

Committee(s): Police	Date(s): 12 th April 2013
Subject: Collaboration Agreement (Police Act 1996 Section 22A & 23) for Authorisations relating to the Regulation of Investigatory Powers Act (RIPA) 2000.	Public
Report of: Commissioner of Police POL 16/13	For Decision
<p style="text-align: center;"><u>Summary</u></p> <p>The Regulation of Investigatory Powers Act 2000 (RIPA) is an Act of Parliament¹ of the United Kingdom, regulating the powers of public bodies to carry out surveillance and investigation, and covering the interception of communications.</p> <p>Members will be aware that the City of London Police (CoLP) work very closely with the Metropolitan Police Service (MPS) in a number of areas of crime where specialist measures are often required with the objective of achieving a specific, cross border, operational outcome.</p> <p>This report seeks your Committee's consent to enter a collaboration agreement between the CoLP and the MPS relating to what are technically termed 'Authorisations to Interfere with Property (Section 93 Police Act 1997)' and 'Authorisations for Intrusive Surveillance in Relation to Residential Premises and Private Vehicles (Section 32 and Section 33 Regulation of Investigatory Powers Act 2000)'. This can include for example, installing technical surveillance equipment in the homes of individuals and on their vehicles if it can be shown that this will be necessary and proportionate in terms of achieving the desired outcome.</p> <p>This activity can currently only be authorised by the respective Commissioner for his own Police area. This collaboration agreement will allow each Commissioner to authorise the aforementioned activity in the other Commissioner's force area. This will enhance operational effectiveness and expedience of authorisations within an agreed framework of notification, oversight and intelligence checks to be completed which will minimise operational risk.</p>	

¹ <http://www.legislation.gov.uk/ukpga/2000/23/contents>

Recommendations

That:-

- a) the pursuing of a formal collaboration agreement, within the definition of the Police Act 1996, covering arrangements for Regulation of Investigatory Powers Act 2000 (RIPA) applications and authorisations between the Metropolitan Police Service and the City of London Police be approved;
- b) the Comptroller & City Solicitor and the Commissioner be instructed to settle suitable terms for a Collaboration Agreement under Sections 22A and 23 of the Act between the City of London and City of London Police and the Mayor's Office for Policing and Crime (MOPAC) and the Metropolitan Police Service (MPS).

Main Report

Background

1. The Regulation of Investigatory Powers Act 2000 (RIPA) is an Act of Parliament, regulating the powers of public bodies to carry out surveillance and investigation, and covering the interception of communications. It was ostensibly introduced to take account of technological change such as the growth of the Internet and encryption. RIPA can be invoked by government officials specified in the Act on the grounds of national security, and for the purposes of detecting crime, preventing disorder, public safety, protecting public health, or in the interests of the economic well-being of the United Kingdom, that is, any grounds can be covered under its exceedingly broad scope.
2. In layman's terms, the act allows agencies to 'interfere' with an individual's human rights during covert activity conducted by the agency. This could include such things as installing technical equipment at premises or on a vehicle to register the movements of an individual or to record activity and conversations via audio visual equipment. The legislation makes such activity legal on the basis that the authority, Police authority or other agency can evidence that the activity proposed is lawful, necessary and proportionate to what is being investigated and is under one of the designated statutory rights.

Current Position

3. Currently, applications for authorisations to Interfere with Property (Section 93 Police Act 1997) and for Authorisations for Intrusive Surveillance in Relation to Residential Premises and Private Vehicles (Section 32 and Section 33 RIPA), can only be made to, and granted by the respective Commissioner for their own force area.
4. This collaboration agreement will allow the respective Commissioners to grant the aforementioned activity in each other's force area with liability resting with the relevant Commissioner as the Authorising Officer. The Collaboration agreement will have a process of notification, oversight and intelligence support to limit the operational risk and as is paramount, ensure compliance with RIPA. These authorisations will, as is currently the case, be the subject of annual inspection by the Office of Surveillance Commissioner's (OSC). Additionally, this agreement will seek to enhance the effectiveness of activity and greatly assist in expediting operations in this critical area of Policing.

Corporate & Strategic Implications

5. Collaboration Agreements under section 22A & 23 of the Police Act 1996 are endorsed by the current government in order to assist in enhancing efficiency and effectiveness in policing and will greatly assist Police forces in reducing staffing costs and the time it takes to complete and process these authorisations.

Consultation

6. The Comptroller and City Solicitor's Department (Mike Braude) and Town Clerk's Department (Ignacio Falcon) have been consulted on the collaboration agreement and on the contents of this report and their comments have been incorporated.

Conclusion

7. This collaboration agreement is supported by the OSC, Metropolitan Police Assistant Commissioner Mark Rowley and the CoLP Commissioner in support of policing the London area. Operational management, efficiency and oversight of this complex policing area rest with the respective authorising Commissioner. Oversight of this collaboration agreement in respect of each force would be granted respectively to the Mayor's Office for Policing and Crime (MOPAC) and

the Common Council of the City of London in its capacity as police authority for the City of London Police area.

Contact:

DCI Pete DIGBY

Intelligence and Information Directorate

0207 601 2221

Pete.digby@cityoflondon.pnn.police.uk