



BRIEFING PAPER

Number CBP 7715, 16 December 2016

Impact of Brexit on policing and criminal justice: a reading list

By Joanna Dawson

Contents:

1. General
2. National Security
3. Official publications



1. General

Centre for European Policy Studies, [‘What does Brexit mean for the EU’s Area of Freedom, Security and Justice?’](#), 11 July 2016

This briefing discusses UK-EU cooperation in the Area of Freedom, Security and Justice in the context of the UK’s opt-out from EU Justice and Home Affairs legislative initiatives.

J R Spencer, [‘What would Brexit mean for criminal justice?’](#), *Full Fact*. 23 June 2016

J R Spencer, [‘What would Brexit mean for British criminal justice?’](#), *Archbold Review*, Issue 5, 22 June 2016 [Longer version]

This article defines the areas in which EU criminal law operates, describes how the UK is affected by EU criminal justice and discusses what might happen if the UK left the EU.

Police Professional, [‘Officers hold ‘crucial role’ in EU referendum battle’](#), 1 June 2016

This article discusses the EU referendum and the effects of both leaving and remaining on national security, crime and other police-related matters, reporting the views of Police and Crime Commissioners, Government and Shadow Ministers and Parliamentary Committees.

Valsamis Mitsilegas, ‘The uneasy relationship between the UK and European criminal law: from opt-outs to Brexit?’, *Criminal Law Review*, Issue 8, 2016 [Hard copy available from Commons Library]

This article describes the development of EU criminal law and the UK’s approach to participation. It speculates about the possible effect of Brexit on UK’s future participation in key measures.

Ilike Adam et al, [‘The UK in Justice and Home Affairs: the engaged outsider’](#), *Institute for European Studies Policy Brief*, Issue 2016/6, April 2016

This briefing discusses the EU’s policies within the area of Justice and Home Affairs, the UK’s role and interest in this, and the potential implications of a ‘Brexit’.

Steve Peers, [‘EU referendum brief 5: how would Brexit impact the UK’s involvement in EU policing and criminal law?’](#), *EU Law Analysis*, 21 June 2016

This briefing discusses the five main areas of EU policing and criminal law. It highlights the likely effects of Brexit on cooperation in criminal and policing matters between the UK and the EU.

European Affairs Directorate, German Bundestag, [‘Consequences of Brexit for the realm of justice and home affairs: scope for future EU cooperation with the United Kingdom’](#), 18 August 2016

This study discusses the UK’s position in the realm of EU justice and home affairs prior to the referendum, the position since the referendum, the position after a notification under Article 50 and models of EU cooperation with non-member states.

Law Society, [‘The UK legal services sector and the EU’](#), October 2015

This report assesses the possible effects on the legal profession, and on the practice of law, of a UK withdrawal from the EU. It includes a section on criminal justice and policing.

Bar Council, [‘Reform or withdrawal: rights and justice’](#), EU Referendum Bar Position Paper III, June 2016

This is the third of three papers which examine the legal aspects of the EU referendum and its possible outcomes. It discusses the implications for the Bar Council’s wider rule of law and public interest work, including the administration of justice, civil and criminal law, and citizens’ fundamental rights.

2. National Security

John R Schindler, '[Understanding Brexit's security implications](#)', *The Observer*, 27 June 2016

This article suggests that the impact of Brexit on UK security would be low. The article argues that the UK's key security partnerships, particularly with the United States, Canada, Australia and New Zealand, will not be affected by Britain's decision to leave the European Union.

Christian Stensrud, '[Leave argument: Brexit will not put Britain at greater risk from terrorism](#)', *Civitas EU Facts*, 2016

This article discusses three main arguments for EU membership in relation to preventing and defeating terrorism: information sharing, the European Arrest Warrant (EAW) and collective action abroad. The article argues that while security agreements between the EU member states are important, particularly in the field of information gathering and sharing, there are other ways for Britain to protect itself against terror attacks.

Keir Starmer, '[Leaving the EU would be a retrograde step for national security](#)', *The Telegraph*, 29 March 2016

This article argues that the UK benefits greatly from the EU criminal justice and security arrangements, and suggests that leaving the European Union would compromise Britain's national security.

Richard Dearlove, '[Brexit would not damage UK security](#)', *Prospect*, 23 March 2016

This article suggests that as Europe's leader in intelligence and security matters, Britain would be able to maintain close counter-terrorism cooperation both inside Europe and with the US, even if it were to leave the European Union.

David Anderson, '[Brexit would hinder the fight against terrorism](#)', *Prospect*, 3 March 2016

This article discusses three "terrorism-related reasons" for the UK to stay in the EU, including the European arrest warrant, access to shared security databases, and the EU counter-terrorism policies that are fully "underwritten by international human rights standards".

[‘Europol chief says Brexit would harm UK crime-fighting’](#), *The Guardian*, 22 June 2016

This article discusses the views of Rob Wainwright, the director of Europol, on the impact of Brexit on the UK's security. Mr Wainwright suggests that leaving the EU would mean British police losing access to the EU police co-operation arrangements, which, in turn, would harm Britain's ability to fight crime.

[‘Germany fears UK may quit spy programme because of Brexit’](#), *The Guardian*, 6 November 2016

This article discusses concerns in Germany that Britain's withdrawal from the European Union means that the UK may pull out of a number of EU intelligence co-operation programmes, which, in turn, would hinder Europe's crime and terrorism fighting capabilities.

Steve Peers, [‘How would Brexit affect data protection, privacy and surveillance laws in Britain?’](#), *The Conversation*, 5 May 2016

This article provides a short overview of EU data protection, privacy and surveillance legislation and recent case law, and suggests that post-Brexit Britain would still have to comply with the European legislation governing privacy and personal data handling.

Sarah Lain, [‘The future of post-Brexit Germany-UK security relations’](#), *Royal United Services Institute*, September 2016

This briefing summarises talks and conclusions of a workshop on major aspects of European security, involving German and British security specialists, and members of the UK Parliament and German Bundestag. A key point discussed was how European defence and security cooperation might change after Brexit, and whether the UK could continue to participate in European security arrangements as a non-EU state.

Steve Peers, [‘Migration, internal security and the UK’s EU membership’](#), *Political Quarterly*, Vol 87 No 2, April-June 2016, p247-53

This article discusses the impact of UK membership of the European Union on immigration and internal security. It analyses the main legislation on the free movement of people, non-EU migration and asylum, and on criminal and policing laws. The article also examines how these laws are implemented in Britain, and assesses the impact Brexit may have on each of these areas.

Maajid Nawaz and Julia Ebner, [‘The EU and terrorism: is Britain safer in or out?’](#), *Quilliam Foundation*, May/June 2016

This report examines the implications of the EU referendum vote on threats related to terrorism, extremism and mass migration. It considers the implications of Brexit on counter-terrorism cooperation, intelligence sharing arrangements, counter-extremism efforts, migration and border controls and foreign policy tools.

3. Official publications

EU Home Affairs Sub-Committee, [‘Brexit: future UK-EU security and police cooperation’](#), House of Lords EU Committee, 7th Report of Session 2016-17, 16 December 2016

Report of the Committee’s inquiry into post-Brexit arrangements for security and policing cooperation. The Committee took evidence from ministers, lawyers, academics and senior police officers. It concluded that without access to existing measures or credible alternatives, there is a serious risk of harming the capabilities of law enforcement agencies.

HM Government, [‘The UK’s cooperation with the EU on justice and home affairs, and on foreign policy and security issues’](#), Background Note, 9 May 2016

Part of a series published prior to the EU referendum, providing background information on how the UK cooperates with the EU and other member states to strengthen security and to tackle crime and terrorism. It covers justice and home affairs, and foreign policy and security issues.

HM Government, [‘The best of both worlds: the United Kingdom’s special status in a reformed European Union’](#), Unprinted paper, 22 February 2016

Part of a series published prior to the EU referendum. It sets out the Government’s case as to why the UK would be safer remaining in the EU [paras 4.8-4.14]

H. M. Government, [‘Alternatives to membership: possible models for the United Kingdom outside the European Union’](#), Unprinted paper, 4 March 2016

Part of a series published prior to the EU referendum. It looks at a number of possible alternatives for the UK’s relationship with the EU, if there were to be a vote to leave, and examines cooperation between the EU and countries such as Norway and Switzerland with respect to policing and criminal justice cooperation.

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcenquiries@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).