

MobileID Commencement of Legislation -7th March 2011

Introduction

Section 61 of the Police and Criminal Evidence Act 1984 (PACE) and PACE Code D has been amended providing police powers to require fingerprints to aid an identification. This will have effect on any identification procedure carried out after midnight on 06 March 2011 (i.e. 7th March 2011) which will then be subject to the legislation.

Section 61 of PACE provides police officers with the power to require from an unknown suspect their fingerprints to aid an identification. In exercising this power, officers are required to give a subject the opportunity to identify themselves, to inform them of certain facts and to record that they have done so. This is detailed in the attached PACE Handout (V0.1 24 Feb 2011) which is used in training.

This document is intended to aid MobileID Project Managers in force and others involved with the deployment of MobileID.

Force MobileID Project Managers

Force MobileID project managers will wish to ensure that all mobile fingerprinting users are adequately briefed about the commencement of legislation and how Lantern and MobileID equipment is to be used. This should be used also to inform Force Procedures as they relate to MobileID and provide guidance to officers.

Lantern Users

Lantern pilot devices may be in operation alongside MobileID devices for a short period and there may be some officers (Lantern users) who have not received MobileID training. These officers will require to be trained in the use of Lantern in accordance with PACE Code D.

It is important that 'Lantern only' users are made aware that once legislation has commenced, consent is no longer a basis for using Lantern. Lantern can like MobileID be used as follows;

- Unknown Suspect – whose identity cannot be readily ascertained or who is suspected of providing a false ID
- Unconscious Person – the police 'duty of care' to such persons justifies the use of MobileID to identify them and improve the care that can be given
- Dead Bodies – Coroner's Rules permit the use of fingerprints to help identify unknown corpses.

MobileID trainers

MobileID trainers should be supplied with the attached updated PACE Handout for use in any training they carry out (Lantern conversion and new MobileID users).

- The PACE Handout is posted on the MobileID POLKA site under MobileID Device User Business Training Materials Documents.

MobileID Users

MobileID users have received training from MobileID trainers, and both users and trainers will require to be advised that Section 61 of PACE and PACE Code D will commence on the 7th March 2011.

The PACE handout should be made available to MobileID users to ensure that they are fully apprised of their police powers.

Attached: Legislation, PACE & Consent Handout for MobileID