extradited back to the UK for interview purposes. If forces require an interview, they should seek judicial or police cooperation.

Obtaining force/LEA authority

To ensure UK victims receive a consistent standard of service, an Article 26 alert should be sought in consultation with the relevant prosecuting authority, where the criteria for an extradition request is fulfilled.

Officers must obtain authorisation for the costs associated with extraditing a person back to the UK. This authority rests with a different person from force to force and from LEA to LEA, but that person must be in a position to authorise the costs of any future action.

Deciding not to seek a suspect abroad due to financial implications can:

- cause reputational damage to the UK
- demonstrate a lack of support for victims and witnesses
- send a message that individuals can come to the UK, commit crime and not be pursued.

However, matters can be made worse if officers create an alert and then extradition is refused on the grounds of cost. Officers and staff must obtain authorisation prior to any further action to prevent this from happening.

SISII alerts, even if [geographically targeted](#), are visible to all SISII states. The force or LEA must allow for collecting the extradited subject from any participating country, no matter how distant.

Obtaining authority from a relevant prosecuting authority

Forces must receive authorisation for an EAW or other extradition warrant from the appropriate prosecuting authority.

In England and Wales, the CPS decides whether to prosecute cases in accordance with tests set out in the Code for Crown Prosecutors and is responsible for prosecuting cases which satisfy those tests. Responsibility for preparing Part 3 warrants lies with the prosecuting area or division.

In Scotland prosecutions and applications for extradition warrants are progressed to the extradition court by the International Cooperation Unit (ICU), which is a part of Scotland's Crown Office and Procurator Fiscal Service.

In Northern Ireland the Public Prosecution Service for Northern Ireland is responsible for extradition. The Crown Solicitor's Office advises on extraditions and formulates warrants. The Police Service of Northern Ireland obtains necessary warrants.

Other LEAs with their own prosecuting authorities should ask them if they are qualified to apply for extradition.

Obtaining a signed Part 3 extradition warrant

Under the Extradition Act 2003, only accused or convicted persons can be extradited back to the UK.

Accused persons – an application for a Part 3 warrant can only be made if a crown prosecutor has decided that:

1. the offence concerned is an extradition offence within the meaning of the Extradition Act 2003, and
2. there is sufficient admissible evidence for a realistic chance to convict the person for the offence covered by the warrant, and it is in the public interest to prosecute the person for that offence.

Convicted persons – an application for a Part 3 warrant can only be made if a crown prosecutor is satisfied that:

1. the offence concerned is an extradition offence within the meaning of the Extradition Act 2003, and
2. the person is unlawfully at large following conviction for that offence by a UK court and the extradition is to secure their return to serve a sentence of imprisonment or detention for that offence.

See [Extradition Act 2003](#) for further detail.

All extraditions back to the UK are legislated for under [Part 3](#) of the Extradition Act 2003. The [relevant prosecuting authority](#) drafts the warrant and obtains it from the relevant court. The prosecutor needs to include sufficient information in the warrant application for it to be granted. LEA officers need this same information to complete the alert, so officers need a copy of the warrant or template.

[Section 142\(9\)](#) of the Extradition Act 2003 states that a judge can issue a Part 3 extradition warrant to a constable, a procurator fiscal (in Scotland) or an appropriate person. The Act defines an appropriate person as:

- an Inland Revenue officer attached to the Extradition Group
- a member of the Serious Fraud Office (SFO) designated by the director of the SFO
- the Director of Public Prosecutions
- a crown prosecutor
- a counsel or solicitor instructed by the CPS for the purpose of the case concerned
- the commissioners of Her Majesty's Revenue and Customs.

Which court can issue an extradition warrant?

In England and Wales district judges, justices of the peace or judges in magistrates' or crown courts can issue extradition warrants. In Scotland sheriffs can issue extradition warrants. In Northern Ireland justices of the peace, resident magistrates or crown court judges can issue extradition warrants.

Differences between extradition from category 1 and category 2 countries

The Extradition Act 2003 covers extraditions from **category 1 countries** by way of the EAW and **category 2 countries** (for the purpose of SISII) by way of the 1957 [European Convention on Extradition](#) (ECE).

Norway, Switzerland, Iceland and Lichtenstein are not signatories to the EAW but still use SISII. The UK carries out extradition with these countries under the ECE. The secretary of state, via the Judicial Cooperation Unit in the Home Office, receives, ensures lawfulness and transmits all UK ECE requests, except for Scotland where the ICU performs this function. All non-EAW countries are designated as category 2 under the Extradition Act 2003.

Create the alert

After meeting these requirements, officers can create a SISII alert via the PNC wanted/missing screen. Selecting the SA (Schengen Alert) option opens the Schengen Alert screen, where the user enters the subject's ID status, identifying marks and details from the EAW. This completes the alert and assigns it a unique SISID number. The SISII alert, while showing on the PNC, will not be visible on SISII until the UK SIRENE Bureau has received a copy of the warrant, linked the warrant to the PNC alert and validated it. Once the PNC alert is created, a copy of the warrant (or template) must be emailed to the SIRENE Bureau with the SISID number inserted into the email subject field. This allows SIRENE to automatically upload the information to SISII and attach fingerprints from Ident1 to the alert. SIRENE will not circulate the alert on SISII until it has received the necessary paperwork.

Some prosecuting authorities, for example, the CPS, have a warrant template which the SIRENE Bureau can upload to SISII to save time. LEA officers should use the CPS warrant templates when creating alerts. The SIRENE Bureau is the central authority for England, Wales and Northern Ireland for receiving and certifying incoming EAWs as lawful, transmitting outgoing EAWs, and circulating alerts to partner agencies abroad.

If a subject circulated on an EAW is arrested in a category 2 country, following a match on an Article 26 alert (or vice versa), the country executing the warrant will arrest and subsequently request the correct warrant via the SIRENE Bureau. It is essential that this is obtained immediately in conjunction with the prosecution authority.

After circulating the alert

If the subject of an SISII alert is located in another SISII country, local law enforcement will arrest them. If a country is unable to arrest the subject for legal reasons, they will ask the UK to [flag](#) the alert.

Officers and staff should alert SIRENE using an **M Form** as soon as they receive information placing an SISII alert subject in a specific country. This allows SIRENE to geographically target the alert.

If the subject of a UK SISII alert is arrested in the UK, they must be arrested under the domestic warrant and not the extradition warrant. Staff should return the extradition warrant to the issuing court and cancel the alert.

SISII hits and matches

Following a match on an alert in another SISII country, SIRENE alerts each relevant force or LEA's designated SISII contact (eg, the extradition SPOC, the international liaison officer (ILO) or the force control room).

The force or LEA can then collect the suspect from abroad, liaising with the relevant prosecutor, ILO and extradition SPOC where available.

Staff **must** cancel alerts as soon as subjects are arrested, or if there is no longer a need to circulate them as wanted. The responsibility to cancel the alert lies either with the relevant LEA or SIRENE, as follows:

- If the subject of the alert is arrested in the UK, the arresting force cancels the wanted marker on the PNC. This automatically cancels the SISII alert.
- If there is no longer a need to arrest the subject of the alert, the LEA owning the alert cancels the PNC wanted marker. This automatically cancels the SISII alert.
- If the subject of an alert is arrested overseas, SIRENE places a detained marker on the PNC and cancels the alert once the subject has been returned to the UK.

If the circulated person is arrested in a category 1 country (or vice versa), the country executing the request will arrest the subject and request (via the SIRENE Bureau) that the correct warrant be obtained. It is then crucial that, in conjunction with the prosecuting authority, the correct warrant is obtained immediately.

Responding to an Article 26 alert

Officers should arrest subjects of Article 26 alerts circulated on the PNC, then follow instructions provided by the SIRENE Bureau. Each police force has an extradition SPOC and officers should consult them in each case.

Each LEA has established protocols to deal with arrests of persons wanted for extradition to another country. **Officers and staff should follow these protocols after SISII goes live.**

If officers cannot take the action requested on the alert because to do so would contravene UK law or because the subject is part of an ongoing UK investigation, they should use the [flagging process](#).

If the alert subject is the victim of misused identity, officers should use the [misused identity](#) process.

Once a person has been arrested and taken into custody, staff should create a PNC detained report. The SIRENE Bureau will then cancel the alert.

Search powers

The Extradition Act 2003 provides officers with search powers, but these powers depend on the nature of the arrest warrant.

Conviction warrant

- if the warrant is for a convicted person who is being extradited to serve out their sentence, officers may only search for **material which may assist in confirming the person's identity**.

Accusation warrant

- if the warrant is for the arrest of someone awaiting trial, the officer may search for **evidence relating to the offence**.

Identity documents

Regardless of the type of warrant, officers should seize any items confirming the subject's identity. This may include ID cards, driving licence or passport. Officers should make every effort to locate the subject's passport, as the use of false names is widespread. This will help to identify the subject to the extradition judge and remove the subject to the requesting country.

Officers should bag any identity documents separately from all other property. The arresting officer should note any property seized at the time of arrest in their statement, particularly any relating to identification.

Pre-planned arrests

When the UK SIRENE Bureau receives and validates an incoming alert, it forwards the extradition request to the appropriate LEA or force area, depending on where the request comes from. This allows officers and staff to pre-plan any extradition arrests.

For requests from category 1 countries, SIRENE forwards the request to the appropriate EAW SPOC in each force or agency. Each LEA or force then deals with the requests according to current protocols.

For requests from category 2 countries, SIRENE forwards them to the Metropolitan Police Service Extradition Unit (which has national responsibility for category 2 extradition requests).

When pre-planning extradition arrests, officers and staff should:

- complete a pre-arrest risk assessment
- deal with any domestic investigation linked to the subject
- complete a full identification package, including photographs and fingerprints if possible
- conduct a search plan.

Arrested in the course of ordinary business

Most SISII alerts generate hits during the course of ordinary policing or LEA business. If a PNC check reveals that a person is wanted by another SISII country, officers should arrest and deal with them in line with current force protocols.

In such cases the subject's PNC entry notes that they are wanted in another SISII country, and gives instructions to contact SIRENE. Nothing under SISII changes the way the police deal with extradition prisoners. It should, however, be noted that:

- the caution is different
- SIRENE will send the relevant papers to where the prisoner is held and officers must serve these in accordance with the Extradition Act 2003
- when the suspect is in custody, officers may ascertain that the alert needs to be flagged or is a case of misused identity.

Caution

Officers must use the appropriate caution when carrying out the arrest. This is not an arrest under PACE, so the arresting officer should say **'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'**.

The arresting officer must establish the identity of the person they have arrested. They must ask: **'What is your name?'** and **'What is your date of birth?'**

The arresting officer should record that they have asked these questions in their statement. A full copy of the EAW should be served on the subject as soon as practicable after arrest. If the arresting officer does this, they must include it in their statement.

Court appearance

All extradition cases are heard by extradition judges. In England and Wales, extradition judges only sit at Westminster Magistrates' Court in London. In Scotland extradition judges sit at the sheriff court of Lothian and Borders in Edinburgh. In Northern Ireland extradition judges sit at Laganside Court, Belfast.

Category 2 countries

Responsibility for dealing with extradition cases from category 2 countries in England and Wales sits with the Metropolitan Police Service Extradition Unit. In Scotland this responsibility sits with the International Cooperation Unit, and in Northern Ireland with the Extradition and Mutual Legal Assistance Unit.

Interval between arrest and presentation at court

The Extradition Act 2003 imposes a strict timeframe on the interval between arrest and presentation at court for the initial hearing. This usually means that the subject must be before the court between 24 and 36 hours following arrest. Judges frequently discharge cases at the initial hearing if they consider that this rule has not been followed.

Article 32 alerts

Article 32 alerts are for missing persons who need to be placed under police protection or in a place of safety, and include minors and adults not at risk. Officers can place an Article 32 alert on a person missing from the UK or encounter one when a person missing from another SISII country is located in the UK.

[ACPO \(2013\) Interim Guidance on the Management, Recording and Investigation of Missing Persons](#) provides the following definitions:

- **Missing** – anyone whose whereabouts cannot be established and where the circumstances are out of character, or the context suggests they may be subject to crime or at risk of harm to themselves or another
- **Absent** – a person not at a place where they are expected or required to be.

Dealing with missing people is a complicated and high-risk area. Officers must follow UK national guidance for missing persons at all times.

Article 32 covers two processes:

1. **Creating an Article 32 alert** to create an alert to circulate somebody as missing
2. **Responding to an Article 32 alert**, which details how to respond to an alert for a person circulated missing by another SISII country.

Law enforcement agencies (LEAs) must deal with SISII alerts by taking the requested action **or** reporting why they cannot take the requested action. Overseas LEAs will take into account information provided by UK law enforcement when responding to an Article 32 alert, but will act in accordance with their own national laws.

All Article 32 alerts are classified as:

- **AN** – adult not at risk
- **AR** – adult at risk
- **JR** – juvenile at risk.

Officers and staff must continually assess the vulnerability of missing persons and update the alert classification as required. The alert states which category of missing person it relates to. SISII does not change UK law enforcement powers, and officers can only use existing domestic powers. However, an Article 32 alert may give officers extra grounds to suspect that the person they are dealing with is at risk, even if they do not appear to be.

If officers require further information to clarify an issue or assess a person's risk, they should contact the UK SIRENE Bureau, which can then contact the SIRENE Bureau in the circulating country for extra information.

Creating an Article 32 alert

An Article 32 alert is created automatically when an officer records a person as missing on the PNC. This circulates that person's details across all SISII countries.

If an officer knows that the person is in a specific SISII country, they can target the alert to that country through [geographical targeting](#).

All SISII countries can act on alerts so SISII circulation guarantees increased opportunities to locate missing persons. Officers should provide any supplementary information required, including the subject's ID status, identifying marks, photographs and fingerprints (where available). They should also classify the alert as AN, AR or JR, depending on the circulated person's vulnerability.

Create an Article 32 alert – Adult not at risk

People may be missing through choice or family circumstances but may still be reported as missing. An adult not at risk alert reflects these circumstances and allows the missing person to pass their contact details to those who reported them missing.

Respond to an Article 32 alert – Adult not at risk

If officers encounter a person reported missing and not at risk, they must ensure that nothing has occurred to place that person at risk. If officers are satisfied that the person is not at risk, they can offer to pass the person's contact details to those who reported them missing.

The person does not have to agree to pass on their contact details and officers must not pressure them into doing so. Many people do not want their location disclosed and want no contact with their family. Officers must take great care not to reveal the missing person's location without their consent. See [post-hit process](#).

If the missing person agrees to pass on their contact details, the relevant SIRENE Bureaux will pass them to the investigating force.

Create an Article 32 alert – Adult at risk

A person's vulnerability depends on many factors. When assessing a person's vulnerability, officers must record all information regarding risk to the missing person. Officers should record this information in the PNC report, or note where it can always be accessed 24/7. This allows the UK SIRENE Bureau to contact the relevant force or LEA whenever necessary to obtain the information.

If officers locate the missing person, they can share information on risk with officers from another SISII country through the SIRENE Bureaux.

For further information see APP on [working with victims and witnesses](#).

Respond to an Article 32 alert – Adult at risk

If officers encounter a missing person classified as being at risk, they should place them in police protection or take them to a place of safety and inform the investigating force via the SIRENE Bureau. They should also create a PNC found report and complete a **G Form**. See [post-hit process](#).

If officers cannot justify taking the person to a place of safety, they should treat the person as an adult at risk and respond to the SIRENE Bureau on a **G Form**.

Note: the country issuing the alert may have good reasons for believing the person is vulnerable, and these may not be immediately obvious to UK officers. Officers may be asked to justify their actions and should seek expert opinion if in doubt. The safety of the individual must be the primary concern.

Create an Article 32 alert – Juvenile at risk

When creating an alert for a person under the age of 18, they will be classified as a juvenile at risk (JR) on SISII. Officers must include at least the following details when creating the PNC wanted/missing entry:

- contact details for next of kin
- medical conditions/history
- any known risks.

Officers should record this information in the PNC report, or note where it can always be accessed 24/7. This allows the UK SIRENE Bureau to contact the relevant force or LEA whenever necessary to obtain the information.

Some countries may not be able to take a child aged 16 or 17 to a place of safety if that country does not classify the individual as a child, unless other information supports the assessment that they are at risk.

In these circumstances, the person will not automatically be classed as being at risk based on age alone, regardless of the UK classification. Where permissible in that country, officers will take the person to a place of safety. They will report back via the SIRENE Bureau, which will update the investigating force. See advice on ages.

Advice on ages

Different SISII countries have different definitions of when an individual is classified as a child.

UK definitions

Under 16: anyone under the age of 16 is deemed to be a child, and will always be treated as vulnerable when circulated as missing from the UK. Their vulnerability comes by definition of age – see [section 105\(1\)](#) of the Children Act 1989.

16 and 17 year olds: this area is complex under UK law and is subject to ongoing amendments. National agencies such as the [Child Exploitation and Online Protection Centre](#) and the [UK Missing Persons Bureau](#) regard these individuals as children but

wider statutory services do not provide the same support for these individuals as for children under 16.

All missing persons from the UK aged under 18 will be classified as juvenile at risk for the purposes of SISII. Regardless of classification by the circulating country, any individual under 18 years of age circulated as missing via SISII will be deemed to be at risk and treated accordingly.

For further information see APP on [missing persons](#).

18 and over: in the UK all people aged 18 and over are classified as adults.

Respond to an Article 32 – Juvenile at risk

If officers encounter a juvenile at risk, they should place the person under police protection or in a place of safety, using existing LEA powers in accordance with SISII. If officers cannot do so, they should record this on a **G Form** and send it to the UK SIRENE Bureau, which will forward the information to the requesting state. If the action requested has been taken, officers should follow the **post-hit process**.

Post-hit process

UK circulation

If officers locate the subject of an Article 32 alert in the UK, they should create a PNC found report. This triggers a process that will automatically delete the Article 32 alert. If officers do not create a found report, the alert remains active and the same person may cause another SISII hit when entering a different country.

If LEA officers in another SISII country locate a person circulated as missing by the UK, they complete a process that informs the UK SIRENE Bureau. The SIRENE Bureau then notifies the relevant force, cancels the SISII circulation and completes the PNC found report.

Non-UK circulation

If officers find a person in the UK who is the subject of an Article 32 alert from another SIS II country, they must complete a PNC found report and a **G Form**, to pass all relevant information to the UK SIRENE Bureau. SIRENE UK will pass this information to the country that circulated the person missing, which will cancel the alert.

Article 34 alerts

Article 34 alerts are used to find the addresses of witnesses, people who have been summoned or are to be summoned, or people who are to be served a criminal judgment. The alert allows officers to circulate a person's details across all SISII states to obtain their address abroad.

Creating an Article 34 alert

An Article 34 alert can only be created at the request of a competent authority. For the purpose of SISII, a competent authority in the UK is any organisation charged with investigating and prosecuting crime.

The officer creating the alert should create a PNC locate/trace report and select the option to add a SISII alert. This opens the Schengen alert screen, where the officer must enter the subject's identity status and identifying marks.

An Article 34 alert is overt and the subject is likely to be told of its existence. [Article 36 alerts](#) should be used for discreet enquiries.

Officers should only create an Article 34 alert if they believe the subject has left the UK and is resident elsewhere. They do not need to know this for certain. A likelihood that the subject is no longer here will suffice.

The level of authority required to circulate an Article 34 alert on SISII is determined locally by each force. Contact the force SPOC for further details.

Once created, Article 34 alerts are circulated immediately to all SISII countries.

Locating witnesses

Article 34 allows officers to add the name of a witness to SISII in order to locate them.

For example:

1. A French national witnesses a fatal road traffic accident in the UK. She provides a statement but returns to France before the trial. Locating the witness through a SISII alert enables investigators to serve her with a summons to return and give evidence.
2. A UK national is raped on holiday in France. French officers locate the perpetrator and French authorities require the victim to appear before a French tribunal. They can use an Article 34 alert to ask UK authorities to obtain and send them the victim's contact details.
3. UK officers investigating a murder wish to locate a friend of the victim who witnessed the murder but now lives in Poland. Officers can circulate the relevant witness details to all SISII countries using an Article 34 alert, including Poland. This allows UK officers to ask Polish authorities to obtain contact details if they locate the subject of the alert. UK officers can then contact the witness.

No formal court documents are required to create an alert for a witness. Investigators may simply wish to phone or write to the person. Some actions, such as UK officers carrying out interviews in another SISII state, require a formal International Letter of Request. Officers should seek advice from the relevant prosecuting authority if necessary.

Locating persons summoned

Article 34 covers summonses (citations in Scotland) at the investigation stage and at the conviction stage.

Investigation stage

An Article 34 alert circulates the details of persons summoned or sought to be summoned to appear before judicial authorities in criminal proceedings to account for acts for which they are being prosecuted.

A summons needs not to have already been granted. The alert allows officers to locate a person so that a summons can be granted and sent to them.

Conviction stage

An Article 34 alert allows officers to circulate the details of persons who are to be served with a summons to serve a penalty involving deprivation of liberty. The penalty must be a deprivation of liberty as opposed to any other case disposal, such as a financial penalty.

Locating persons served with criminal judgments

Officers can use an Article 34 alert to circulate the details of persons who are to be served with a criminal judgment or other documents in criminal proceedings to account for acts for which they are being prosecuted.

Many European countries serve court judgments by post and use Article 34 alerts to find addresses.

In the UK, a request to circulate a person under this section of Article 34 normally comes from a prosecuting authority such as the Crown Prosecution Service for England and Wales, the Procurator Fiscal for Scotland and the Public Prosecution Service for Northern Ireland.

Responding to an Article 34 alert

If the police or other law enforcement agents in the UK encounter the subject of an Article 34 alert, they should ask the subject to provide their place of residence or domicile, as requested on the alert. The subject is not legally obliged to provide a response and officers must not coerce them into doing so.

If officers in another SISII country encounter the subject, they will also ask the subject for their contact details. If the subject consents, overseas officers will forward their contact details via the relevant SIRENE Bureau to the UK SIRENE Bureau. The UK SIRENE Bureau will pass on the details to the officer who created the alert, via the agreed route.

In all cases, whether a person has provided details or not, officers **must** complete a PNC located report and send the UK SIRENE Bureau a response on the correct form, using the alert's SISID number.

If officers have obtained the subject's details, they should use a **G Form**. If officers have not obtained the subject's details, they should use an **H Form**.

Article 36

Article 36 allows a SISII state to place an alert on a person, vehicle or container requesting that if the person or object is located either a discreet check or a specified action is taken. An Article 36 alert can be raised for the purposes of prosecuting criminal offences and for preventing threats to public security.

Requests for specific action relate to matters such as searches. Searches cannot be conducted in the UK as this would be contrary to the [Police and Criminal Evidence Act 1984](#).

Under UK law, the only action officers can take is a discreet check. The UK cannot create outgoing specific checks and all incoming specific checks, are automatically loaded onto the PNC as discreet checks. Irrespective of whether the alert asks for a discreet check or any other action under Article 36, these alerts are seen in the UK as discreet enquiries only and dealt with accordingly.

Alerts for criminal offences

Officers should use an Article 36 alert when:

- there is clear indication that a person intends to commit or is committing a serious criminal offence

or

- officers assess a person, in particular regarding their past criminal offences, and believe that the person will commit serious criminal offences in the future.

For the purposes of an Article 36 alert, serious offences include the following:

- participating in a criminal organisation, terrorism, trafficking in human beings, sexual exploitation of children and child pornography
- illicit trafficking in narcotic drugs and psychotropic substances
- illicit trafficking in weapons, munitions and explosives
- corruption
- fraud, laundering of the proceeds of crime, counterfeiting currency
- computer-related crime
- environmental crime (including illicit trafficking in endangered animal species and in endangered plant species and varieties)
- facilitating unauthorised entry and residence
- murder
- grievous bodily injury
- illicit trade in human organs and tissue
- kidnapping, illegal restraint and hostage-taking
- racism and xenophobia
- organised or armed robbery

- illicit trafficking in cultural goods (including antiques and works of art)
- swindling, racketeering and extortion, counterfeiting and pirating products, forging and trafficking administrative documents, forging means of payment, illicit trafficking in hormonal substances and other growth promoters
- illicit trafficking in nuclear or radioactive materials
- trafficking in stolen vehicles
- rape
- arson
- crimes within the jurisdiction of the International Criminal Court
- unlawfully seizing aircraft or ships
- sabotage.

These offences are defined in Article 2(2) of [Framework Decision 2002/584/JHA](#), and are offences for which states can issue a European Arrest Warrant.

Alerts for threats to national security

Only the UK SIRENE Bureau can issue Article 36 alerts for threats to national security. Officers should contact the SIRENE Bureau if they wish to request such an alert. This type of alert only applies if there is a clear threat to the UK or another SISII country. All incoming Article 36 alerts of this type are seen by UK law enforcement as ordinary discreet alerts.

Article 36 alerts for threats to national security are issued in accordance with national law, at the request of the authorities responsible for national security. There must be a definite indication that an alert is necessary to prevent a serious threat by the subject of the alert or other serious threats to internal or external national security.

Creating an Article 36 alert

Officers should only use Article 36 alerts when they need to gather information discreetly. The alert should also benefit an investigation or public protection.

Article 36 alerts are useful for monitoring the movements of persons, vehicles and containers, particularly those involved in organised or cross-border crime, trafficking and sex crimes. There is little financial implication for UK law enforcement agencies (LEAs) when using this resource.

Each UK LEA has established an authority level required to circulate an Article 36 alert. Officers should obtain the relevant authority before circulating such an alert.

Article 36 alerts are a new report type on the PNC called Locate/SIS. Officers cannot add text to this alert type. Once created, alerts immediately circulate to all SISII countries.

Creating an Article 36 alert for vehicles and containers

Article 36 vehicle alerts not only relate to cars, motorcycles and HGVs, but also to less common vehicles such as boats and aircraft. Although containers are not technically vehicles, they fall under this category for the purpose of SISII.

Creating an Article 36 alert takes the user to the Schengen alert (SA) page. The user must complete the vehicle hazards fields and press send. This updates the PNC and sends the alert to SISII.

The options for vehicle hazards are:

- **EH** – explosive hazard
- **CH** – chemical hazard
- **RH** – radiation hazard
- **OD** – occupants potentially dangerous
- **FP** – stolen or false index plates
- **WE** – weapons.

Creating an Article 36 alert for persons

Creating an Article 36 alert for persons takes the user to the SA page. The user must complete the ID status and Identifying Marks fields and press send. This updates the PNC and sends the alert to SISII.

Responding to an Article 36 alert

When officers encounter an Article 36 alert, they must discreetly collect as much information as possible and send a PNC response, which includes the alert's SISID number, to the UK SIRENE Bureau.

If officers have obtained some or all requested details, they should respond to SIRENE UK with a **G Form**. If officers have obtained no details, they should respond using an **H Form**. In either case, officers **must** also complete a PNC located report. SIRENE UK will forward their response to the relevant SISII country.

If LEA officers in another SISII country carry out a check on the subject of a UK Article 36 alert, they will gather as much information as possible and forward this via their SIRENE Bureau to SIRENE UK. SIRENE UK will then pass this information to the circulating officer via the agreed route within their LEA.

Discreet check information

Article 37(1) establishes which information officers should gather in response to an alert. The overriding principle of this alert is that it remains discreet. Officers should, therefore, only gather information that can be obtained without disclosing the alert's existence.

When border controls, police and customs checks are carried out in a member state, it may be possible to discreetly collect the following information:

- the fact that the subject of the alert has been located
- the place, time or reason for the check
- the route and destination of the journey

- anyone accompanying the persons concerned or the occupants of the subject of the alert, including those who could reasonably be expected to be associated to the persons concerned
- the type of vehicle, boat, aircraft or container used
- objects that have been carried by the subject of the alert
- the circumstances under which the subject of the alert was located.

Officers can keep an alert in place so long as it fulfils the relevant criteria. Once the need to have the alert in place no longer exists, the SIRENE Bureau will delete it.

Article 38 alerts

Article 38 alerts allow SISII states to locate an item so that it can be seized, either because it is lost or stolen, or because it is evidence of a crime.

Officers can create and circulate alerts through the PNC for the following types of object:

- motor vehicles with a cylinder capacity exceeding 50cc
- trailers with an unladen weight exceeding 750kg, caravans, industrial equipment, outboard engines, containers, boats and aircraft
- firearms.

The SIRENE Bureau creates and circulates alerts for the following items:

- blank official documents which have been stolen, misappropriated or lost
- issued identity papers such as passports, identity cards, driving licences, residence permits and travel documents which have been stolen, misappropriated, lost or invalidated (passports and driving licences details will be added overnight by the appropriate agency)
- vehicle registration certificates and vehicle numberplates which have been stolen, misappropriated, lost or invalidated
- banknotes (registered notes)
- securities and means of payment such as cheques, credit cards, bonds, stocks and shares which have been stolen, misappropriated, lost or invalidated.

Officers should submit a request to the SIRENE Bureau to create these alerts using an Excel spreadsheet.

All items subject to an Article 38 alert require an appropriate unique identification number. For vehicles, this is the vehicle registration mark (VRM). For other objects, this is the most obvious unique reference number. Officers should follow guidance from the PNC manual on assigning unique identification numbers.

There are existing channels for cooperation between countries which allow for a slower time seizure of an object. All SISII states have signed a number of conventions, for example, on mutual legal assistance, and are able to raise International Letters of Request. For advice on mutual legal assistance, officers

should contact their local force international liaison officer or relevant prosecuting authority.

Creating an Article 38 alert

To create an Article 38 alert, officers should create a PNC entry for lost or stolen vehicles or objects. This will open the Schengen alert screen where the user must classify the alert according to hazards it may pose:

- **EH** – explosive hazard
- **CH** – chemical hazard
- **RH** – radiation Hazard
- **OD** – occupants potentially dangerous
- **WE** – weapons.

The user must also state the action officers should take if they locate the object. The user does this by classifying the object as **seize and retain (SR)** or **seize for evidence (EV)**.

After completing the hazard field and the seizure description field, the user presses send. This updates the PNC and shares the alert across all SISII countries.

Seize and retain

If an object is classified as SR, officers in another SISII country can seize and retain the object if they locate it and the laws of their country allow this. The relevant SIRENE Bureaux can then arrange the return of the object, according to their respective laws.

When creating SR alerts, officers should:

- include as much detail as possible regarding the owner, insurer or those wanting the object seized on the PNC, or ensure that information is always accessible
- support officers in another country in tracing owners if they seize an object at the UK's request, to help them repatriate the object as soon as possible
- pass insurance company details to the country when officers there recover stolen vehicles, to allow them direct contact with the insurers
- regularly update the PNC to ensure that circulated objects are cancelled on SISII if they are no longer reported missing in the UK. Without cancellation, alerts remain on SISII for 10 years, which will trigger action across all participating states if the object is located.

It is the responsibility of the law enforcement agency (LEA) owning the alert to organise repatriating the object. The UK SIRENE Bureau will assist in this task but will not take the lead.

Seize for evidence

If an object is classified as EV, officers in SISII countries can seize and carry out a forensic examination of the object if they locate it and if their laws allow this.

All Article 38 alerts default to SR when created. To change the alert to EV, the user needs to manually change the classification code.

Owing to the complexities and potential costs involved, officers must obtain authority from a senior officer and consult the force forensic manager and prosecuting authority before circulating an EV Article 38 alert.

When creating an EV alert, officers should consider the following:

- other SISII countries may seize the object but could require a formal International Letter of Request to forensically examine it
- other SISII countries may not have the same standards of forensic examination expected by UK courts
- UK officers may be required to attend the examination to retrieve the evidence
- forensic practitioners in other SISII countries are unlikely to attend UK courts to give evidence and there are cost burdens for the UK if they do so
- there is a general agreement between SISII countries that no costs will be charged for forensic work, but there may be costs for retrieval of exhibits or witness expenses
- planning the forensic examination required prior to locating the object.

When officers circulate an object with an EV Article 38 alert, overseas officers are likely to only seize the object if they locate it. Before carrying out a forensic examination, the SIRENE Bureau in the finding state will contact the circulating SIRENE Bureau to agree how to carry out the examination. In these circumstances, the UK SIRENE Bureau will consult the UK alert owner.

Seizure for use as evidence

UK officers can also create Article 38 alerts for items sought as evidence, even if the item has not been lost, stolen or misappropriated. For example, officers can locate a vehicle used in a kidnapping using an EV Article 38 alert, even though the vehicle is not technically lost or stolen.

Prior to completing the SA page, officers wishing to use an Article 38 alert in this way should note it in the free text field on the PNC LOS report, as follows: 'This vehicle is not LOS. This report has been created only in order to launch the SISII alert'.

Responding to an Article 38 alert

Article 39 stipulates how Article 38 alerts are to be dealt with once an object has been located.

Article 39(1) states:

If a search brings to light an alert for an object which has been located, the authority which matched the two items of data shall contact the authority which issued the

alert in order to agree on the measures to be taken. For this purpose, personal data may also be communicated in accordance with this Decision.

Contact is made via the SIRENE Bureau in the finding country to the SIRENE Bureau in the country that circulated the alert. Once this information has been relayed, the two countries can agree on how that item can be seized and returned. The initial requirement is to notify only. Following this, the two states can agree on what measures need to be taken and which agreements can be used to ensure legality in both countries.

Article 39(2)

The information referred to in Article 39(1) shall be communicated through the exchange of supplementary information.

The obligation under Article 39(2) is merely to inform the state that circulated the alert that the object circulated has been located. This is done directly from one SIRENE Bureau to another using a **G Form**. Once the object that is subject to an alert has been located by a police officer or other law enforcement agent within a country, they will notify their SIRENE Bureau who will pass the information to the circulated Bureau.

Article 39(3)

The Member State which located the object shall take measures in accordance with national law.

A PNC check on a vehicle or object (**#VE** or **#PE check**) indicates if the item is subject to an Article 38 alert, and if it is classified as SR or EV. Note: when conducting vehicle enquiries on the PNC, UK law enforcement may be able to see two extra hazard markers created by other SISII states that the UK is unable to create. These are:

- **SM – stolen or false matriculation**
- **CL – suspicion of clone.**

Stolen or false matriculation is a SISII term used in relation to an object that is travelling under a false identity such as VRM or identity number. In the broadest sense it means that any identification number attributed to the object may be false or stolen.

Suspicion of clone means that the item is presented as another legal object.

Officers should seize the item if it supports or is part of a UK investigation or prosecution (including offences overseas that will be prosecuted in the UK). If officers are not investigating a UK offence, they should not seize the item. In either case they should notify the UK SIRENE Bureau on a **G Form**.

Some SISII countries can seize an item subject to an Article 38 alert just because it is subject to an alert. UK officers must have domestic powers to seize an item before

doing so. Many objects have been seized during the course of UK investigations and subsequent checks may reveal that they are subject to an alert. This is acceptable as domestic powers have been used in order to seize the object.

Key rules:

Use an Article 38 alert to support grounds for arrest if a domestic investigation will follow.

Use an Article 38 alert to obtain further information surrounding the taking of the item if it supports the UK investigation.

Use an Article 38 alert to seize an object subject to an Article 38 alert if it forms part of the UK case.

Do not arrest a person because they possess an item subject to an Article 38 alert unless there is to be a UK investigation or prosecution.

Do not seize an object subject to an Article 38 alert unless there is to be a UK investigation or prosecution.

Do not interview a person about possession of an object subject to an Article 38 alert unless there is to be a UK investigation or prosecution.

If investigating a UK matter, do not stray into investigating overseas offences unless they are to be part of a UK investigation or prosecution.

Officers should not investigate offences overseas such as theft, burglary or robbery, as most UK offences can only be prosecuted if committed in UK jurisdiction. It may be a better option to investigate an offence of handling stolen goods.

For example, a person may be arrested in the UK for handling an object stolen in Spain. The Spanish may be investigating a larger conspiracy to commit armed robbery. Prosecuting the person for handling in the UK may interfere with the Spanish prosecution of the greater offence. Liaison through the SIRENE Bureau and the prosecuting authorities helps to resolve issues of which country has primacy for the investigation.

Seize and retain

Officers who seize an item subject to an SR Article 38 alert should store it in a secure location and complete a PNC found report. Officers should also submit a **G Form** to the UK SIRENE Bureau, and include any supplementary information on an **M Form**. If officers cannot seize and retain the item, they should inform the SIRENE Bureau using an **H Form**.

Officers should obtain as much information as possible about the location of the seized item, and contact numbers and email addresses for the person who can authorise its release. This avoids wasting time later when repatriating the item.

Seize for evidence

Officers must ensure that the vehicle or object is seized in accordance with Article 39(3), and also that they have complied with the **key rules**.

Officers who seize an item subject to an EV Article 38 alert should store it in a secure location that does not reduce forensic opportunities, and complete a PNC found report. Officers should also submit a **G Form** to the UK SIRENE Bureau, and include any supplementary information on an **M Form**. If officers cannot seize and forensically examine the item, they should inform the SIRENE Bureau using an **H Form**.

SIRENE UK will contact the SIRENE Bureau in the circulating country, which will liaise with the LEA that made the initial request. Officers can then agree on what needs to be forensically examined and how best to gather that evidence.

The UK does not always require an International Letter of Request in order to carry out forensic examinations, but other countries may need to supply one to the UK in order to forensically examine an object. Officers should help other countries to gather the evidence they want in the way they want it.

The UK cannot charge other countries for assistance as they do not charge the UK. Officers should not conduct any form of examination (unless as part of a domestic case) until they receive instructions on to how to proceed.

Misused identity

SISII has a function for recording details of people who are victims of misused identity. These people have details which are the same as those of someone who is the subject of an alert. A victim of misused identity could be continually suspected of being subject to an alert when travelling around Europe. The impact on an individual of having their identity misused or stolen can be significant and can be made worse if the victim suffers because they are subject to an alert. In such a case the UK LEA may suggest that the victim makes a report and agrees to have their details added to SISII to help identify them as the victim of misused identity.

The process for adding these details to an alert is as follows:

1. Person reports to the UK LEA that they believe somebody is misusing their identity.
2. The UK LEA records the personal data of the victim. This information may include fingerprints and photographs to identify that the person stopped is not the subject of an alert. This information is subject to extremely strict data protection rules. Officers should then forward this information via email to the UK SIRENE Bureau along with a supplementary information **Q Form**. The SISID number generated on the **Q Form** should be entered in the email's subject field.

SIRENE operators enter misused identity information directly onto the UK N.SIS, changing the alert's ID status to misused identity.