

For Information	
Public/Non Public:	Public
Report to:	Strategic Resources and Performance Meeting
Date of Meeting:	7th September 2017
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Agenda Item:	5

Office of Surveillance Commission Annual Report & Recommendations

1. Purpose of the Report

- 1.1 The Regulation of Investigatory Powers Act 2000 requires the Chief Surveillance Commissioner to keep under review the performance of functions under Part III of the Police Act 1997 and Part II of RIPA 2000 by all law enforcement agencies and other public authorities. This takes the form of an annual inspection and report.
- 1.2 Nottinghamshire Police were last inspected between the 5th and 8th September 2016. The inspection resulted in 3 recommendations and 5 areas of advice, all of which are administrative in nature and have now been implemented by the force.

2. Recommendations

- 2.1 It is recommended that the meeting notes the content of the report.

3. Reasons for Recommendations

- 3.1 To ensure that the Nottinghamshire Office of the Police and Crime Commissioner (OPCC) are updated with regards to the progress taken by the Force following the 2016 annual inspection report.

4. Summary of Key Points

Recommendations and Updates:

- 1. Collaboration Agreement required clarity of the roles undertaken by different forces in the region relating to the management of CHIS and undercover deployments.**

Action taken: In November 2016 DCC Bates wrote to Lord Judge and summarised the position regarding the EMSOU collaboration agreement between all forces in the region. He clarified that an agreement was in place that covered the relevant roles involved in the management of Covert Human Intelligence Sources.

Lord Judge replied on the 22nd November and commented on the confusion caused by a “plethora of collaboration agreements.” He concluded that the issues identified by Mr Smart (OSC Inspector) had been dealt with in the explanation given by DCC Bates.

In December 2016 Sir George Newman completed a follow up visit to the force in relation the annual Inspection. It was accepted that there was confusion caused by having a number of collaboration agreements, but Sir George agreed that our existing agreement did cover the CHIS roles.

2. Urgent oral authorities required contemporaneous records being made in all instances.

Action taken: Refreshed guidance published by force together with the introduction of urgent authority booklets for use by both applicants and Authorising Officers. Since the inspection the force has used the booklets for 9 urgent RIPA authorities (6 x Directed Surveillance and 3 x Property Interference).

3. Force Authorising Officer should introduce a means by which he is cognisant of new CHIS cases in a contemporaneous manner and prior to them being presented for authorisation.

Action taken: Improved use of recruitment tab on SMS together with regular weekly meetings with the Authorising Officer has reduced this identified risk. This process has resulted in 10 potential CHIS being put under recruitment as opposed to progressing straight to authorised use and conduct. This allows for a more informed and balanced of consideration of risk v benefit and avoids unnecessary authorisations

5. Financial Implications and Budget Provision

5.1 There are no financial implications arising from this report.

6. Human Resources Implications

6.1 There are no HR implications arising from this report.

7. Equality Implications

7.1 There are no equality implications arising from this report.

8. Risk Management

- 8.1 Reputational risk should the organisation fail to deliver the recommendations to a sufficient standard leading to adverse comment from Chief Surveillance Commissioner.
- 8.2 Legal implications should RIPA breaches be identified – not relevant with 2016 recommendations as considered administrative in nature.

9. Policy Implications and links to the Police and Crime Plan Priorities

- 9.1 There are no policy implications in relation to this report.

10. Changes in Legislation or other Legal Considerations

- 10.1 None, but will be changes to policy and guidance when the Investigatory Powers Act is fully operational, including the replacement of the OSC with the Investigatory Powers Commissioner. Inspection regimes for forces are expected to remain unchanged.

11. Details of outcome of consultation

- 11.1 Not applicable.

12. Appendices

- 12.1 None