



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR NORFOLK

ORIGINATOR: D/Supt Balmer

DECISION NO. 2017/27

REASON FOR SUBMISSION: For Decision

SUBMITTED TO: Police and Crime Commissioner

SUBJECT: National s22 Agreement for authorisation of Covert Human Intelligence Sources

SUMMARY:

In order to achieve national consistency of practice and standards, it is proposed to move to a national cadre of authorising officers for Covert Human Intelligence Sources (CHIS) working in the field of Counter Terrorism (CT). The intention is that Authorising Officers will be aligned to regional CT units but will be able to authorise activity in any region.

In order to deal with legislative barriers to the above proposal, a national collaboration agreement is required that enables authorising officers from any force to authorise applications for the use and conduct of CHIS by members of any other force.

Approval is sought to enter into a collaboration agreement as described, the parties being the 43 geographically-based forces, British Transport Police and the Civil Nuclear Constabulary.

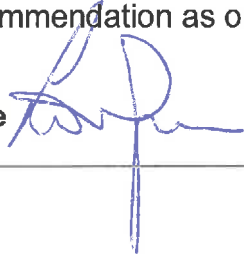
RECOMMENDATION:

It is recommended that approval be given to enter into a national agreement under section 22 of the Police Act 1996 to collaborate on authorisation of CHIS.

OUTCOME/APPROVAL BY: PCC

The recommendation as outlined above is approved.

Signature

A handwritten signature in blue ink, appearing to be 'K. D.', with a long vertical line extending downwards from the end of the signature.

Date

04/01/17

DETAIL OF THE SUBMISSION

1. AREAS FOR CONSIDERATION:

In a paper prepared for Chief's Council, the Senior Co-ordinator for National Counter-Terror Policing DAC Basu updated that in order to improve standards in CT use of Covert Human Intelligence Sources (CHIS) forces should move to regional authorisation for this tactic, and to maintain consistency cross-regional authorisation should also be the norm. This is a departure from the current system in most forces (Norfolk and Suffolk included) whereby CT CHIS are authorised by the same officer as authorises CHIS for general criminal work. It is felt that a smaller cadre of officers dedicated to this specialist activity will work to a higher standard.

In order to give effect to this proposal, it is necessary for authorising officers of one force to authorise applications prepared by officers of other forces, which is not permitted under the Regulation of Investigatory Powers Act 2000 (RIPA) which governs the use of CHIS. To deal with this issue, an agreement under s22a of the Police Act 1996 has been prepared enabling cross-authorisation.

The agreement that has been prepared is not restricted to authorisation of CT CHIS alone. It would permit cross-authorisation of any activity under s29 RIPA meaning that although there is no intention to use this power, any authorising officer in England and Wales could authorise an application by any member of any of the 43 geographic police forces, the Civil Nuclear Constabulary or the British Transport Police. This would allow further development of cross-authorisation beyond CT matters if, (for example), the experiment in CT policing is successful and there is a desire to roll out similar provisions in Serious and Organised Crime policing.

It is worthy of note that the agreement effectively extends nationwide the agreement on cross-authorisation for CHIS that Norfolk and Suffolk have already entered into with the other forces of the Eastern Region.

The agreement prepared is enabling not mandatory. Although it allows force authorising officers to authorise activity by officers in other forces, it creates no obligation to do so. It is clear from DAC Basu's paper to Chief's Council, that the use of the new agreement will be restricted to a small number of authorising officers linked to regional units, and local forces will see a marginal reduction in the number of authorities they are expected to consider.

The agreement is predicated on there being a nationally consistent workflow system for the authorisation and management of CHIS. DAC Basu updated Chief's Council that the development of such a system is ongoing.

2. FINANCIAL AND OTHER RESOURCE IMPLICATIONS:

There are no financial implications to this decision. The effect of entering the agreement is to enable cross-authorisation of CHIS generally, but there is no obligation for Norfolk or Suffolk to authorise on behalf of other forces so no requirement to increase resources in this area. There is no request to provide funding for the development of a new workflow system.

3. OTHER IMPLICATIONS AND RISKS:

No other implications or risks are noted.

PUBLIC ACCESS TO INFORMATION: *Information contained within this submission is subject to the Freedom of Information Act 2000 and wherever possible will be made available on the OPCC website. Submissions should be labelled as 'Not Protectively Marked' unless any of the material is 'restricted' or 'confidential'. Where information contained within the submission is 'restricted' or 'confidential' it should be highlighted, along with the reason why.*


ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	NO
Has the PCC's Chief Finance Officer been consulted?	NO
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	YES, but N/A
Have human resource implications been considered?	YES, but N/A
Is the recommendation consistent with the objectives in the Police and Crime Plan?	YES
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	YES
Has communications advice been sought on areas of likely media interest and how they might be managed?	NO – N/A
In relation to the above, have all relevant issues been highlighted in the 'other implications and risks' section of the submission?	YES

APPROVAL TO SUBMIT TO THE DECISION-MAKER (this approval is required only for submissions to the PCC).

Chief Executive

I am satisfied that relevant advice has been taken into account in the preparation of the report, that the recommendations have been reviewed and that this is an appropriate request to be submitted to the PCC.

Signature:



Date

3-11-17

Chief Finance Officer (Section 151 Officer)

I certify that:

- a) there are no financial consequences as a result of this decision,
- ~~OR~~
- ~~b) the costs identified in this report can be met from existing revenue or capital budgets,~~
- AND
- c) the decision can be taken on the basis of my assurance that Financial Regulations have been complied with.

Signature:



Date

7/11/17

