

LEICESTERSHIRE POLICE AUTHORITY

PAPER MARKED

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Meeting **DIVERSITY COMMITTEE**

Date **MONDAY 9 MAY 2011 – 9.00 A.M.**

Report of **CHIEF CONSTABLE**

Subject **POLICING OF PUBLIC ORDER - THE SYSTEMS AND PROCESSES IN
PLACE FOR INTELLIGENCE GATHERING**

Summary

1. The purpose of this report is to provide members with a brief background on the process for collecting information surrounding public order.

Recommendation

2. Members are recommended to consider the content of the report.

Public Order

3. 'Public Order' is a term used by the police that encompasses incidents that are likely to cause Public Disorder which may constitute offences within the Public Order Act 1986. These incidents can occur within a number of situations including groups gathering in the night time economy, football violence, animal rights demonstrations, protests and other social unrest gatherings.
4. Public order has recently been identified as a strategic risk area for the Constabulary as a result of the protective services strategic assessment. For this reason Public Order now appears within the Control Strategy for the force along with 4 other strategic crime risks.
5. The National Intelligence Model (NIM) recommends the process that should be followed for dealing with control strategy areas and this process is being followed by Leicestershire Constabulary.

The NIM Process

6. An intelligence requirement is drafted that details the intelligence gaps that there may be around this area of work, generally this focuses on the Who, What, Where, When, Why and How.
7. It is important at this stage to consider intelligence that has been or is being gathered nationally, regionally and locally, so that the true intelligence gaps are understood.
8. Once these intelligence gaps are mapped, a collection plan is prepared which will drive policing and partnership activity in a range of areas in an attempt to fill these gaps.

Collection Activity

9. Activity directed through the collection plan can include what is known as Open and Closed Sources. Open sources tend to refer to publicly available records such as media and the internet whereas closed sources tend to refer to covert policing activity.
10. It is important to assess and evaluate intelligence from all of these sources as it may neither be necessary or proportionate to rely on more covert policing methods before the intelligence from open sources has been maximised.
11. Currently the National Public Order Intelligence Unit (NPOIU) coordinates intelligence surrounding public order across the country, but they rely on policing activity within forces to gather intelligence too.
12. East Midlands Counter Terrorism Intelligence Unit, Special Branch and the Force Intelligence Bureau all have areas that they are responsible for in collecting intelligence and identifying threats from public order.

Specific Operations

13. Once a potential threat is identified with either a group of individuals or a specific event which poses public order risks then local tasking and coordination may authorise targeted police activity to gather more detailed intelligence around this group or event.
14. Open and closed source activity is considered in relation to this by the Intelligence Manager, normally at Detective Inspector level.
15. If closed source activity is required by Leicestershire Constabulary to obtain intelligence then a request is made to the Director of Intelligence, a Detective Superintendent. Generally this request would require an authorisation to be considered using the Regulation of Investigatory Powers Act (RIPA) as it would necessitate the engagement of someone's article 8 rights (the right to a private life). RIPA governs the interception of communications, the acquisition and disclosure of data relating to communications, the carrying out of surveillance and the use of covert human intelligence sources. The principles of the Act are that such uses are necessary and proportionate and that issues such as collateral intrusion are considered and balanced against human rights.
16. In certain more intrusive circumstances Chief Officer approval would be required before undertaking covert activity.

Covert Activity

17. Covert policing activity can include the following tactics;
 - electronic or human surveillance;
 - the tasking of Covert Human Intelligence Sources (Informants)
 - the deployment of undercover officers.
18. All covert surveillance activity is governed by RIPA and the Codes of Practice. Oversight of RIPA is provided by the Senior Responsible Officer for RIPA in the force, which is the ACC (Crime). The Office of Surveillance Commissioner (OSC) regularly visits the Constabulary and examines the processes involved in applying for and authorising covert activity. The OSC also review authorities to check for compliance with the legislation and the Codes of Practice, they then provide a written assessment from these visits to the Chief Constable. In January 2011 the OSC inspected Leicestershire Constabulary and found that the Force was compliant and utilising good practice.

19. Occasionally other police forces and the NPOIU do undertake surveillance activity within the Constabulary. In the majority of circumstances they are under no duty to disclose details of that activity to the Constabulary, but the Codes of Practice do insist that the authorising force or agency must consider the potential for community impact in any area where the activity take place, should that activity be compromised or come to be disclosed.

- 20 In most circumstances, the applicant or authorising officer from the authorising force does make contact with the Director of Intelligence and Central Authorities Bureau in the force area where the activity is taking place to consider the potential of community impact.

Implications

Financial: None. Legal: None. Diversity: None. Risk Management: None

Background Papers

None

Officer to Contact

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