

1.

Service Level Agreement

**Arrests in the community by Immigration
Officers officially designated for this
purpose**

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**SERVICE LEVEL AGREEMENT BETWEEN THE
METROPOLITAN POLICE SERVICE AND HM IMMIGRATION
SERVICE**

**Arrests in the community by Immigration Officers officially
designated for this purpose**

1. BACKGROUND

- 1.1. The Immigration and Asylum Act 1999 extends the existing powers of immigration officers. In particular, new powers of arrest, entry, search and seizure have been created. These powers enable immigration officers who have been officially designated to make arrests in certain circumstances without the presence of police.
- 1.2. A joint Immigration Service (IS) and Metropolitan Police Service (MPS) pilot project was established by the Immigration Service at Becket House, St Thomas Street, SE1 in January 2000. Following a bespoke training course of four weeks, officially designated immigration officers were able to use their new powers in operational situations, with police initially in attendance to provide support and feedback. The pilot project was successful and it has now been agreed that appropriately trained immigration officers may conduct their own operational visits in the MPD without the need for full police support.
- 1.3. The project developed:
 - 1.3.1. Expertise in the arrest of immigration offenders exclusive of the support of police, without raising tensions in the local community, whilst ensuring the safety of immigration officers working in this field,
 - 1.3.2. An improved flow of intelligence and information between the IS and the MPS.
- 1.4. Both parties to this SLA agree to share information and intelligence in accordance with the law, and so far as relevant to the execution of their duties and the safety of officers.
- 1.5. The pilot scheme 's development was closely monitored throughout by a joint IS/MPS working group. The working group recommended that the new working practices should be formally adopted throughout the MPD.

- 1.6. It is anticipated that by November 2001 there will be 48 more officers from the IS trained in this role. They will join the already existing teams at Becket House or be assigned to other teams to be created in Croydon and at Eaton House near Hounslow.
- 1.7. The pilot project was conducted in the boroughs of Newham and Barking & Dagenham. It is proposed now to develop the programme by a steady deployment throughout the rest of the MPD.

2. LIAISON AND MONITORING

- 2.1. Liaison points will be established for the two Services. This will be an officer not below the rank of Inspector for the MPS in each borough and an operational Chief Immigration Officer for the Immigration Service.
- 2.2. Each agency will be responsible for preparing periodic reports for their respective senior management, focusing on statistical information, visits conducted, persons arrested, and details of any incidents.
- 2.3. A Steering Group comprised of policy representatives from both the Metropolitan Police and the Immigration Service will meet as necessary to consider any policy and strategic issues.

3. OPERATIONAL PLANNING

3.1. Risk Assessment

- 3.1.1. The Immigration Service (IS) will identify cases for investigation by their arrest team. They will conduct all Home Office checks and enquiries with agencies other than the police. In doing so they will comply with the guidelines outlined at Annex A.
- 3.1.2. The IS will make an initial risk assessment of each case and forward a copy of the risk assessment form at Annex B to the relevant Borough Intelligence Unit (BIU).
- 3.1.3. The BIU at the local station will conduct intelligence checks on CRIMINT, CRIS, PNC and other systems as appropriate. Any such checks already carried out by the IS will be recorded clearly on the risk assessment form. The BIU will make relevant comments/additions to the risk assessment and return it to the immigration officer dealing within 72 hours.
- 3.1.4. The immigration officer will make a final risk assessment, which will be reviewed by a CIO. Provided that s/he is satisfied that the offender falls outside the police assistance

requirements as defined at Annex 'A', the CIO will authorise an operational visit in writing.

4. OPERATIONAL VISITS

- 4.1. Immigration Officers will only conduct visits without police assistance on the written authority of a CIO.
- 4.2. Where visits are to be carried out without an accompanying police presence, immigration officers will inform the local CAD room in advance of their itinerary keeping them updated when they enter or leave premises.
- 4.3. A small number of officers, including the IS Crime Investigation Section (CIS) based at Becket House, will have a distinct role of investigating immigration related crime with a view to prosecution. This involves interviewing victims, witnesses and arresting suspects. Inevitably, their enquiries will be conducted throughout the MPD. Their activities will be conducted following local risk assessment as outlined in Section 3. Where the operation to be conducted falls outside the criteria specified in Annex A, advice will be sought from the relevant BOCU.
- 4.4. Communications will be the subject of a separate protocol between the MPS and IS. It is intended that IS staff will use their own Met Radio equipment on the MPS system.
- 4.5. Where arrests are made, compliant prisoners will normally be carried in IS vehicles to the local police station with custody facilities. Where prisoners are non-compliant or too difficult to be conveyed in unprotected vehicles, local police transport will be arranged by radio.
- 4.6. The police will provide assistance in accordance with the MPS policy on grading of calls.
 - 4.6.1. Where immigration officers are still at the venue and in potential danger, police response will be classified as immediate (within twelve minutes).
 - 4.6.2. Where immigration officers are still at the venue and not in potential danger or have withdrawn to a place of safety, police response will be classified as soonest (within one hour).
 - 4.6.3. Where police resources are not likely to meet the request as in s. 4.6.2, police controllers may wish to refer the immigration officers to the police station, in order to arrange an appointment at a later time or date.
 - 4.6.4. Where immigration officers need to conduct follow-up visits or conduct enquiries at an address of a suspect where a risk assessment has previously been conducted, they must still first contact the relevant BIU to have CRIMINT checks updated.

- 4.7. Visits to a follow-up address can be authorised verbally by a CIO but the officer making the request and the officer granting it, including details of whom they have spoken with, must make a written record.
- 4.8. Immigration officers will prepare intelligence reports after each visit for the purposes of internal intelligence and officer safety. Intelligence reports and any premises search book will be copied to the local BIU for inclusion in their premises search register.
- 4.9. Any visit that does not fall within the scheme criteria should be referred to a CIO, who will contact the designated liaison Inspector to discuss how to progress the case.
- 4.10. When evidence relating to any offence other than immigration offences is discovered by IS officers, they will secure persons arrested at the premises and liaise with the local control room to agree a course of action. If the risk assessment to the IS officers changes, they will withdraw from the premises with their prisoner.
- 4.11. Occasionally, officially designated immigration officers may need to gain access to premises by force to search or to execute a search warrant. In these circumstances, where access is denied by the householder, they will seek police assistance to effect entry.

5. ARRESTS

- 5.1. There is a Common Law requirement to take arrested offenders to police stations. Consultation between the relevant liaison officers should take into account staffing levels when an operation is planned as well as anticipating relevant cell space.
- 5.2. Police custody staff will conduct initial processing of prisoners. Searching of prisoners, further enquiries and interviews will be conducted by IS staff.
- 5.3. Immigration officers making arrests will have their original notes stamped by the MPS ATR machines.
- 5.4. The IS will strive to remove detained persons from police stations within 24 hours. Family removal cases will usually be removed immediately as in 5.5.
- 5.5. *Family removal cases*
 - 5.5.1. Cases involving family removals must be approached with sensitivity and careful planning. Consultation will take place between the local BOCU liaison officer and IS prior to visiting an address to conduct a family removal.

- 5.5.2. Arrested family members must be brought before a custody officer, as Immigration Act detention papers cannot be served until the prisoner is in a designated place of detention.
- 5.5.3. Immediately they are brought before the custody officer, family members will be served with the relevant detention papers by the immigration officer and removed to an IS detention centre by pre arranged IS transport.
- 5.5.4. Generally these procedures relate to heads of household only and no enforcement action is taken against children under the age of 16. When children are accompanying their parents, they will either remain in the company of the immigration officer or, in the case of infants, will remain with a parent. In these circumstances they will not be subject of a custody record.

6. COMPLAINTS

- 6.1. All complaints about the conduct of immigration officers made to police should be forwarded to the designated IS Inspector through the police liaison Inspector. The officer receiving the complaint should complete an immigration complaint form and the complainant advised that the case would be forwarded to the Immigration Service for further action.
- 6.2. Complaints alleging criminal actions by immigration officers will also be forwarded to the Crime Manager of the BOCU concerned. In such cases the complaint will not be investigated by the Immigration Service until the advice and consideration of the Crime Manager has been received.
- 6.3. The IS Inspector will log all complaints against officers arising out of the scheme and arrange for the special IS internal complaints procedures to be invoked.

This document has been agreed by, and served on, the requisite parties

Signed:

Mike Stanley

Assistant Director

for and on behalf of

United Kingdom

Immigration Service

Dated:

Signed:

Michael Todd

Assistant Commissioner

for and on behalf of

Commissioner of Police

for the Metropolis

Dated:

ANNEX 'A': CASES IN WHICH POLICE ASSISTANCE IS TO BE PROVIDED

The following types of operational visits to arrest an offender will not be carried out without police assistance:

- I. Middle and upper tier operations (i.e. where more than three arrests are anticipated); or
- II. Where police indicate that a visit by immigration officers alone would be inappropriate; or
- III. High profile/media cases unless authority is given by the Deputy Director, Immigration Service Regional Operations (ISRO), and
- IV. Where intelligence suggests that the suspected offender or others at the address to be visited,
 - may react violently or otherwise provide hostile resistance to arrest,
 - is suffering from serious illness,
 - is mentally unstable,
 - is engaged in other criminal activity (unless permission granted by police).

GLOSSARY

BIU	-Borough Intelligence Unit
BOCU	- Borough Operational Command Unit
CAD	-Computer Aided Dispatch
CIO	-Chief Immigration Officer
CIS	-Crime Investigation Section
CRIMINT	-Criminal Intelligence System
CRIS	-Crime Report Information System
IS	-Immigration Service
ISRO	-Immigration Service Regional Operations
MPD	-Metropolitan Police District
MPS	-Metropolitan Police Service
PNC	-Police National Computer