



Lancashire Constabulary
police and communities together

JOINT MANAGEMENT BOARD

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| DECISION 2015/47 | DATE: 6 OCTOBER 2015 |
| TITLE : POLICE FORCE COLLABORATION AGREEMENT – CROSS BORDER OPERATIONS: RIPA 2000 AND POLICE ACT 1997 | |
| REPORT BY: IAN DICKINSON | |

Executive Summary

The Police Act 1996 provides for police forces and local policing bodies to enter collaboration agreements which can include provision about the discharge of functions of the police force, support of the policing body for another policing body or support by a policing body for the police force which another policing body is responsible for maintaining.

There is an operational need for the six Forces of the North West Region to work together in the operation of covert surveillance in the pursuit of criminals across force boundaries. In order to maximise the benefits of such an arrangement there is a need for the six local policing bodies and their respective police forces to enter into a collaboration agreement to provide for the legal framework in respect of authorisations for the carrying out of covert surveillance and interference with property or wireless telegraphy under the Regulation of Investigatory Powers Act 2000 and associated legislation.

In order to comply with the Police Act 1996 both the Chief Constable and the policing body for each Force must be parties to the collaboration agreement.

The approval of the Police and Crime Commissioner and Chief Constable for Lancashire to the arrangements contained in the Collaboration Agreement are therefore sought pursuant to which the Commissioner will be a party to the agreement.

Recommendation

The Police and Crime Commissioner and Chief Constable are recommended to enter into a Collaboration Agreement.

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| Signature <i>Clive Grunshaw</i> | Signature <i>[Signature]</i> |
| Police and Crime Commissioner | Chief Constable |
| Date <i>5th October 2015.</i> | Date <i>9/10/15.</i> |

PART II

1. Background and Advice

The North Wales, Cumbria, Greater Manchester, Lancashire, Merseyside and Cheshire Police Forces have agreed to work in collaboration to improve the efficiency of the service across the area of all six police forces in respect of authorisations applied for and granted under the Regulation of Investigatory Powers Act 2000 (RIPA 2000) and the Police Act 1997. This agreement replaces and supersedes with retrospective effect in its entirety the previous agreement dated 19 May 2011. This agreement takes effect from the commencement of the previous agreement and shall continue in force until such time as the parties determine to terminate the agreement in whole or in part.

The authorisation of covert surveillance is very tightly controlled by statute. A Chief Constable may authorise interference with property and wireless telegraphy under the Police Act 1997 and intrusive surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA 2000). Officers of the rank of Superintendent or above may grant authorisation for the obtaining and disclosing of communications data, directed surveillance, (which is covert but not intrusive) and the use of covert human intelligence sources (CHIS) under RIPA 2000. The Authorising Officer is independent of the investigation for which the covert authority is required and exercises judgement to grant such authorisations on the basis of what they deem to be legal, necessary and proportionate.

In order for a Chief Constable or Superintendent from one force to grant an authorisation on the application of a member of another force their respective forces must be party to a collaboration agreement which specifically provides for authorisation to be applied for, and granted, in this way.

A collaborative agreement pursuant to Section 22A, Section 23 and Section 23A of the Police Act 1996 is therefore required specifically to permit North Wales, Cumbria, Greater Manchester, Lancashire, Merseyside and Cheshire Police Forces to operate across force boundaries in relation to the authorisation of covert activity.

The agreement provides that direction and control, and therefore legal liability arising out of authorisations will rest with the Chief Constable, who granted the authorisation, or whose officer granted the authorisation, whichever, force has applied for the authorisation and wherever the activity linked to it is to take place.

In accordance with the legislation the agreement provides for governance and review of the arrangements to ensure that they meet the objective of operating in the interests of efficiency and effectiveness and in order that the respective policing bodies can hold to account the Chief Constables for the discharge of functions by anyone acting under their direction and control.

2. Links to the Police and Crime Plan

Criminal investigations which overlap the geographical area of two or more police forces can more efficiently and effectively be discharged by the co-operation and collaboration of police forces within the North West Region.

3. Consultation

Lancashire Police Insurers have approved this agreement.

4. Implications

a. Legal

The Police and Crime Commissioner for Lancashire has the power under Section 23 of the Police Act 1996 to make this decision to enter into a collaborative agreement. This is a force collaboration agreement for the discharge of functions by members of each of the forces, and for members of each of the forces to discharge functions in each other's force areas.

Section 22A of the Police Act 1996 requires the parties to a force collaboration agreement to include each Chief Constable and each policing body. The Agreement has been drawn up to comply with the provisions of the Police Act 1996 in respect of a collaboration agreement and the provisions of the Police Act 1997 and RIPA 2000 in respect of the provision it makes for the granting of authorisations.

b. Financial

There are no direct financial considerations, but the increased flexibility and the reduction in duplication of work between the forces is expected to increase efficiency.

c. Equality considerations

5. Background Papers

6. Public access to information

Information in this form is subject to the Freedom of Information Act 2000 and other legislation.

Part 1 of this form will be made available on the PCC website within 3 working days of approval. Any facts/advice/recommendations that should not be made available on request should not be included in Part 1 but instead on the separate Part 2 form.

| Officer declaration | Date |
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| LEGAL IMPLICATIONS – As above | |
| FINANCIAL IMPLICATIONS – As above | |
| EQUALITIES IMPLICATIONS – As above | |
| CONSULTATION – As above | |
| Director to the Office of the Police and Crime Commissioner (Monitoring Officer) I have been informed about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lancashire. Signature.....Date..... | |

