



Suffolk Police and Crime Commissioner

Making Suffolk a safer place to live, work, travel and invest

ORIGINATOR: D/Supt Balmer

DECISION NUMBER: 26 - 2017

REASON FOR SUBMISSION: FOR DECISION

SUBMITTED TO: POLICE AND CRIME COMMISSIONER

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

SUMMARY:

1. 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.

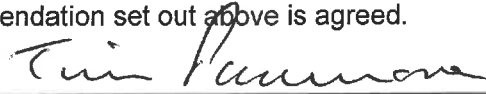
RECOMMENDATION:

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.

APPROVAL BY: PCC

The recommendation set out above is agreed.

Signature



Date

25/9/2017

DETAIL OF THE SUBMISSION

1. KEY ISSUES FOR CONSIDERATION:

In a paper prepared for Chief's Council the Senior Coordinator 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 become 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 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 Suffolk or Norfolk 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.

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
Have all relevant ethical factors been taken into consideration in developing this submission?	Yes

In relation to the above, please ensure that all relevant issues have been highlighted in the 'other implications and risks' section of the submission.

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 and that this is an appropriate request to be submitted to the (add decision-maker's title e.g. the PCC).

Signature:



Date *25 September 2017*