

**A MEMORANDUM OF UNDERSTANDING BETWEEN
KENT POLICE AND THE PORT OF DOVER POLICE
WITH REGARD TO THE POLICING OF THE PORT OF DOVER**

1. INTRODUCTION

- 1.1 This memorandum of understanding provides for an efficient and effective working relationship between the Port of Dover Police (PoDP) and Kent Police, outlining where necessary areas of responsibility and accountability. It makes provision for consultation and co-operation between the two parties, with the aim of delivering the best policing on the ground.
- 1.2 This MOU firstly recognises the excellent cooperation that already exists between each Constabulary. Both Forces can look to a long history and recent record of operational assistance which sits outside the national mutual aid framework. Of significance is the acknowledgement that PODP assists with the management of the strategic road network routinely caused by Operation Stack and Kent Police assists with the public order and protective security policing of the Port of Dover which is beyond the capability of the PODP.
- 1.3 Primary responsibility for the maintenance and enforcement of the criminal law in the County of Kent rests with the Chief Constable of Kent Police in accordance with the provisions of the Police Act 1996. However, the Chief Constable has no obligation to provide a permanent police presence upon private property for the purposes of policing such property.
- 1.4 The Port of Dover is the private property of Dover Harbour Board (The Board). The Board, in accordance with the provisions of section 79 of the Harbour Docks and Piers Clauses Act 1847, as incorporated into the Dover Harbour Consolidation Act 1954 under Clause 3(1), maintain a Police Force for the purpose of policing the port and certain other properties and land owned by the Board which are located outside the Port. However, this will not include any building or land situated within the area known as the 'Port Zone' at Whitfield in Dover. The cost of maintaining PoDP is wholly met by the Board and no Exchequer grant is received.
- 1.5 Notwithstanding the above principle the Chief Constable of Kent does provide in accordance with national arrangements Special Branch funded officers at ports (see Para 9).

2. GOVERNANCE and CHIEF OFFICER ARRANGEMENTS

- 2.1 This MOU is between the Chief Constable of Kent and the Chief officer of the Port of Dover. The Chief Officer of PoDP remains fully independent of the Chief Constable of Kent but follows where appropriate Kent Police policy and practice (see Para 8).
- 2.2 Ports policing in Kent is managed via Kent Police's Frontier Operations Department who will have daily tactical and business arrangements between both Forces and ensures that the policing at Force Counter Terrorist/Protective Security, BCU and District level are constantly reviewed and maintained.
- 2.3 The PODP policing boundary falls exclusively within the Kent Police South Kent BCU. The BCU senior management team on all local matters affecting policing of the port will routinely consult the Chief Officer of the PODP.

- 2.4 Maritime Policing is coordinated via ACPO (TAM) structures. The PODP have a recognised role to play and are included in local, regional and national arrangements via the National Coordinator of Ports Policing (NCPP) and the ACPO Maritime business area via representation at ACPO Ports.

3. POWERS OF PORT POLICE

- 3.1 Port of Dover Police Officers have all the powers and privileges of a Constable on any land, area of water or property owned by Dover Harbour Board and at any place within one mile of any such land, water or property. The legal right to exercise such powers is unconditional.

4. INVESTIGATION OF CRIMINAL OFFENCES

- 4.1 The responsibility for the investigation of criminal offences committed within the Port and at certain other DHB properties (see 1.1 above) ultimately rests with the Chief Constable of Kent Police. However, the Port of Dover Police will, where appropriate, undertake to investigate all criminal offences within the Port area. This will include offences committed on board vessels which, at the time the offence was committed, were on the High Seas.
- 4.2 In this context 'appropriate' will mean offences which are not considered serious or offences which do not require resources or expertise outside the capability or capacity of the Port of Dover Police. Offences which would be regarded as inappropriate for PoDP to deal with would include (for example): acts of terrorism, murder, manslaughter, rape, facilitation of illegal immigration or any incident involving the death (suspicious or non-suspicious) of any person or persons. As per Para 9 arrangements between PODP and Kent Police permit investigation of specific offences arising out of border controls.
- 4.3 In circumstances where an offence is considered by the senior Port of Dover Police officer on duty to be 'inappropriate' to deal with, the Port of Dover Police will take such immediate action as is within their ability to provide, to prevent harm to persons or property, secure the arrest of any offender(s) and preserve evidence whilst simultaneously informing Kent Police. Thereafter Kent Police will take over the subsequent investigation. The Port of Dover Police will thereafter supply such reasonable assistance and support which may be requested by Kent Police in respect of the investigation of such offences or incidents.
- 4.4 Kent Police will supply, at no charge, such assistance or support services which may reasonably be required by the Port of Dover Police in connection with the investigation of any offence. Such services would include scientific support, some specialist operational support and custody office facilities, inclusive of prisoner accommodation.
- 4.5 Crime occurring at the Port of Dover will often have implications for Kent Police. Similarly, crime occurring outside the Port of Dover and investigated by Kent Police, may have implications for the Port of Dover Police. For example, Port of Dover Police may be investigating offences of criminal deception or

theft which form part of a series of crimes being investigated by Kent Police and vice versa. There will be a mutual exchange of intelligence between forces in such cases and the medium for that exchange will be the data network owned and operated by Kent Police for which a link exists between the two forces (for which a separate third party agreement exists between Kent Police and PoDP).

- 4.6 In relation to the Regulation of Investigatory Powers Act 2000, PoDP have been included in Schedules 1 & 2 of the act and are now recognised as a Relevant Public Authority for the purposes of Part 1 Chapter II and sections, 28 & 29. The grant of this legislation does not however permit the acquisition of communications data under section 22(2)(g) (Emergency life at risk situations) and to that end PoDP will transfer any such eventualities to the Duty Inspector at the Kent Police FCC for immediate action.
- 4.7 Additionally, whilst PoDP have the authority to deploy Covert Human Intelligence Sources (CHIS) under Section 29 of the act, PoDP recognise the importance of handling such matters with the utmost care and only by suitably trained and experienced officers. PoDP also recognise that such experience is unlikely to be either obtained or maintained by officers who do not engage in such actions on a regular basis. To that end, PoDP will train all their officers to recognise the definition of a CHIS and as such where their involvement in a potential CHIS situation must stop and the matter be referred elsewhere. In this regard any identification of a potential CHIS will be referred, via the PoDP Intel officer, to the local (Kent Police) area Intelligence Unit for continuation. A separate MOU between Kent Police and PoDP exists to detail this process.

5. REPORTING AND RECORDING OF OFFENCES

- 5.1 Details of any offence being dealt with or reported to Kent Police which has taken place on property forming part of the Port of Dover will be passed to the Port of Dover Police for recording. The decision as to who will investigate such offence will be by mutual agreement, having due regard to clause 3.1 above. Similarly offences which are reported to the Port of Dover Police which have occurred in a part of the County of Kent which does not form part of the Port of Dover, will be reported to Kent Police for adoption.
- 5.2 The statutory recording of crime for national statistics (via PNC) in relation to offences detected within the PoDP jurisdiction will continue to be carried out via Kent Police FIB on receipt of information supplied by PoDP in an agreed manner which will allow Kent Police to conform to national quality standards in this regard. The recording of undetected crime within the same jurisdiction will be recorded within PoDP data files, which will be made available to Kent Police on request.

6. TRAFFIC CONTROL ON COUNTY ROADS

- 6.1 Primary responsibility for the control of traffic on county roads rest with the Chief Constable of Kent. However, the Chief Constable, in agreement with the Chief Officer of the Port of Dover Police grants his approval and consent for Port of Dover Police Officers to take appropriate action to mitigate the effect of

traffic congestion which may from time to time take place on the A2 or A20 roads in the District of Dover.

7. MAJOR INCIDENTS

- 7.1 The Port of Dover Police will initially retain primacy in respect of any incident which takes place within the Port. The Senior Officer on duty will put command and control measures in place and will immediately inform the Kent Police FCC. Primacy will be retained unless and until the incident escalates (or is likely to escalate) to the extent that its management is beyond the resources or capability of the Port of Dover Police. There will be a mutual agreement to hand primacy to Kent Police against signature, after which the Port of Dover Police will provide such reasonable assistance and support in managing the incident as they are able.
- 7.2 There may be occasions, when it will be appropriate for the Port of Dover Police to retain primacy in respect of (for example) the evacuation of the Port after the finding of a suspect device whilst Kent Police would retain primacy in respect of the terrorist investigation. Again this would be by mutual agreement.

8. HOME OFFICE CIRCULARS AND ACPO POLICIES AND PROCEDURES

- 8.1 The Port of Dover Police offer a public policing service and police "public space" albeit primarily within the confines of private property. In the exercise of this function, the Chief Officer of Police for PoDP gives due regard to the relevant Home Office circulars and ACPO policies and where possible tries to follow local Kent policy and practice. It is recognised that consistency in the application of the law throughout Kent is vitally important to maintain public confidence and provide, as far as is possible, a seamless policing service.
- 8.2 In order for the PoDP to achieve 8.1 above, Kent Police will seek to provide PoDP with appropriate means to access current procedural and legislative changes and amendments on both a national and county wide basis.

9. SPECIAL BRANCH AT PORTS

- 9.1 Kent Police, notwithstanding the principle set out Para 1.3 & 1.4, does retain Special Branch funded officers within the Port of Dover managed by the Specialist Operations Directorate, Frontier Operations department. Special Branch officers are solely under the direction and control of the Chief Constable of Kent as per national guidance and practice pertaining to Special Branch role at ports.
- 9.2 This MOU acknowledges that where permissible Frontier Operations SB staff will undertake criminal investigations arising out of border control which do not fit within the level 1 policing delivery of the PODP.
- 9.3 The Head of Frontier Operations and the Chief Officer of the PODP will ensure that local tasking arrangements are regularly reviewed.

10. MARINE POLICING

- 10.1 The PODP maintains a limited marine capability and is focused on the safety of the seaward security and port security concerning the marina and security implications concerning the harbour. This MOU supports the agreements between the Chief Officer of the PODP and Frontier Operations concerning joint marine policing operations. The PODP will form part of the Thames and Dover Police Portal Region maritime response.


11. CROSS CHANNEL POLICING ARRANGEMENTS

- 11.1 The nature of port policing at Dover necessitates regular engagement with police partners concerning our European interface. The PODP are represented at the Cross Channel Intelligence conference and its ports policing sub group and will have the opportunity to participate with Kent police in all such cross channel ports policing arrangements where it seems appropriate.

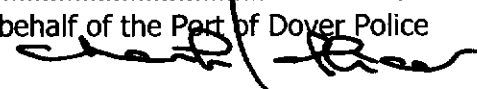
12. OTHER MUTUAL AID PRINCIPLES

- 12.1 Whilst national arrangements for mutual aid policing do not apply between 'Home Office' and 'non Home Office' forces, The Port of Dover Police will, when resources and jurisdiction permit, respond to calls for assistance from Kent Police. Such cases may include urgent calls for assistance in response to large-scale local disturbances and other matters where Kent Police resources are unavailable to respond.
- 12.2 In addition PoDP can, when convenient to do so, make available limited Police Search team resources (all appropriately certified) including the services of an accredited POLSA. This however would be limited to within the boundaries of the county of Kent only.

SIGNED



..... Date 02/02/09
On behalf of the Port of Dover Police



SIGNED

Richard Constable chief
..... Date 20/01/09
On behalf of Kent Police