

Legislation changes to section 117 of the Serious Organised Crime and Police Act 2005

1. What legislation supports the use of MobileID?

From March 7, 2011, section 117 of the Serious Organised Crime and Police Act 2005 (SOCPA) was introduced which supports the use of MobileID other than consent by the individual.

2. Why has it changed?

The legislation has changed because operating by consent only has its limitations which key stakeholders such as Liberty and the Office of the Information Commissioner identified during the Equality Impact Assessment (EIA) consultation process. Liberty felt that an individual may feel intimidated and compelled to co-operate, if asked by an officer in uniform. There were other concerns from the Office of the Information Commissioner regarding the manner in which consent was obtained and the difficulty of obtaining the necessary consent from certain people, particularly those with mental health problems, people who are intoxicated by alcohol or drugs and children.

3. What are the changes?

Section 117 of SOCPA has amended Section 61 of PACE and introduced an amended Code of Practice D that covers identification. This ensures that all of the safeguards that apply to obtaining identification in a police station apply when outside of one.

4. When will the changes take effect?

The changes took effect when the legislation was implemented on March 7, 2011.

5. What would happen if the legislation is not changed?

If the legislation had not been changed, the concerns of stakeholders would not have been addressed. Officers would continue to use MobileID with consent. However, it is possible that arrests purely for identification purposes would have to be made. This would not be the case if MobileID had been used.

6. How will the legislation changes impact on policing and the public?

The legislation change provides police with the powers to require fingerprints enabling them to use them in a controlled manner benefitting both the public and the police. Officers will be able to confidently make use of street disposals such as warnings, penalty notices, fixed penalties and street bail. The policing experience for individuals will be improved; debates about identity will reduce and unnecessary arrests will be avoided. The public will also benefit from increased patrol time created for officers who no longer require to make protracted enquiries about a subject's identity or to make unnecessary identification arrests.

7. Will an evaluation be carried out on the impact of the new legislation?

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The EIA states that an evaluation will take place six to nine months after the first MobileID implementation in forces.

8. Is guidance available for forces?

Yes, the MobileID project team are currently compiling this to develop a 'live document' to reflect the experiences of the early adopting forces.

9. Who was involved in taking this forward?

The MobileID team of the NPIA worked with the Home Office Policing Powers Unit, ACPO and guided by the Senior Responsible Officer (SRO) DCC Peter Goodman. It also worked with other colleagues in NPIA such as the Mobile Information Team, Equality Diversity and Human Rights (EDHR).

10. Where can I go for more information?

- For more on the legislation, see page 22 of <http://www.homeoffice.gov.uk/publications/police/operational-policing/pace-codes/pace-code-d-2011?view=Binary>
- For more information about MobileID, visit the NPIA website
- or register on the Police Online Knowledge Area (POLKA) – which is listed under the Websites (External) menu of the intranet Site Directory
- or you can contact the MobileID project team at MobileID@npia.pnn.police.uk