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# Accountability and Standards of the Port Police Forces

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## **Abstract**

Port police forces should continue to play an important role in maintaining the safety and security of port estates, for the benefit of port authorities, their users and the general public. Their role in maintaining a secure environment for our ports has actually increased in importance since 11 September 2001, and it is vital that they are able to use their powers effectively to achieve this. Despite their somewhat curious independent status, they have not become an historical anomaly but have modernised to emulate Home Office forces. A further improvement to their operational capacity could be achieved by a legislative change to increase their geographical jurisdiction a little further beyond the port boundary.

The question of whether ports should have their own police forces at all should of course be a matter for the individual port authorities, but there is a strong consensus that all port police forces should strive to meet recommended national police standards in all aspects of their operations.

## **Conclusions and recommendations**

### **Conclusions**

C1: Policing of UK borders has increased in importance and is a shared responsibility. Port police forces do not exist for this purpose but they play an important role in maintaining the safety and security of sea port estates.

C2: Port police forces are distinct from Home Office forces. They range in size from 4 to around 50 personnel and differ in the precise functions they undertake. Sworn constables are nevertheless empowered to deal with broadly the same types of issues as Home Office police but restricted with respect to location.

C3: Port police are perceived by their employers as capable of providing a resource saving to the port itself. A privately funded police presence at the port can also take some resource pressure off the local police force.

C4: Port Police forces do not have the same resources as Home Office forces and for this and other reasons may work in a different way to the local police. They tend to have good arrangements for mutual assistance and collaboration such as pooling equipment or cooperating in operations and exercises

C5: There is much evidence of all port police forces working very effectively in co-operation with their local forces and vice versa across a wide range of issues. They also collaborate with each other through the Port Police Chief Officers Association (PPCOA).

C6: Recruitment, training and retention are important to port police forces but some arrangements vary between forces. Ports need to provide an element of job satisfaction to compensate for pay differences and limited career opportunities compared with Home Office police.

C7: PPCOA members agree to achieve a common standard of training based as far as possible on the model of the Home Office police. Adaptation to their specific circumstances is nevertheless inevitable and they have addressed this by trying to develop their own model.

C8: Even in ports that have their own police force there is usually a role for security personnel who do not need to be police constables. However the PPCOA are concerned that in some instances where sworn constables in police uniform undertake only routine security (e.g. gate-keeper type) functions they may not be fully trained in the powers and duties of constables and they could find themselves exposed to situations in which they would not be able to cope.

C9: Occasions arise when port police need to exercise their powers outside their area of jurisdiction - normally the port estate and one mile beyond. It is becoming increasingly difficult for them to function fully effectively because of this distance restriction.

C10: Port police forces are not accountable to a statutory police authority in the same way as Home Office forces. The equivalent role is still required and this normally sits with the port authority itself.

## **Recommendations**

R1: To the extent that port police forces are making proper and effective use of their powers and fulfil a valuable role they deserve the full support of port management and of local police forces.

R2: Port police forces should aim to put in place a memorandum of understanding with the appropriate Home Office county force covering the types of issue set out in the example at Annex D.

R3: It is for each force and port authority to work out its own model and structure for operations. But there is no case at present for trying to harmonise powers or activities.

R4: Port police forces should have regard to the recruitment criteria set out in the Home Office National Recruitment Standards. Whilst not all the elements are appropriate to port police forces, the criteria will provide quality assurance and set a level playing field for the port police forces.

R5: For the purpose of drawing up a standard framework for a training programme the Chief Officers, in collaboration with their port authorities, the Home Office (and the NPIA) should identify best practice against the background of Home Office guidelines and current legislation.

R6: Port authorities that deploy uniformed constables on very limited functions such as purely gate-keeping should consider either equipping them with the appropriate training or replacing them with security personnel.

R7: Department for Transport should, in consultation with all stakeholders, explore means of changing the legislation to widen the jurisdiction prescribed in current legislation for members of port police forces to operate outside their ports.

R8: Port authorities should consider involving persons from outside the port authority in their monitoring role for the port police. As with territorial police authorities such persons might be members of local government, magistrates, other prominent members of the community.

R9: Port police forces should make full use of internet web sites and consider the potential value of producing an annual report.

## **Introduction**

Modern Ports – A UK Policy published by the Department for Transport - DfT (then DETR) in November 2000 noted the Government's concerns about the accountability of the port police forces. In response to a Parliamentary Question on 8 March 2001, Keith Hill, Parliamentary Under-Secretary of State at the time, announced the Government's intention to review the arrangements for port police within England and Wales. There are not known to be any port police forces in Scotland but there are two in Northern Ireland and a contribution has been made to this review by Belfast Harbour Police.

In order to carry out the review DfT officials visited each of the port police forces, and talked to the police and the port management to gather information. Extensive consultation took place with the Port Police Chief Officers Association, and with the Assistant National Coordinator Ports Policing (Protective Security).

## **"Ports policing" and Port Police**

As international gateways to the United Kingdom maritime ports of entry have specific security policing risks and requirements that have been the subject of detailed review elsewhere and aspects of which are subject to continuous review. Since 11 September 2001 the importance of maintaining a secure environment for our ports has increased. The National Co-ordinator Ports Policing (NCPP) and his team provide a strategic overview of the requirements of port security and ensure that there is effective co-operation between all police forces. The NCPP has a wide role to encompass the co-ordination of both uniform and Special Branch ports policing. This covers the whole range of situations from coordinated operations at major air and sea ports to devising a small ports policing strategy. This review does not look at ports policing as such, or issues of security. It is concerned specifically with the activities of dedicated police forces in those ports that have their own. These forces participate in the NCPP agenda but their role goes wider to include most aspects of basic policing. The paper describes their roles and examines their accountability in the light of their statutory powers.

C1: Policing of UK borders has increased in importance and is a shared responsibility. Port police forces do not exist for this purpose but they play an important role in maintaining the safety and security of sea port estates.

Responsibility for policing Scottish ports falls to the eight regional police forces in Scotland which come under the control of the Scottish Executive not the Home Office. The review does however include information about Belfast Port Police which is constituted along similar line to the forces in England.

Located within the Association of Chief Police Officers (ACPO)

## History and organisation of Port Police forces

### Independent police forces

The port police forces belong to a category of independent police forces that have origins in specific legislation, much of it from the nineteenth century. Other examples are the Hampstead Heath Constabulary, York Minister police, and the Cambridge University Constabulary. They all employ sworn constables who have in common certain powers and duties, but whose jurisdiction is tightly circumscribed. In contrast, members of Home Office police forces, sometimes known as territorial police forces, derive much of their powers from modern legislation - the Police Act 1964, the Police Act 1996 (in England and Wales), the Police (Scotland) Act 1967 or the Police (Northern Ireland) Act 2000. The Police Act 1996 outlined the areas of responsibility for the 43 territorial forces of England and Wales (found in Schedule 1 of the Act) and prescribed a range of matters such as appointment of a Chief Constable, jurisdiction and responsibilities.

### Port police forces

Eight sea ports in England and Wales and two in Northern Ireland now have their own police force. These are (with manpower in parentheses):

Belfast (38)	Liverpool (46)
Bristol (20)	Larne (6)
Dover (47)	Portland (10)
Falmouth (4)	Teesport (13)
Felixstowe (27)	Tilbury (13)

Further details are given in Annex A.

The number of ports with a dedicated police presence has declined over the last two decades. In 1977, when a large element of United Kingdom port capacity was still in public ownership under the British Transport Docks Board and the British Railways Board, over twenty-eight ports had a dedicated police presence amounting to over 1100 officers. These are shown in Annex B from which it can be seen that the major change has been for the public sector ports staffed by the British Transport Police, a national police force now dedicated to policing the railways.

Today's port police forces vary in size from nearly 50 officers at Dover and Liverpool to 4 at Falmouth. Collectively, however, these ports account for over 40 per cent of the UK's non-oil traffic, which means their police are in contact with and potentially guardians of millions of pounds worth of traded goods every year.

Each force is led by a chief officer who is able to participate in the work of the Port Police Chief Officers Association (PPCOA) which meets regularly to discuss matters of common interest. Chief Officers or members of their forces may also cover the role of Port Facility Security Officer as provided for by

International Ship and Port Security Code 2004 (ISPS). Most forces include some civilian staff and they may also be responsible for security personnel within the port.

## **Powers of constables**

Port police powers are not wholly equivalent to those of the modern police officer. Port police forces consist of constables sworn in by magistrates on the nomination of the port. A constable is a common law term, and all police officers, including Home Office police officers, are constables. Home Office police officers may, however, have additional statutory powers not held by port police officers under legislation that is applicable only to them.

Unlike Home Office police, port police constables are appointed under legislation that incorporates Section 79 of the Harbours Docks and Piers Clauses Act 1847 (HDPCA), or a similar provision into other legislation specific to a particular port. The HDPCA legislation, which is reproduced at Annex C provides the power for any two Justices to appoint any persons nominated by the statutory undertakers (the port authority) to be special constables within the limits of the harbour, dock or pier and the premises of the undertakers and within one mile beyond (however this limit can vary depending on the local act). The HDPCA states that such constables shall have the same powers, protections and privileges and be subject to the same liabilities as constables have or are subject to by the laws of the realm. Section 80 of the HDPCA also provides a power for any two Justices to dismiss any constable appointed under Section 79. At Dover, the power for Justices to dismiss constables under section 80 (HDPCA) has been adapted so that the dismissal from the office of Constable is automatic if the Harbour Board, as a statutory undertaker, dismisses a constable from its employment.

There are two important points of clarification of the term "constable":

In the most general context a "constable" is usually taken to refer to the lowest rank in the police service. However the purposes of legislation, legal powers and jurisdiction "constable" includes all officers of any rank.

Some confusion can also be caused by the fact that the HDPCA refers to special constables. This term is also used of the special constables of Home Office police forces who are part-time and unpaid volunteers coming under the direction and control of the chief constable of the force concerned.

C2: Port police forces are distinct from Home Office forces. They range in size from 4 to around 50 personnel and differ in the precise functions they undertake. Sworn constables are nevertheless empowered to deal with broadly the same types of issues as Home Office police but restricted with respect to location.

## **Relationship to local police**

As previously stated port police forces play an important role in maintaining the safety and security of sea port estates. Port areas can be extensive and may be legitimately frequented by a large number of people who are transiting the port, for brief periods, often with the means of moving large quantities of goods.

Frequently a range of businesses from car dealerships to freight forwarders have semi-permanent premises on the port estate and their employees are involved in routine daily business that is not necessarily concerned directly with overseas trade. Access to ports and movement within them must still be controlled. This is not in itself a policing function but more of a commercial security one. Nevertheless, some port authorities feel that a uniformed police presence is of value to them because it gives their customers confidence that their property is protected. In fact port customers with premises outside the port estate but within the radius of port police operation, have often sought the benefit of port police cover. Goods within the limits of a port are often of considerable value; they can be hazardous or dangerous substances, are obviously transportable, and are usually outside the supervision of their owners. Such property can therefore be at greater risk of theft, damage or misuse than property in ordinary private premises.

The presence of police in a port tends to be associated in the public's mind with controls on entry, drug smuggling and anti-terrorism. These matters are actually the responsibility of other bodies, such as the Border and Immigration Agency, HM Revenue and Customs or Home Office Special Branch. Where these agencies do not have 24 hour cover, however, the port police will cover for them since any infringement of the law, whether it is routine crime, or related to immigration, customs or terrorism, can be dealt with by a constable. It is often a discovery made by port police which results in the other agencies being engaged, and the port police supporting the subsequent investigations.

Port police are certainly perceived by their employers as capable of providing a resource saving to the port itself. They fill a gap between outright reliance on security personnel, closed circuit monitoring and other protection methods, and the call on local police which is commonly available to all. Old fashioned beat policing is ideal for a port where there is a large concentration of high value goods because it not only offers a deterrence to crime but ensures incidents can be attended quickly and effectively. Detailed knowledge of the workings of a port may mean port police can, with little or no impact on the running of the port, control an incident while they await backup or specialised units whereas reliance on Home Office police might require closure of parts of the port.

A privately funded police presence at the port can therefore take some resource pressure off the local police force, particularly in those ports where the numbers of incidents requiring a police attendance are high. The success of the port police forces is therefore recognised by port management and by local forces and they deserve full support.

C3. Port police are perceived by their employers as capable of providing a resource saving to the port itself. A privately funded police presence at the port can also take some resource pressure off the local police force.

R1: To the extent that port police forces are making proper and effective use of their powers and fulfil a valuable role, they deserve the full support of port management and of local police forces.

## **Working with local police**

As explained earlier, all port police have the right to exercise full constable powers, although the extent to which they do so varies between forces. The precise powers available are established in many different pieces of legislation including port specific measures. Although most of these powers are similar for all forces, the actual duties of the port police may vary from port to port. Annexes E to L contain specific

information for each port.

Port police forces do not have the same resources as Home Office forces and for this and other reasons may work in a different way to the local police. But the two types of force do not work in conflict or in competition with each other and there are certainly no claims to superiority. They tend to have good arrangements for mutual assistance and collaboration such as pooling equipment or cooperating in operations and exercises.

At most ports the port police are responsible for all routine police matters within the port, in the same manner as Home Office police in town and country. As port police do not, in general, have the specialist training or resources to lead on serious crime such as terrorism or murder these would be referred to the Home Office police but the port police would provide support. Conversely not all territorial police forces with a coastline have teams trained and skilled to act as effectively in the potentially dangerous environment of an operational port; some port police have better experience of the wet-side, for example, controlling sea-borne demonstrators.

The role for port police to cover wet-side issues is probably increasing. Portland Port Police, one of the smallest forces, can be expected to have an important role during the 2012 Olympic Games. Most Home Office police forces with coastlines have maritime capability but port police often have specialist knowledge, experience and equipment that enable them to undertake tasks that would be less easy for the local force.

It is undoubtedly of mutual benefit that port police can generally enforce alcohol testing of mariners under the Railways and Transport Safety Act 2003, and offences contrary to Merchant Shipping Act, International Ship and Port Security Code 2004 (ISPS) and byelaw offences of a maritime nature.

There are differences between ports in the way that their police forces process offences. Some deal with charges up to prosecution stage, some make use of the local HO force Administrative Support Unit, and at others all offences are handed over to the local HO force from the time of detection of the offence. The differences are attributable to the circumstances at individual ports. The frequency of different types of offence and the capability to deal with them, for reasons of training or availability of administrative support, are the main considerations. It is also likely that appropriate handling will be subject to agreement with the local force.

## **Memorandum of Understanding**

Most of the port police forces co-operate closely with the local HO forces across a wide range of issues. Training facilities, equipment and courses are often shared on an informal basis. However, there is a place for more formalised arrangements. Police at the Ports of Liverpool and Bristol both have formal agreements with their respective Home Office forces. A Memorandum of Understanding between the Port of Liverpool Police and Merseyside Police is given as a model at Annex D. It sets out the agreed cross provision of services.

Experience suggests that, all port police forces would benefit from having a formal agreement with their local HO forces covering as a minimum the issues set out in the Memorandum of Understanding between the Port of Liverpool Police and the Merseyside Police (Annex D). This will help to ensure that co-operation in all areas including training and the sharing of information will be consistent for the benefit of all parties. Funding of these mutually beneficial activities should be a matter for individual ports to

discuss with the HO force.

For ports that do not have their own police forces, a formal agreement with the local Home Office police is equally valuable in establishing levels of service and working methods between the port authorities and the police.

There is also significant co-operation between the individual port police forces. There is some important sharing of training, which is described in the next section. There are no formal agreements in place regarding cross-provision the Port Police Chief Officers' Association (PPCOA) which meets regularly during the year provides a discussion forum where experience and best practice can be shared.

It remains a matter for individual port authorities and police forces to decide what is the most effective and appropriate mode of operation. Whilst exchange of good practice is always to be encouraged, harmonization of all powers and activities is not practicable under independent port ownership.

C4: Port police forces do not have the same resources as Home Office forces and for this and other reasons may work in a different way to the local police. They tend to have good arrangements for mutual assistance and collaboration such as pooling equipment or cooperating in operations and exercises

C5: There is much evidence of all port police forces working very effectively in co-operation with their local forces and vice versa across a wide range of issues. They also collaborate with each other through the Port Police Chief Officers Association (PPCOA).

R2: Port police forces should aim to put in place a memorandum of understanding with the appropriate HO county force covering the types of issue set out in the example at Annex D.

R3: It is for each force and port authority to work out its own model and structure for operations but there is no case at present for trying to harmonise powers or activities.

## **Recruitment, training and retention**

For employers that have to provide specialised training for new recruits, retention is important in order to get a return on the investment. This is particularly the case for smaller bodies such as the port police forces. The ability of the forces to hold on to staff depends heavily on good management and job satisfaction.

Recruitment and training arrangements do vary between forces. For territorial police forces in England and Wales the Home Office have set national standards for recruitment. These are set out in the Home Office Circular 051/ 2003 entitled 'National Recruitment Standards - Eligibility Criteria for Police Recruitment and Consistent Recruitment Practices'. Applicants must conform to medical, age and nationality conditions. They are also subject to financial vetting, literacy and numeracy tests, and any history of convictions for various offences is taken into account.

Each port police force has its own recruitment policy. Some recruits are from territorial forces with the advantage that basic police training has been undertaken and certain standards have been demonstrated. But port police requirements are not generally linked to HO national standards because the port environment calls for an amount of specialised knowledge. Some forces nominate constables from their own civilian security staff and it is always possible to recruit direct into the force and achieve desired

standards by means of appropriate training. Because uniformed port police fulfil the constable role that is not applicable to security personnel. It would seem sensible for ports forces to have regard to the recruitment criteria set out in the Home Office Circular 051/ 2003 entitled 'National Recruitment Standards - Eligibility Criteria for Police Recruitment and Consistent Recruitment Practices. Whilst not all the elements are appropriate to port police forces, the criteria will provide quality assurance and set a level playing field amongst the port police.

Retention of trained staff can be a problem. Because of the size of the forces scope for career advancement is limited and particularly ambitious officers will be tempted to take their training and experience to a Home Office force where the pay and prospects may be better. Nevertheless, for some these considerations are not so strong and the positive attractions of working in a specialised area of policing prevail. Ports can be the challenge of providing compensation in the form of job satisfaction and it is the case that police officers sometimes make a career move in the reverse direction from territorial forces to ports forces.

The Police Act 1996 provides a statutory framework for the organisation, representation, conduct, complaints and disciplinary proceedings for HO forces. No such statutory framework exists for the port police forces. As port police officers are employees of the individual port authorities their terms and conditions of service are a matter for each authority in the same way as all other port employees and can vary widely from port to port. Nevertheless adherence to HO police standards is the aim and at least one port has a provision that any member of its force who is dismissed, automatically loses the office of constable at the same time.

Training for PPCOA member forces has undergone significant improvement over the past 30 years, this being largely in line with port police officers becoming more professional. The port police forces would like to achieve a common standard of training as far as possible based on the model of the Home Office police. The PPCOA have long recognised the link between training and professional credibility and as a result have for several years been running the national probationer training programme designed by the National Policing Improvement Agency (NPIA - formerly Centrex). Some forces have trained officers at NPIA establishments. Tilbury are one of these and is now sending recruits to the Essex Police Training College. Others, such as Dover and Liverpool, deliver the package in-house, using trainers with nationally recognised training qualifications. For the last few years Dover has extended its training facilities to other port police forces and now regularly provides training for officers from Bristol, Tees & Hartlepool and Felixstowe.

Apart from probationer training, a range of other courses are provided in line with NPIA recommendations. These include training in:

- officer safety training
  - control & restraint, unarmed defensive skills, conflict management, use of ASP baton, rigid handcuffs and CS Spray
- driving
- port related law
- health and safety
- first aid
- port security

During 2006, NPIA (then Centrex) changed its Probationers' programme to a competency based Initial Police Learning & Development Program (IPLDP). This change rendered the Centrex program far less appropriate and accessible for the port police forces due to the investment required with trained assessors and verifiers in each force and the generally much longer period of training required with competency based assessment. Without the adoption of the full IPLDP package, NPIA could not countenance providing the package to PPCOA forces. PPCOA have therefore had discussions with NPIA with a view to developing a modular course for Port police officers with a series of core modules common to all forces and a number of additional modules from which each force will choose ones relevant to its needs. This would be based on the majority of material contained within the IPLDP package and accredited by an independent awarding body, by way of examination or other assessment method. For the purpose of drawing up a standard framework for a training programme the Chief Officers, in collaboration with their port authorities, the HO (and the NPIA) will need to identify best practice against the background of HO guidelines and current legislation.

Where a port police force employs a combination of sworn constables and other security personnel it is important that the latter also have an appropriate degree of training for the tasks they are expected to undertake. These staff are not within the scope of this review but it is to be noted that, whilst not being accredited police officers themselves, they play an important part in support of them. A cause for concern however, is that in some instances port police constables have been known to fulfil only gate-keeping type functions. In these circumstances it is questionable whether full constable powers add value if they are not being used. And the PPCOA are particularly concerned that if these officers were not appropriately trained in the powers and duties of constables they could find themselves exposed to situations in which they would not be able to cope. Where this may be happening the port authorities should examine whether they should rely entirely on civilian staff working with local police or ensure that their own warranted police officers receive training in core policing skills.

C6: Recruitment, training and retention are important to port police forces but some arrangements vary between forces. Ports need to provide an element of job satisfaction to compensate for pay differences and limited career opportunities compared with Home Office police.

C7: PPCOA members agree to achieve a common standard of training based as far as possible on the model of the Home Office police. Adaptation to their specific circumstances is nevertheless inevitable and they have addressed this by trying to develop their own model.

C8: Even in ports that have their own police force there is usually a role for security personnel who do not need to be police constables. However the PPCOA are concerned that in some instances where sworn constables in police uniform undertake only routine security (e.g. gate-keeper type) functions they may not be fully trained in the powers and duties of constables and they could find themselves exposed to situations in which they would not be able to cope.

R4: Port police forces should have regard to the recruitment criteria in the Home Office National Recruitment Standards. Whilst not all the elements are appropriate to port police forces, the criteria will provide quality assurance and set a level playing field for the port police forces.

R5: For the purpose of drawing up a standard framework for a training programme the Chief Officers, in collaboration with their port authorities, the HO (and the NPIA) should identify best practice against the background of HO guidelines and current legislation.

R6: Port authorities that deploy uniformed constables on very limited functions such as purely gate-keeping, should consider either equipping them with the appropriate training or replacing them with security personnel.

## **Jurisdiction**

Section 79 of the HDPC Act 1847, where adopted, provides that the jurisdiction of the port police is generally limited to the port area and one mile beyond. This geographical limit is echoed in Schedule 2 of the Harbours Act 1964 under which ports can seek the power to request the appointment of constables on nomination from a Justice of the Peace. For Tees and Hartlepool Port Police the jurisdiction extends to two miles beyond the port limits and the Port of Tilbury Police have powers of arrest anywhere outside the port area when they are pursuing a person in connection with a matter arising at the port. Outside these limits port police officers do not have constabulary powers.

Port police officers are sometimes called upon to assist HO police officers and members of the public outside the port estate. They will sometimes attend incidents in lieu of local police for reasons of proximity and immediate availability. In general members of the public would not visually distinguish a port police officer from a local police officer in uniform, let alone appreciate the subtle distinctions in powers. There is a risk that in certain circumstances a port police officer and his port authority could find themselves liable for action taken in good faith but outwith the law because officers can be drawn beyond the limits of their own jurisdiction.

In certain forces port police officers regularly have to escort prisoners to local police stations as the ports themselves do not have detention facilities. They do this in accordance with well established procedures under the Police and Criminal Evidence Act 1994 (PACE). In many instances the nearest police station designated for such purposes under PACE, is now more than one mile away from the port. Where local police have not been available, it has been known for the port police officers to escort prisoners outside the jurisdiction of their powers. This puts both the officers and members of the public at risk. This is unacceptable and must be rectified.

PPCOA have also said that the current limits of jurisdiction can also hinder investigation of crimes committed within a port. This may be a matter for negotiation with HO forces. Port police would not act in the territory of a local police force without first notifying them and seeking their assistance.

The PPCOA recognises that it would not be appropriate for the port police to have jurisdiction throughout England and Wales equivalent to the HO police; they have, however, asked to have the option of extending their jurisdiction to cover the circumstances exemplified above.

It is important that any proposed extension of jurisdiction is not seen by the local HO forces as an extension to their resources and the exercise of any increased power should be recognised in a formal agreement with the local force. It is also essential that, if port police forces are to have increased limits of jurisdiction and be able to act in the circumstances outlined above, they should conform in relevant respects to the national standards for Home Office forces outlined earlier.

C9: Occasions arise when port police need to exercise their powers outside their area of jurisdiction - normally the port estate and one mile beyond. It is becoming increasingly difficult for them to function fully effectively because of this distance restriction.

R7: Department for Transport should, in consultation with all stakeholders, explore means of changing the legislation to widen the jurisdiction prescribed in current legislation for members of port police forces to operate outside their ports.

Section 155 of Port of London Authority Act 1968 and Section 103(4) The Tees and Hartlepool Ports Act 1966

## **Accountability**

Port police forces are not accountable in the same way as Home Office forces to a statutory police authority. Each Home Office force has a local police authority whose main role is to ensure an efficient and effective service. Police authorities publish annual policing plans, prepared in consultation with the Chief Constable, and set targets and objectives. They are also responsible for: setting annual budgets and ensuring that best value is achieved; monitoring the way in which the forces deal with complaints from the public; running Custody Visitors Schemes to check the welfare of people kept in custody; appointing senior officers; and consultation with the local communities.

For the port police, these activities, to the extent that they are needed, are subsumed within the role of the port authority or board. Forces generally have their own budgets for which they are accountable to the board of the port. They are normally subject to performance monitoring but the chief officer and his force will nevertheless have full operational independence, in keeping with their status as constables having a separate allegiance to the Crown.

For the purpose of overseeing the performance and activities of the police force, some port authorities have separate committees and will co-opt suitable members of the local community, such as a magistrate or a senior local police officer, to bring specialised knowledge of law enforcement functions to their monitoring or supervisory roles.

Most port police forces have websites or at least sections on the port website and some publish an annual report. Such publicity activity can help to deliver the objective of giving the port an image of a safe and secure place.

For the purpose of dealing with official complaints the Port of Liverpool and Port of Tilbury Police use the Independent Police Complaints Commission (IPCC). Teesport Port Police are awaiting IPCC ratification from the Home Office to do the same and other port police forces are aiming to go through the process.

C10: Port police forces are not accountable to a statutory police authority in the same way as Home Office forces. The equivalent role is still required and this normally sits with the port authority itself.

R8: Port authorities should consider involving persons from outside the port authority in their monitoring role for the port police. As with territorial police authorities such person might be members of local government, magistrates and other prominent members of the community.

R9: Port police forces should make full use of internet web sites and consider the potential value of producing an annual report.

## **Governance**

Historically there has been no sponsoring link between the Government and port police forces. The DfT has the closest departmental link, and has assumed responsibility for the port police, because they are established under harbour legislation for which the DfT is responsible. However, it has no real sponsorship role.

The Home Office is responsible for standards and general legislation in relation to the police service and to the powers and responsibilities of constables. Individual constables, including those in port police forces have allegiance to the Crown through the courts that appoint them. The Home Office is also generally responsible for the policing of seaports and airports particularly in relation to security and border management matters. As such they would inevitably deal with port police as well as local police forces in port areas.

The PPCOA liaises with Home Office, ACPO (Association of Chief Police Officers), and DfT officials as necessary. Their close working relationship with the Office of the National Co-ordinator Ports Policing at ACPO and TRANSEC at DfT ensures their ports policing activity supports the National Maritime Security Strategy and is integrated into the main stream policing.

## **General conclusion**

Port police forces should continue to play an important role in maintaining the safety and security of port estates, for the benefit of port authorities, their users and the general public. Their role in maintaining a secure environment for our ports has actually increased in importance since 11 September 2001, and it is vital that they are able to use their powers effectively to achieve this. Despite their somewhat curious independent status, they have not become an historical anomaly but have modernised to emulate Home Office forces. A further improvement to their operational capacity could be achieved by a legislative change to increase their geographical jurisdiction a little further beyond the port boundary.

The question of whether ports should have their own police forces at all should of course be a matter for the individual port authorities, but there is a strong consensus that all port police forces should strive to meet recommended national police standards in all aspects of their operations.

## **Annexes**

### **Annex A**

#### **Port Police Forces 2007**

Port	Establishing Legislation	Staff
Bristol	Harbours Docks & Piers Clauses Act 1847	20 sworn in officers - all uniformed, no CID 1 Chief Police Officer (Inspector) 4 Sergeants 15 Constables 10 Police Support Officers 1 Administrative support
Dover	Incorporation of Harbours Docks and Piers Clauses Act 1847 (Section 79) into Dover Harbour Consolidation Act 1954 (Section 3(2))	47 sworn in officers â 43 uniformed, 4 CID 1 Chief Officer 1 Deputy Chief Officer 1 Detective Sergeant 1 Training Sergeant 5 Uniform Sergeants 35 Constables 3 Detective Constables 12 Administrative support
Falmouth *	Harbours Docks and Piers Clauses Act 1847 Falmouth Docks Act 1959	4 sworn in officers â all uniformed constables

Port	Establishing Legislation	Staff
Felixstowe	Harbour Docks & Piers Clauses Act 1847 (Section 79)	27 sworn in officers - all uniformed, no CID 1 Chief Officer (Chief Insp) 1 Inspector (Operations) & Deputy chief officer 1 Station Sergeant 4 Watch Sergeants 20 Constables 5 Administrative support (4 full time, 1 P/T)
Liverpool	Mersey Docks and Harbour (Police) Order 1975 SI No. 1224	46 sworn in officers - 40 uniformed, 6 CID 1 Chief Police Officer 1 Superintendent 1 Detective Inspector 1 Inspector 4 Sergeants 1 Training Sergeant 1 Detective Sergeant 32 constables 4 Detective Constables 2 Administrative support
Portland *	Harbour Docks & Piers Clauses Act 1847 (Section 79)	10 sworn in special constables

<b>Port</b>	<b>Establishing Legislation</b>	<b>Staff</b>
Teesport	Tees and Hartlepool Port Authority Act 1966	13 sworn in officers â all uniformed, no CID 1 Chief Officer 2 sergeants 10 constables 1 Administrative support
Port of Tilbury	Port of London Act 1968	13 sworn in officers - all uniformed, no CID 1 Chief Officer 2 Sergeants 10 Constables 6 Administrative support
Belfast *		38 sworn in officers, 2 CID 1 chief Officer 6 Sergeants 23 Constables (2 CID)
Larne*		6 officers
Total		224

Information provided by PPCOA except \* where information from the port police or other source

## **Annex B**

### **Port Police in 1977**

In 1977 there were 1137 statutory constables operating at ports.

There were nine ports in Great Britain with their own police forces:

<b>Port</b>	<b>No. of officers</b>
Port of London Police	282
Port of Liverpool Police	170
Manchester Dock Police	103
Port of Bristol Police	60
Dover Harbour Board Police	54
Port of Felixstowe Police	36
River Tees Police	24
Falmouth Docks & Engineering Company	10
Milford Dock Police	3

There were also a total of 395 British Transport Police providing a police presence in ports:

<b>Port</b>	<b>No. of officers</b>
Southampton	96
Hull	78
South Wales Ports	67
Grimsby	33
Parkestone Quay	28
Dover	26
Folkestone	23
Immingham	17
Newhaven	13
Holyhead	12
Stratford Lift	10
Lowestoft	7
Plymouth	6
Heysham	5
Fishguard	5
Goole	5
Wyre	5
Garston	4
Weymouth	4
Kings Lynn	1

## **Annex C**

### **Harbours, Docks and Piers Clauses Act 1847 (c.27)**

#### **Harbour and dock police**

And with respect to the police of the harbour, dock, or pier, be it enacted as follows:

Justices to appoint special constables named by the undertakers

79. Any two justices may appoint such persons as shall be nominated for that purpose by the undertakers to be special constables within the limits of the harbour, dock, pier, and premises of the undertakers, and within one mile of the same; and every person so appointed shall be sworn in by any such justices duly to execute the office of a constable within the limits aforesaid, and when so sworn in shall have the same powers, protections, and privileges within the limits aforesaid, and shall be subject to the same liabilities, as constables have or are subject to by the laws of the realm.

### **Dismissal of constables**

80. Any two justices may dismiss any such constable from his office, and upon such dismissal all powers, protections, and privileges vested in such constables shall cease.

## **Annex D**

### **Merseyside and Port of Liverpool Police: Memorandum of Understanding**

The Memorandum of Understanding sets out the principles of co-operation agreed between the Chief Constable of Merseyside Police (Merseyside Police) and the Chief Officer of the Port of Liverpool Police (Port Police).

It provides an understanding of operational policing responsibilities and the partnership style of co-operation required to achieve an effective policing of the Port of Liverpool (including Birkenhead) and the adjoining areas.

It recognises that whilst the Port Police exist to police the Dock Estates of Liverpool and Birkenhead owned by The Mersey Docks and Harbour Company, Merseyside Police has a legal duty to maintain a police service throughout Merseyside.

### **Operational**

The Port Police will provide its resources to meet its commitment and will be the initial response for all reported incidents inside the Port, provided it is within its resource and skills capability. Otherwise it will call upon Merseyside Police to deal or investigate.

When the Port Police receive reports of serious crime or serious incidents within the Port such as:-

- Murder
- Rape
- Serious Life Threatening Assaults
- Armed Crime
- Crime requiring significant or specialist resources to investigate
- Fatal Traffic Collisions
- Large Scale Disorder
- Terrorism and Subversion
- Extradition Matters

These will be subject to handover to Merseyside Police to investigate and manage. Handover or shared responsibility will be as a result of consultation between the relevant Area Commander and the Chief Officer of the Port Police. A policy document will record the decision making process.

Reports received in the Port Police Control Room concerning serious incidents or serious crime included in the aforementioned list which require immediate attention of deployment of Port Police resources, then the following procedure will be adopted:-

The duty Port Police Supervisory Officer will be informed and will ensure the notification of the crime or incident to the Merseyside Police Force Incident Manager. The Supervisor will then risk assess deployment of Port Police officers to the incident in order to secure the scene and any evidence prior to the deployment of Merseyside Police officers.

The Port Police will continue to investigate sudden deaths arising from industrial accidents and incidents in line with the national protocol with the Health and Safety Executive, but should evidence emerge which casts doubt or increases suspicion, then Merseyside Police should take over the enquiry.

In order to provide for the mutual support of each Force to the other, and in an effort to reduce the number of incidents to be transferred to Merseyside Police, Merseyside Police may provide specialist skills, equipment and services, and prisoner facilities without cost to the Port Police and the Port Police may in turn provide services, within its purview, which may benefit the Merseyside Police.

Merseyside Police accept that as areas of the Port are developed for leisure, residential and unrelated commercial ventures, and in turn form part of an adjacent community, then direct policing responsibility will transfer from the Port Police to Merseyside Police. Delineation of those areas will be determined in consultation between the Chief Officer of the Port Police and the relevant Area Commander of Merseyside Police and recorded as part of this document.

It is agreed that the Port Police will continue to present a highly visible presence in such areas whilst passing through them to their own areas of responsibility. They will respond to incidents, back-up Merseyside Police if requested, and provided resources permit, will attend any incidents when reasonably requested to do so by the Merseyside Police and in turn supply the requisite report to the relevant area. In addition, again provided resources and demand permit, the Port Police will respond on behalf of the Merseyside Police to incidents outside but immediately adjacent to the Docks, provided this falls within their area of legal jurisdiction, and that a proper risk assessment has been completed. If an existing alarm monitoring service is already provided by the Port Police to premises where policing has been transferred to Merseyside, then this will continue. New proposals for alarm monitoring in Merseyside Police areas will only be agreed after consultation with the respective Area Commander.

## **Custody Facilities and Prosecutions**

All Port Police prisoners will be taken to and accepted at an available Custody Suite in Merseyside. (See separate (S.L.A.) for full detail).

Consideration should be given to the fact that apart from St. Anne Street and Birkenhead other Custody Suites are outside the jurisdiction of Port officers.

Port Police will continue their own independent prosecution process and file management, including direct contact with C.P.S.

However, in the event of a Port Police officer making an arrest outside the Port and for an offence in the Merseyside area, not related to the Port, then the reporting and file management procedure will follow the relevant Merseyside Police area system, unless in a specific case a separate agreement is reached between the relevant Area Commander and the Chief Officer of the Port Police.

The dilemma of a Port Police officer in uniform in a marked police vehicle which is confronted by an incident, but outside the mile boundary of his power, is recognised. i.e. Public perception and expectations.

It is paramount that Merseyside officers are aware of this when summoned to assist Port officers who have either exercised their powers as a citizen or taken temporary control of an issue e.g., traffic congestion at scene of a R.T.C. etc., that that officer does not have the powers of a Constable. The Merseyside officer must take over at the earliest opportunity. In these circumstances Port officers should not conduct enquiries. Prisoners should be handed over, but in the event of a Merseyside officer not being available, then prisoner(s) should be transported to a Custody Suite forthwith and handed over.

The other issues for Port officers whilst operating:-

- Outside Port (Crime) - Non-Port offence(s) → Merseyside Police → arrest for crime → take to Custody Suite and HAND OVER.
- Outside Port (Non-Crime) → Port officer deals → if arrests, to Custody Suite but follow Merseyside process (e.g., Drink Drive → Drunk & Disorderly → Disqualified Driving).

If no arrest report via Merseyside process e.g. Traffic Offences.

- Inside Port - but arrests for offence(s) previously committed outside Port, detain and take to Custody Suite for hand-over. No enquiries by Port officers.

In the event of an incident occurring involving large numbers of demonstrators etc., with the potential for large numbers of arrests, a previously agreed plan, agreed by both parties, will be put in place which ensures continuity of evidence in the correct identification of arresting officer i.e. prisoner photographed with arresting officer.

## **Legal Claims**

In the event of any legal claim/civil action following an arrest or action by a police officer(s) of either Force, which has the potential to impact on the other, then each party will consult with the other, prior to any admissions of liability, provided always that such consultation shall not be obligatory in the event of a conflict of interests.

## **Press and Publicity**

In the event there is a need for a press release or press conference relating to an incident in the Port or adjacent thereto, which has an impact upon or involves both Forces, consultation will take place between the respective Press Departments and in appropriate cases, the relevant Area Commander and the Chief Officer of the Port Police. Merseyside Police will take the lead on press matters which affect both Forces, unless by agreement in any given case, both parties agree that the Port Police will take the lead on a particular issue.

## **Training**

Both Forces recognise that in order to achieve the aim of this protocol and provide the best standard of policing required, the Port of Liverpool Police officers need to be trained to the highest possible standards.

It is therefore agreed that:-

- Merseyside Police may, from within its own training programme, provide facilities for members of the Port Police with core training, which includes investigation and operational matters.
- These facilities will extend to all operational officers including investigators and supervisors.
- The Port Police may reciprocate by providing trainers and training venues and facilities for use by Merseyside Police officers.

It is agreed that the above services and facilities will be provided by the respective "host Force" at no cost.

## **Support**

Merseyside Police will provide controlled access to:-

- P.N.C. - Access via respective Control Rooms.
- I.S.B. - Local Intelligence Units (ORACLE) (See Separate S.L.A. document for full details).
- C.R.O. - For criminal records search.

Checks to include the following vetting issues:-

- New recruits to the Port Police.
- Security personnel to be trained and involved in anti-terrorist roles connected to
  - Aviation & Maritime Security Act (A.M.S.A.).
  - The International Ship & Port Facility Security Code (ISPS) (effective July 2004).
- I.C.J.S. - At Custody Suites, via Merseyside Police Personnel to provide relevant data used for prosecutions and file preparation.
- The supply of uniform clothing and attendant equipment. i.e., The Port of Liverpool Police may procure uniform and other goods/services from IOMA clothing in conjunction with Merseyside Police Purchasing and Supplies Department. (This service attracts an agreed administrative fee for Port Police see separate S.L.A. document).
- The machinery for Scenes of Crime and Forensic when it is beyond the capability of the Port Force.

Merseyside Police may, upon request, and subject to operational availability, provide the services of an officer of appropriate rank to conduct investigations concerning complaints by the public and/or internal reports or allegations concerning the conduct of Port Police officers.

Merseyside Police will, upon request and subject to operational availability, provide the services of a 2 approved Superintendents and when appropriate the services of an Assistant Chief Constable, to the Port of Liverpool Police for the purposes of Misconduct Hearings in accordance with the separate SLA.

Merseyside Police will, in accordance with a separate Service Level Agreement, permit the Port of Liverpool Police to utilise their policy, procedures and arrangements for dealing with vehicles seized in accordance with Section 59 of the Police Reform Act 2002 and Section 152 of the Serious Organised Crime and Police Act 2003.

The Port Police will reciprocate where possible by making equipment and premises available for special events, occasions and training. The Port Police will also permit access to its CCTV system should it be suitable for a local adjacent operation, and via The Mersey Docks and Harbour Company will facilitate accommodation for Port Units at Irish Sea Ferry venue(s), and the Port Police will supply alarm monitoring and response service free of normal charge to such premises.

## **Review**

The mutually supportive arrangements provided for this Memorandum of Understanding will be subject to regular review by either or both Forces, and in any event a formal process every 2 years of this agreement and on every second anniversary thereafter.

The continued review should include efforts to reduce demand on Merseyside Police by the Port of Liverpool Police in connection with PNC and Intelligence (Oracle) enquiries, with the aim of legally permitting the Port Police direct access to and authorised but controlled levels of both services.

Each Force will then co-operate with the other in seeking to agree any amendments which either Force believes necessary for the practical or cost-effective co-operation of the Forces.

Dated: 11/11/2011.

Signed for 11/11/2011

Merseyside Police

Signed for 11/11/2011

Port of Liverpool Police

## **Annex E**

## **Port of Bristol Police**

### **Background**

The Port of Bristol Police (PoBP) are a non Home Office force of uniformed, warranted officers whose purpose is to protect the port complexes and community situated at the mouth of the River Avon on the border between Bristol and Somerset. Officers are sworn under powers in legislation derived from the Harbours, Docks and Piers Clauses Act 1847.

The PoBP has existed at the Avonmouth Docks since 1884, but has been in its present form since the end of the Second World War. The PoBP in modern times is responsible for the policing and certain security measures at Avonmouth Docks, Royal Portbury Dock and the trading estates owned by The Bristol Port Company that are situated at the outskirts of the port areas.

First Corporate Shipping Limited, trading as The Bristol Port Company, are the statutory undertakers (within the meaning of the Police and Criminal Evidence Act 1984) of the harbour area and are solely responsible for financing and employing the PoBP.

### **Mission Statement**

"The aim of the Port of Bristol Police is to safeguard the well-being and property of those using the port and the local community by the effective and proper enforcement of legislation and regulation whilst maintaining the traditional policing standards the public expect."

### **Memorandum of Understanding**

The port does not constitute a separate police area; it remains within the Force Area of Avon & Somerset (A&S) Constabulary. There is a Memorandum of Understanding (MoU) between the PoBP and A&S, which formalises and reiterates the long-standing arrangement that agrees that the PoBP will deal with all policing within the port area, with the exception of the most serious incidents and offences such as murder, acts of terrorism, etc. The MoU also allows for the mutual provision of training requirements and the provision by A&S to the PoBP of specialist roles such as Crime Scene Investigators, Dog Units, Custody Suite Facilities and the use of Administrative Support Units following the charging of offenders.

### **Jurisdiction**

Although the PoBP possess constabulary powers for up to one mile outside the port's limits, in practice their remit is to concentrate on policing the port area. Within that the PoBP are responsible for the prevention and detection of offences including those involving assaults, property, road traffic, maritime matters (including The Railways and Transport Safety Act 2003 and International Ship and Port Facility Security Code (ISPS)) and enforcing and prosecuting the local byelaws vested within the Port. The investigation of port-based offences makes it necessary to work at considerable distance outside of their constabulary jurisdiction.

The Chief Officer also holds the position of Port Facility Security Officer. He oversees and participates in various forums where the port community has both the opportunity, and is encouraged, to express its opinions and concerns on policing issues.

Although there is no formal CID unit, PoBP do investigate and detect crimes, carrying out all necessary policing functions (e.g. the interviews of witnesses, the arrest, interview and charging of offenders, together with the preparation of the relevant case file to CPS via A&S Administrative Support Unit) thereby enabling a successful prosecution.

It is advantageous that the force maintains a 24-hour a day presence on the docks, working successfully with all sections of the port community. This proactive, high-profile police presence with traditional community beat policing that crime figures on the docks are kept low and there have not been any uncracked cases in the past 10 years. Because of this, the re-establishment of a formal CID is not considered justifiable at this time. Commensurate with a status as a scheduled police force under the Prosecution of Offences Act 1985, the CPS takes on the prosecution of all offences including byelaws.

Several officers are designated as Explosives Security Officers (Port Safety Organisation qualification), and a number are Deputy Port Facility Security Officers (under ISPS); one officer is a Home Office trained Crime Prevention Officer and Counter Terrorist Security Adviser. The force also has an officer trained to instruct the PEACE training package (investigative interviewing techniques), in addition to similarly Centrex-approved training officers providing instruction in the use of the ASP baton, CS Spray, speed cuff and all other elements of the officer safety programme

The PoBP whenever possible adopt a multi-agency approach to dealing with border control and other issues arising in the Port area. Whilst not adopting the role of HM Customs, UK Immigration Service, VOSA or any other agency, the port police will often act on their behalf when dealing with offenders.

## **Annex F**

### **Port of Dover Police**

#### **Background**

The Port of Dover Police was formed in 1933 when the port authority, Dover Harbour Board, decided to terminate its contract with the then Dover Watch Committee and nominate their own staff as Constables using legislation drawn from the Harbours, Docks & Piers Clauses Act 1847. Officers have full police powers on any land owned by Dover Harbour Board and at any place within one mile of such land. In addition to the main ferry terminal (the busiest passenger seaport in Europe), Dover Harbour Board owns and operates a marina, two cruise terminals, a three star hotel, a retail shopping outlet and a large number of private residential properties. Added to this is a large recreational area of beach and promenade which results in a high level of contact and interaction with the public that is not generally a feature of policing at other British seaports. The force is currently the holder of a Government Charter Mark for, excellence in the provision of public services beyond that normally provided by a police force.

By virtue of the Dover Harbour Act 1963, and lately the Dover Harbour Revision Order 2006, the Road Traffic Act of 1988 applies throughout the port. With up to 5 million vehicular movements throughout the port per year a high level of traffic management and law enforcement is required to ensure the safe movement of large volumes of vehicles and pedestrians. In 2006 there were 1,070 prosecutions for traffic and other vehicle related offences instigated by the Port of Dover Police. It is difficult to quantify the contribution that port police activities make towards the safety of the strategic road network in Kent and beyond, but there is no doubt that preventing dangerously unsafe vehicles and uninsured, drunk and

disqualified drivers from continuing their journeys can have far reaching effects upon the safety of roads throughout the UK.

Whilst the Port of Dover Police predominantly serves the port community, there is a clear and unequivocal obligation to support national policing issues. In 2006, 206 individuals were arrested at the port, either for offences they may have committed elsewhere in the country or for their failure to comply with the criminal justice system. These offences range from murder at one end of the spectrum to non payment of fines at the other.

## **Operations**

The 2006 World Cup in Germany resulted in the largest UK ports policing operation ever mounted for a football tournament (Operation Jardon). At Dover the operation was facilitated exclusively by the Port of Dover Police who for the duration of the tournament monitored and stop/checked English football supporters as they passed through the port en-route to Germany, enforcing the relevant football legislation where appropriate. Operation Jardon took place simultaneously at every air and seaport throughout the UK. As a result of the additional checks being conducted, 137 individuals were arrested for a wide variety of offences committed the length and breadth of the country. 58 of those arrests (42%) were affected at Dover by Port of Dover Police.

Seventeen Officers have attended the Police National Search Centre and qualified as members of Police Search Teams (PST) that work under the supervision of a Sergeant who is qualified and licensed by the Home Office (ACPO TAM) as a Police Search Advisor (POLSA). The training and subsequent examination is to a national standard and enables those qualified to conduct POLSA led searches at crime scenes or high profile events anywhere in the country. As a result, the Port of Dover Police have almost exclusively handled all of the security measures necessary for recent Royal visits and other distinguished visitors to the port with only minimal assistance provided by Kent police. Additionally, Port of Dover Police Officers have provided Search Terms to assist Kent police at the recent Anglo-Irish Peace Summit at Leeds Castle, and at serious crime scenes throughout the South-East, where the resources of the Home Office force have been stretched.

Supplementing the work of the POLSA, another Sergeant has been nationally trained and qualified as a Counter Terrorist Security Advisor (CTSA). The main role of this position is to provide commercial business managers with advice on crime prevention in both a terrorist arena and other criminal activities. In order to keep up to date with traits and current intelligence the force CTSA meets regularly with counterparts in Home Office police forces at conferences and seminars throughout the UK.

## **Training**

In addition newly promoted supervisors and managers from the Port of Dover Police attend regional Home Office courses appropriate to their rank. Detective training and certain other specialist courses are also attended. One Constable has been trained to instruct and qualify drivers to the ACPO approved Standard Pursuit level. As a result all officers (and civilian staff) that drive Port of Dover Police vehicles are trained to the ACPO Basic Driver level as a minimum and selected officers have gone on to qualify to a Standard level that allows them to partake in urgent duty driving.

## **Memorandum of Understanding**

A memorandum of understanding is currently being discussed and formulated with Kent police. It is anticipated that the completed document will formally outline policies and protocols that will assist both forces to achieve a common aim.

## **IPCC**

Complaints against Port of Dover Police Officers are rare, and usually of a minor nature. Where appropriate internal investigations are conducted and formal disciplinary proceedings instigated. The force embraces the role of the Independent Police Complaints Commission (IPCC) and are in the process of arranging formal agreement with them in relation to complaints against police officers.

## **Jurisdiction**

All prosecutions commenced either by arrest and charge, or by summons, are processed in house and files provided to the Crown Prosecution Service. The cost of this administration is borne by the Port of Dover Police. There are no custody facilities at the port which necessitates all Port of Dover Police prisoners being conveyed to the nearest designated custody suite. Usually this is at Dover police station but often prisoners have to be escorted to custody facilities beyond the extent of Port of Dover Police jurisdiction. Similarly, offenders circulated as wanted for offences committed at the Port of Dover are often detained many miles from the port. The collection and process of prisoners detained beyond the jurisdiction of port police officers does present operational difficulties. Jurisdiction continues to be a subject of concern, not only in relation to prisoner handling but when requested to assist neighbouring Home Office forces many miles from the port.

Another more recent feature of the port police being required to work outside the port is the need to regulate traffic on the port approaches. If officers were not engaged in this duty, traffic on the port approaches quickly comes to a standstill at peak flow times, resulting in significant traffic congestion in and around the town of Dover. Kent Police resources are not sufficient to regularly deploy officers to this task so the responsibility has fallen to the Port of Dover Police.

The PoBP provides specialist advice to the harbour authority concerning investigations and prosecution, thereby allowing marine officers successfully to complete enquiries into maritime incidents such as pollution from oil spills and obstruction of shipping lanes, etc.

## **Recruitment**

In recent times, the PoBP has recruited its constables from the Police Support Officer group, thereby allowing an opportunity thoroughly to assess the fitness and ability of staff prior to appointment as a Police Constable.

## **Annex G**

## **Port of Felixstowe Police**

### **Background**

The Port of Felixstowe (formally Felixstowe Dock & Railway Company, (FDRC)) was officially founded as a Port in 1886, but it was not until 1975 that a Port Police force was established. The security and policing of the Port estate having been undertaken by FDRC employed security officers up until this point. The Port's senior management at that time decided that with the expansion of the Port estate, the subsequent increase in cargo, traffic and persons, both working within and transiting the port warranted the formation of a uniformed and equipped Police Force (now referred to as the Security & Port Police Unit (S&PPU)). Using legislation that drew upon the Harbours, Docks, Piers Clauses Act (HDPCA) 1847 the Harbour Authority (FDRC) established the Felixstowe Dock & Railway Company Police Department in 1975.

The establishment of the Police Department and use of the HDPCA created a Statutory Police force with full constabulary powers within the Dock estate and up to one mile from its boundary. Various sections within the numerous FDRC Acts submitted between 1956 and 1988 were amended from time to time, to keep policing activities up to date and inline with new acts of Parliament and amendments to existing national legislation.

The PPU is now assisted by 64 contract Security Officers, who are responsible to the PPU for the provision of access control and searching duties as required by the International Ship & Port Security (ISPS) Code.

### **Accountability**

The PPU is subject to the scrutiny of Port Management, its customers and port users alike, as well as the local Chief Constable. No unaccountable, unprofessional police unit would have survived without the acceptance and support of the host county Chief Constable and his/her force. If a port police unit were not operating effectively or in a financially sound manner, the Port Authority would have reviewed and probably disbanded the Police Unit in favour of a cheaper security option.

### **Recruitment**

Port Police recruitment at Felixstowe is a relatively infrequent occurrence. The PPU almost continuously receives applications and enquiries from persons wishing to join the Unit. Many are ex-service personnel, ex Home Office police, or other public sector with checkable backgrounds and work histories.

Recruitment takes place with the support of the Port's Human Resource department providing valuable knowledge of HR procedures, recruitment best practice and employment law. Felixstowe's HR officers also sit on interview panels providing independent analysis on potential candidates. General Ability Tests (GAT) involving word association, are used and oral and written skills are tested, as well as basic psychometric testing. All final candidates are subject to criminal background checks through Suffolk Police.

## **Training**

For both personal protection and the protection of others, all officers are trained and equipped with protective body armour offering both ballistic and bladed weapon protection, extendable straight batons and Quick Cuffs. They receive approved training in Tactical Communication Skills, Unarmed Defence Tactics, Straight Baton, Restraint Straps and Handcuffing Techniques. The Port also provides training in Health & Safety and Management and Supervisory skills.

## **Annex H**

### **Portland Port Police Force**

#### **Background**

The Portland Port Police Force is a relatively new organisation having been created when the Royal Naval Base was sold by the Government to Portland Harbour Authority Ltd. (PHAL) in 1997.

The Port Police force was created under legislation that drew upon the Harbours, Docks and Piers Clauses Act 1847 and is funded entirely by the commercial activities of the Port Authority. The force is dedicated to protecting the port, its tenants and customers situated at the dock estate of Portland Port in Dorset, and within the limits of Portland Harbour and up to a mile outside.

#### **Memorandum of Understanding**

Policing activities are undertaken in conjunction with both the MOD Police and with the local Dorset Police Constabulary with whom Portland are currently negotiating a Memorandum of Understanding (MoU) which recognises the areas of responsibility and limitations of the port police in respect of all security and less serious offences whilst accepting the primacy of Dorset Police for the most serious incidents and offences such as murder and acts of terrorism. As with other arrangements with local forces the MoU will allow for the mutual provision of training requirements and the provision by Dorset Police to the Portland Port Police of specialist roles such as Crime Scene Investigators, Custody Suite Facilities and the use of Administration Support Units following the charging of offenders.

The Port Police are responsible for all security aspects under the auspices of the ISPS code and DfT TRANSEC for the handling of Passengers, Goods and other port related activities, along with crime prevention, detection of offences including those involving assaults, property, road traffic, and all issues relating to maritime incidents for military, commercial and leisure activities.

## **Annex J**

### **Port of Liverpool Police**

## **Background**

By 19 July 1976, this force had become fully operational, when 40 Constables had been appointed to replace the Constables from Merseyside Police and began to take on duties on a limited basis on the Liverpool side of the Dock Estate.

Gradually more and more duties were handed over to the Port Police and by 1 April 1977, the Port Police had assumed the responsibility for policing the entire Dock Estate.

By this time the area of responsibility for the Dock Estate had been expanded to include the whole of the Dock Estate in Liverpool, the Birkenhead Dock area and the Tranmere Oil Terminal and in June 2006 the Force were authorised to Police the Manchester Ship Canal.

## **Accountability**

The Chief Officer is accountable to a Police Committee consisting of representatives from The Mersey Docks and Harbour Company, together with representatives from the various Port users and includes Local Magistrates and a representative from Merseyside Police Authority.

## **Training**

The present Port Police have an Initial Training Course based on the Home Office Standard Recruit Training Programme. In addition the Port Police receive additional Dock Related Training, which continues throughout the 2 year probationary period comprising of:-

- The handling and movement of dangerous cargoes.
- The structure of the Dock Estate.
- The checking and scrutiny of loads.
- First Aid.
- The Health and Safety at Work Act.
- Dock Bye-Laws.
- International Ship & Port Facility Security Code (ISPS).

Officers of the Force also attend specialist training courses such as crime prevention, drug abuse, detective, newly promoted and other relevant courses conducted by Home Office training establishments.

New recruits are all sworn in as Constables, they derive their authority from the Crown in the same manner as any other police officer. They are subject to the same Conduct and Complaints Procedures as their Home Office colleagues, following the directives issued under the Criminal Evidence Act 1984 and the Police Reform Act 2002.

All complaints against police officers are fully investigated by the Merseyside or Cheshire Police Professional Standards Department and are supervised by the Independent Complaints Commission.

Members of the Port Police qualify for the Police Long Service and Good Conduct Medal on completion of 22 years service, in line with the National Police Service.

## **Powers**

The Port of Liverpool Police have full police powers, but under The Mersey Docks and Harbour (Police) Order 1975 and with the Manchester Ship Canal Company Act 1885, the Port Police have some additional powers, these being that they have wider powers to search vehicles, vessels and persons within the dockland estate.

The Police and Criminal Evidence Act 1984 has now extended many of these powers of stop and search to all police officers.

The 1975 Order also provides the legal authority to stop and search a person of whom they may have reasonable cause to suspect of being in possession of goods that have been stolen or otherwise unlawfully obtained.

The Police and Criminal Evidence Act 1984, Section 6, gives authority for all Constables employed by statutory undertakers such as the Port Police to be able to stop, search and detain any vehicle within the Port area or about to leave the Port.

There is joint planning and co-operation with Merseyside and Cheshire Police forces, other emergency services, local authorities and relevant agencies on the subject of emergency planning and exercises.

In order to prevent any confusion in some of the more significant activities, a formal Service Level Agreement has been prepared and agreed with each force.

## **Annex K**

### **Teesport Harbour Police**

#### **Background**

Teesport Harbour Police have existed for over 100 years. Originally granted under legislation derived from the Harbour, Docks and Piers Clauses Act 1847, the authority to maintain this force is now contained in the Tees and Hartlepool Port Authority Act 1966. Under this Act, the Harbour Police have all the powers and privileges and shall be entitled to the indemnities and protection of a constable within the harbour and in any place not more than 2 miles beyond the limits of the harbour.

This jurisdiction has worked well until now and allows the harbour police the ability to carry out the functions required by the port authority. Recent legislative changes have, however, called into question the relevance and size of the jurisdiction, not just of this force but of all harbour and ports (private) police forces.

## Accountability

Harbour Police officers are accountable to the Chief Police Officer and through him to a host of other bodies including the Chief Constable Cleveland Police; The Home Office; IPCC; and to the board of directors, though it is important that the harbour police retain a discrete command structure which establishes and displays their ability to function as constables in a fair and impartial manner without interference from or bias towards the company. Complaints and Discipline are the subject of an agreement between the harbour police, Cleveland Police authority, the Chief Constable Cleveland Police and the IPCC.

## Training

Before appointment as a constable is confirmed, each officer is fully vetted and a Counter Terrorism Check is carried out (via SB). Results of vetting are held by the Chief Officer. The Chief Officer is vetted to a higher level which is reviewed every 3-5 years.

There are three types of training:

- On joining, recruits begin a long and detailed training programme which is loosely broken down into a number of phases.
- Phase 1: Induction training. This will involve the recruits in a 4 week, classroom based, course which will acquaint them with the company and the harbour police; introduces them to police law and prepare them for phase 2 training.
- Phase 2: Is on the job training where the recruits are educated in the role and function of the security staff, spending time on duty in each gatehouse; familiarization with the POC; and a visit to the local courts before joining their colleagues as part of the harbour police patrol.
- Phase 3: A 7 week residential course of instruction at the Port of Dover Police Training School.
- Phase 4: On successful completion of the Dover course, the officers are confirmed in their appointment and, normally within a year to eighteen months, they will attend:
  - 1. The safety passport course
  - 2. The Carriage of Dangerous Goods course with Cleveland Police
  - 3. The police Response Drivers course with Durham Constabulary
  - 4. The Lion Alcometer course (breath testing)
  - 5. First Aid at work
  - 6. PFSO course
- Phase 5: Is continuous and ongoing training to keep them up to speed with the job.
- Each officer will, during normal working conditions, have at least one nominated training day in each 28-day duty cycle. Training undertaken at these times will be directly related to the role and function of the Harbour Police and may include:
  - Familiarisation with emergency plans and the role of the Harbour Police within those plans
  - Additional police/law training
  - Recent changes to legislation
  - Tracker training
  - Changes to the company structure
  - Health and Safety

- Any other harbour police issue

In addition to this, all staff are expected to carry out training and development in an area which is beneficial to them and to the company.

There is also a compulsory element to their training, which means that each year, each officer:

- Must attend a refresher course and be retested and re-certified in the use of personal equipment â baton/cuffs/spray. We have two HO approved trainers.
- Is trained and certified in 1st Aid. Recertification is every 3 years.
- Is trained as a deputy Port Facility Security Officer in accordance with the ISPS code, allowing security checks of ships and their plans required by the code to be incorporated into routine duties.
- Is trained in the use of Alcohol and Drug detection equipment and the Harbour Police administer post accident tests, within PD Teesport, on behalf of the company.
- Is trained in the hazard recognition in respect of the carriage of dangerous goods by road; fire awareness and general health and safety within the dock environment.

## **Committees/Associations etc**

The harbour Police are represented on the following:

- North East Chamber of Commerce
- Multi Agency Threat and Risk Assessment (MATRA) group
- Port Police Chief Officers Association (PPCOA)
- North East Process Industries Cluster (NEPIC)
- Port Security Committee
- Business Resilience
- Middlehaven Business Forum
- Local community lectures
- PFSO Training

## **Annex L**

### **Port of Tilbury Police**

#### **Background**

Under the Ports Act of 1991 the Port of London Authority (PLA) Force became known as the Port of Tilbury Police Force. The Port of London Act 1968 gives them complete Police powers within their Port area and within one mile of the Port boundary. Due to the Port of London Act 1968 as a port police force they are in a unique circumstance of having jurisdiction anywhere in England and Wales for the pursuance of an offence or crime that has been committed within the Port of Tilbury. They have powers of stop and search and also under the PACE Act as statutory undertakers.

## **Recruitment and Training**

Port of Tilbury Police are governed by Home Office Regulations and pay and an agreement with the Independent Police Complaints Commission (IPCC). Under the Police Regulations Port of Tilbury Police have transfer rights into any Police Force in the UK, and vice versa, one of only three non-Home Office Forces to do so. They follow Home Office National Recruitment Standards for Consistent Recruitment Practices, and new recruits adhere to the 5-Stage Probationary Training Programme. The Stage 2 Foundation Course took place at Ashford, Kent, but this has now changed. By agreement with Essex Police recruits can receive training with their officers over 17 weeks at Essex HQ, and have 3 weeks back at port, while Essex trainees do some community work.

Port of Tilbury Police Officers are empowered under the Port of London Act 1968 as Constables and not drawing directly on Section 79 of the Harbours Docks and Piers Clauses Act 1847. Although employed by the Port of Tilbury London Limited (Forth Ports) they are entirely independent at all times.

The Port of Tilbury Police has its own Federation under Statute, and own Parliamentary representative.

Port of Tilbury Police Officers actively investigate, detect and arrest in respect of all crimes within our Port jurisdiction, unless of a major significance whereby they would be unable to perform a satisfactory investigation due to lack of resources and equipment. In these circumstances, which are rare, the case is handed over to Essex Police. All successful enquiries are prosecuted by way of the local Criminal Justice Unit (CJU) or Crown Prosecution Service (CPS).

## **Annex M**

### **Belfast Harbour Police**

#### **Background**

The Belfast Harbour Police (BHP) were established in 1847. BHP has full constabulary powers along with special powers granted through Belfast Harbour Commissioners's by-laws. The unit consists of trained uniformed police officers and a CID section who provide 24-hour cover, responding immediately to incidents and requests for assistance throughout the 2000 acre Harbour Estate.

BHP's aim is to provide an effective and efficient policing service for the Belfast Harbour Estate and Port community. BHP operates from purpose built facilities in the Port Operations Centre at Milewater Basin. The Operations Room is equipped with a state of the art CCTV system giving BHP the capability to monitor and record images from strategically positioned cameras throughout the Estate including all entrances to and exits from the Estate

The Belfast Harbour Estate is serviced by almost 30 kilometres of roads. BHP maintain the free flow of the thousands of vehicles that travel through the Estate each day

BHP's fleet of marked patrol vehicles are fitted with 'Tracker' stolen vehicle detection devices. A commitment to continually improving on equipment and techniques coupled with a focus on crime prevention and detection ensures a safe and secure environment for businesses operating within the Harbour Estate.