

Wanted Persons

STRATEGY: **Crime Management**

POLICY: **Crime Investigation**

BRANCH: **Crime Management**

1. INTRODUCTION

- 1.1 This Practice Direction (PD) provides guidance regarding criteria for and the systems applicable to the circulation of a wanted person.
- 1.2 The legal basis for this guidance is the Police Act 1997 responsibility to prevent and detect crime, the provisions relating to arrest and detention within the Police and Criminal Evidence Act 1984, the Bail Act 1976, the Data Protection Act 1998 and the various pieces of legislation involving the granting of injunctions.
- 1.3 Whilst this PD provides guidance regarding the circulation of subjects as 'wanted' it is important that no such action is taken until all local lines of enquiry to trace and arrest the subject have been exhausted. It is also important that once circulated, all possible lines of enquiry are completed. The process of circulating as wanted should not be employed as a means of passing on responsibility for a case. An exception to the requirement for exhaustive lines of enquiry is where a Senior Investigating Officer (SIO) is satisfied that there is a necessity to circulate a person, connected to a major incident investigation, at an earlier stage.
- 1.4 The PNC is the only system where information identifying the arrest of an individual is permitted and there is a structured process in place for entry and removal from the system. Therefore, officers will not request that a suspect be given an intelligence note on the CIS stating that a Nominal is 'Wanted'.
- 1.5 Whilst this PD deals specifically with Wanted Persons, it is clear that there is a possibility than an individual, in particular juveniles, could be both a Wanted Person and a Missing Person. If this is the case, it is essential that a cross reference is made and that Enquiring Officers operate in conjunction with each other. Required actions, under either of the PDs, must be complied with.

2. AUTHORITY LEVELS

- 2.1 The authority of an Inspector is required to circulate on PNC a person as either 'Wanted' or 'Locate and Trace'.
- 3.1 An Inspector will only grant a 'Wanted Person' PNC circulation authorisation if it falls within the below listed criteria;
 - a) Wanted for a 'Serious Crime' offence (see below for definition), absconding from Hospital or absconding from prison.

- b) Wanted for all theft, burglary and damage offences where the value of the property stolen or damaged exceeds £100.
- c) Wanted for failing to appear at court and either a 'No Bail' or 'Bailable' warrant has been issued.
- d) Wanted for failing to answer police bail for an offence fitting criteria at a) or b).
- e) Where the circumstances of the offence / offender are high profile or have a large impact on the local policing area.
- f) Wanted for any other offence and, in exceptional circumstances, an Inspector authorises a circulation.

3.1.1 Serious Crime Definition:

- A) That the offence or one of the offences that is or would be constituted by the conduct is an offence for which a person who has attained the age of 21 and has no previous convictions, could reasonably be expected to be sentenced to imprisonment for a term of 3 years or more, or
- B) That the conduct involved the use of violence results in substantial financial gain or is a conduct by a large number of persons in pursuit of a common purpose.

3.2 All other wanted persons, e.g. those that don't meet the value threshold as at b) above will be authorised by an Inspector for a PNC circulation as a 'Locate and Trace'. Such a circulation must be endorsed with details of the action and / or information required and a relevant contact point.

3.3 Breaches of Conditional Court and Conditional Police bail may be authorised for full PNC circulation. This action requires the authority of an Inspector and must include an end court date.

3.4 A wanted person, circulated on the PNC, will not be circulated as such on the CIS as at 1.4 above.

3.5 In deciding whether or not to authorise the circulation of a wanted person, an Inspector should consider the following;

- (i) The seriousness of the offence (see above).
- (ii) The standard of evidence already recorded to substantiate the case against that particular individual. There must be at least sufficient evidence to justify an arrest.
- (iii) Whether there is a power of arrest and that there are relevant necessity criteria justifying the arrest (Details should be recorded within Section E of the form 136B)
- (iv) Any information regarding the possible location of the offender.

- (v) Enquiries carried out to date. Have all local lines of enquiry been exhausted, including the following checks made via the DIB -

Department of Works and Pensions, local Council Tax, benefits, Utilities (Gas, Electricity, and Water), Sky TV, and those via the FIB – Inland Revenue, Pharmacy database, Health Authority?

- (vi) Is there a file in existence, which will allow officers to deal with the arrested person? Consider having the file vetted by a File Team Decision Maker / CPS to ensure completeness and that lines of enquiry are complete.
- (vii) Is there any OTFP connected to the case, if so, has the OTFP Register been marked with the fact that a person has been circulated?

3.6 If a subject is circulated and a file lodged in the Wanted Persons Cabinet, the Officer in the Case (OIC) will ensure that an entry is made in his / her outstanding work record to ensure that their immediate supervisors are aware and in a position to monitor progress. As part of this monitoring process there will be a need to ensure that the necessity criteria for the arrest remains valid.

4. BAIL CONDITIONS OF RESIDENCE

4.1 On occasions, courts grant bail on condition that the subject resides at a particular bail hostel or other suitable accommodation. If this establishment reports that a prisoner has left the accommodation, the NPT concerned will obtain full details and deal with the report as a missing person. The NPT or Force concerned with the original offence will be contacted and informed that the prisoner is not at the address designated and they will be invited to circulate him/ her as wanted. Under no circumstances will details be circulated, as wanted, by the NPT where the bail hostel is situated unless the subject had been dealt with by that NPT for the original offence.

5. BREACH OF BAIL CONDITIONS

5.1 In all cases where there is a breach of bail conditions, either imposed by the court or by the Police, efforts should be made to immediately deal with the subject then and there. If this is not achievable, the breach of bail should be evidenced by means of statements, the relevant sections of the Form 136D completed and all documentation forwarded to the OIC. If there is insufficient information to complete the Form 136D, just the stated evidence should be forwarded to the OIC.

5.2 Upon receipt of the above, the OIC will consider whether there is a necessity to circulate the subject as wanted on PNC. Consideration will be given to the following;

- (i) The seriousness of the offence.

- (ii) The seriousness and consequences of the breach of conditions. This may in itself be a substantive offence warranting circulation.
 - (iii) The closeness of the actual court date or date of return to the Police Station.
 - (iv) The probability of locating the subject prior to the above date.
 - (v) In the case of Police Bail, whether there is any likelihood of action, in terms of prosecution, regarding the original offence.
- 5.3 Any circulation will require the authority of an Inspector and will require the creation of a Wanted Person file.
- 5.4 Any PNC circulation must specify the date after which no action should be taken. This will normally be the day prior to the court appearance or scheduled return to a Police Station.
- 5.5 PNC circulation for breach of bail conditions will be the exception rather than the rule.
- 5.6 It will be the OICs decision as to whether the breach of bail will be brought to the attention of the CPS and therefore the Courts.

6. INJUNCTIONS

- 6.1 Divisional Commanders will ensure that they have in place, systems for distributing, accessing and monitoring injunctions issued in their area. It is suggested that the Wanted Person cabinets would provide a suitable location for same.
- 6.2 Detailed guidance regarding the taking of action under the provisions of an injunction can be found in the Domestic Violence PD.
- 6.3 With Wanted Person circulations and injunctions that include a power of arrest, the following action should be considered;
- (a) The details of the breach of the injunction should be evidenced in writing.
 - (b) Every effort should be made to locate and arrest the subject of the injunction as soon as possible. This would only apply if no substantive criminal offence was committed during the breach.
 - (c) If the subject is not located and arrested then the matter should be allocated for further investigation.
 - (d) The victim should be advised to seek legal advice and the OIC should monitor the progress of the civil matters to ensure awareness of any changes in the injunction content.
 - (f) In extreme circumstances, consideration should be given to circulation as a 'Locate and Trace' on the PNC.

6.4 If any subject is arrested for a substantive offence in circumstances that would be a breach of an injunction, the injunction power should not be executed, unless no criminal action is taken. The circumstances of the injunction should be recorded in the prosecution file. The victim should be advised to seek legal advice regarding the injunction.

6.5 Breaches of injunctions issued under the Protection from Harassment Act 1997 are substantive criminal offences, which are 'arrestable'. As a consequence, such breaches will be treated, in terms of 'Wanted Person' processes, in the same manner as other offences.

7. WANTED PERSON CABINETS

7.1 Divisional Commanders will ensure that there are in place cabinets for the storage of Wanted Person circulations. These cabinets should be easily accessible 24 hours per day. They should be either at a central location such as the Advice Desk or located within an NPT. The determination of a location should be based on operational efficiency.

7.2 Once a subject has been circulated, a file should be created for that person. This file should contain a copy of the circulation and relevant supporting papers. The supporting papers should include

- (a) Original documentation providing the evidence of the offence or circumstances for which circulated.
- (b) A history / log of events detailing the enquiries undertaken to date to arrest the subject.
- (c) A history of the review process undertaken regarding whether a subject should remain subject to the circulation process.

7.3 Files created as above should be stored in the Wanted Person cabinet in alphabetical order to permit easy retrieval. If the file is temporarily removed, an 'absent file' sheet system should be used.

7.4 Within the cabinet there should be a register of circulations, which will include the following information;

- (i) Reference Number
- (ii) Surname
- (iii) Forename
- (iv) Officer in case
- (v) Date received
- (vi) Date removed
- (vii) By whom removed
- (viii) Date Cancelled to PNC

8. CIRCULATION

- 8.1 The circulation process will be commenced by the completion of a Form 136B (see appendix A). This form will be completed in full by the officer requesting circulation. The Form 136B will be used for all circulations be they full PNC or PNC Locate and Trace.
- 8.2 The Form 136B has two copies. The top copy will be forwarded to the PNC Bureau if a PNC circulation is required. In all other cases, the top copy will be retained with the bottom copy on the relevant circulation file
- 8.3 The Form 136A (a Missing person Log of events) should be used to record the details of enquires made to trace the 'Wanted person' and any decisions made regarding further action to be taken. An exception to this would be where there is a more detailed log of activity already in existence, as an example within a Major Incident Enquiry.
- 8.4 To expedite circulation, the force e - mail has within it a series of PNC circulation proformas. The relevant proforma will be completed as soon as possible and sent to the PNC Bureau
- 8.4.1 Upon receipt of a circulation, the PNC Bureau will make relevant PNC and 'in house' database (ONS) entries. The paper 136D is filed until receipt of a cancellation after which time it is destroyed.
- 8.5 As part of the circulation process the PNC Bureau will ensure that the necessity for arrest is recorded within the PNC circulation information.

9. ARREST AFTER CIRCULATION IN MORE THAN ONE LOCATION

- 9.1 If a subject is circulated in more than one Humberside location and is arrested in one of them, that location will be responsible for contacting the other locations and negotiating who will continue enquiries. (See section on cancellation).
- 9.2 If a subject is circulated in more than one Humberside location and arrested outside the Force area, the NPT circulating for the most serious offence will be responsible for contacting the other locations and negotiating who will continue enquiries. (See section on cancellation).

10. CANCELLATION

- 10.1 The responsibility for cancellation on the PNC will lie with the NPT / Division originating the circulation.
- 10.2 If the PNC is updated to show a wanted person has been detained a 'detained report' broadcast is generated and printed at the Force who owns the wanted report. The PNC Bureau will then fax a request for cancellation to the appropriate Advice Desk/originator. To instigate this process there is a requirement for Custody Officers to inform the PNC Bureau when a circulated 'Wanted Person' is brought into custody.

10.3 If there is a requirement to seek the withdrawal of a warrant then consultation should take place with the CPS. It should be noted that a warrant relating to breaches of post conviction requirements cannot be withdrawn.

11. AUDIT AND INSPECTION

11.1 Divisional Commanders will ensure that NPT Commanders are given responsibility to audit the contents of Wanted Person cabinets.

11.2 He / she will ensure that each file is updated at least every three months with details of enquiries made to trace the subject and decision as to whether the circulation should continue. If the original circulating officer has left that locus of operation arrangements will be made for the case to be reallocated and enquiries continued.

11.2.1 Any officer undergoing a posting will ensure, if it is not practicable to continue enquires, that any subject circulated as wanted is reallocated to another officer for continued enquiries.

11.3 In considering whether a person should remain as 'circulated', consideration should be given to such issues as;

(a) The prospect of a prosecution being undertaken i.e. is the time span such that it would not be in the public interest to prosecute.

(b) In those cases involving identification, whether the witness(s) will be in a position to identify, reliably, a suspect.

(c) The views of the victim.

(d) Can the matter be classified as 'detected'.

(e) The likely outcome if a prosecution is commenced.

11.4 Wanted persons will be automatically weeded from the PNC, at set times, unless a notification to the contrary is received. The set period is one year for 'Wanted Persons' with a power of arrest and six months for a 'Locate / Trace'. Approximately three months prior to the weed date a DAF (Daily Activity File) print will be forwarded to the relevant NPT Commander requesting consideration and a decision as to whether to retain the circulation. If 'Yes' it will be retained for a further weed period and so on.

11.5 A particular area of concern is that of cancellations. Any audit and inspection process will take particular care in this area to ensure that all cancellations are being carried out as soon as possible.

12. SPECIALIST CIRCULATIONS AND ACTION

12.1 Advice regarding such issues as circulation's abroad and extradition should be obtained from the FIU before any action is taken. However, attached at Appendix B are some guidelines regarding 'Ports Warnings' or PNC Broadcasts.

13. HUMAN RIGHT'S ACT

- 13.1 This PD has been drafted in consideration of the provisions of the Human Rights Act 1998. Any action taken must be necessary, proportionate and justifiable. It should also be the least intrusive option available to solve a particular problem.
- 13.2 Any action will only be taken in the interests of national security, the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights of the rights or freedoms of others.
- 13.3 This PD is suitable for general publication
- 13.4 The PD will be subject to review every three years or sooner in the case of changes in legislation or policy.
- 13.5 Any action taken under the provisions of this PD could be the subject of scrutiny in Civil or Criminal proceedings. The Police Complaints procedure is also available to anyone aggrieved by actions taken

14 RACE EQUALITY SCHEME

- 14.1 The content of this PD has been considered under the provisions of the Race Equality Scheme, as dictated by the Race Relations Act 1976 (as amended), and deemed to be non - relevant

15 RACE RELATIONS AMENDMENTS ACT (2000)

- 15.1 An Equality Impact Assessment has been undertaken covering Diversity, Race, Disability, Gender, Sexual Orientation, Religion and Beliefs and Age.

16. DATE OF PUBLICATION

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17. OTHER REFERENCES

- 17.1 Missing Person PD
- 17.2 Domestic Violence PD
- 17.3 Human Rights Act 1998
- 17.4 Data Protection Act 1998
- 17.5 Police and Criminal Evidence Act 1984
- 17.6 The Protection from Harassment Act 1997

WANTED PERSON

Force Code 16	Div/ NPT	Case Ref No.
PNC ID No	CRO	URN
Class: Crime/ Warrant/ Bail/ Injunction/ Abscond Hospital/ Abscond Prison/ Other Specify;		
Section A – Personal Details		
Name Surname		Forename(s)
Alias (include nicknames/ maiden names)		
DOB	Birthplace	Nationality
Sex M F N/K	Ethnic appearance	Height
Build	Hair (Colour/style/length)	
Facial Hair		Complexion
Eyes (colour/ glasses/ lenses)		
Vehicle possessed		
Jewellery (Description and Inscription)		
Marks/ Scars/ Tattoos (obvious and location)		
Section B Crime/ Injunction/ Abscond Hospital/ Prison/ Other (not Warrant or Bail)		
Crime No	C&C Log No	
If Mental Health Act –		
Detained under Section		Date after which not arrestable
Section C Warrant Cases		
Warrant Office Ref No	Backed for Bail YES / NO	
Location of relevant File		
Court Issuing Warrant		

Section D Bail Cases – Breach of Condition			
Court/ Police Station Bailed From		Date	
Place due to appear		Date	
Date after which no action to be taken			
Section E – Circumstances – Provide details of incident and why person wanted – include necessity criteria for arrest?			
Section F – Type of Circulation Wanted PNC/ Locate and Trace PNC			
If locate and trace, what action required?			
OIC (name/ rank/ FIN)		Station/ NPT	
Section G Authority to circulate			
Sign	Name/ Rank/ FIN	Date	NPT

Appendix B

Extract from PNC User Manual - Broadcast Application

.OVERVIEW OF THE APPLICATION

The Broadcast application enables forces to send messages from PNC terminals to predetermined sets of printers at specified destination forces. Notification of broadcast messages is sent to VDU terminals, associated to the specified printers, in the destination forces. The primary purpose of the Broadcast application is for the transmission of information in support of operational policing. Broadcasts should not generally be used for administrative purposes. Alternative methods of communicating the information for this type of circulation should be used wherever possible. Forces are required to nominate a number of printers as receiving terminals. At least one of the printers must be in a location that is staffed 24 hours per day. Messages are classified according to their urgency (Express, Priority and Routine) for distribution to forces, selected regions and selected port groups.

Message Addresses

Messages are addressed by specifying individual force codes and/or group destination codes. The system does not normally allow messages to be sent to less than two forces but there is a facility, by way of the Service Desk, to override this restriction. The application supports three types of broadcast message format - a standard broadcast format, and standard format with additional fields to describe either 1 or 2 persons. Messages are stored on the system for 24 hours after creation and are retrievable from VDU terminals

Creating Broadcast Message

The following details must be input to create the message:

Message class

Number of persons described in the broadcast

The originator's Force Station Code

The destination list (made up of a number of force destination codes and/or broadcast group destination codes)

Message text

Officer dealing

Telephone number

Authorising officer

Local reference (optional)

Force reference

CLASSIFICATION	MINIMUM LEVEL OF AUTHORISATION
EXPRESS	Force Authorised Officer (usually Supt)
PRIORITY	Force Authorised Officer (OIC Command Centre)
ROUTINE	Force Authorised Officer (OIC Command Centre)

N.B. Any message that contains a request for blanket enquiries to be carried out will be authorised by Assistant Chief Constable or above.

Security

All information in Broadcast messages is confidential to the police and must not be divulged to the public or press by receiving forces. Any question about whether the information or any part of it should be divulged to the press should be directed to the force originating the message, as a general rule, messages should never be circulated by radio. However, circumstances may arise when the circulation by radio of a message in an abridged form would be justified.

Control

It is essential that strict control be exercised by Chief Officers to ensure that messages originated and circulated by their force comply with the rules and spirit of the scheme. All messages must be properly authorised and the authorising officer should consider whether the content and requirements of the message are an appropriate use of this facility. The decision as to what matter should be circulated and the extent of circulation is left to the discretion of each 'Authorising Officer'.

Circulation of Port Warnings

The National Ports Office is responsible for the administration and co-ordination of the National Ports Scheme. One of the main functions of the National Ports Office is the distribution of information to ports including requests for various kinds of police action. Prior to sending a Broadcast message to a destination of ALL PORTS or specified PORT GROUPS, the National Ports Office MUST be consulted and they will advise forces requiring guidance about ports of embarkation, destination, types of travel, time of movements, etc. The National Ports Office telephone number is:

020 7230 4800

N.B In every case of Port Warning circulation, a copy is automatically sent to the National Ports Office in addition to any otl1cr addressee. This requirement is included in the port group codes shown in the Combined Directory.

Fall Back Procedure

If the Broadcast facility were unavailable for a lengthy period due to a major breakdown at the Hendon Data Centre, forces should circulate EXPRESS messages by Telex or fax. In the event of a localised loss of the facility, and

where circumstances warrant it, consideration should be given to seeking the assistance of a neighbouring force in the circulation of important messages.

Extent of Circulation

The originator of a Broadcast message will decide the extent of the circulation. It is important to bear in mind that indiscriminate circulation of messages to all forces or ports can cause waste of time and staff resources, and could eventually defeat the purpose of the scheme. Countrywide circulation should be reserved for the rare occasions that really call for every police force or port to be notified

Circulation within Forces

The circulation of EXPRESS, PRIORITY and ROUTINE messages within the area of a receiving force is a matter for the discretion of the Chief Officer concerned. In the case of 'PORT WARNINGS' those sea and air ports, as shown in the PNC Directory (Destination Group Codes), must always receive the message, PORT WARNING messages seldom warrant force-wide Circulation, and careful consideration should be given as to whether or not such messages require circulation beyond those port offices for which the information is intended.

Message Length

In compiling messages for circulation, brevity is essential to efficiency; general wording, action required and any other requests should be clear and concise. A broadcast message should normally be limited to one page. Should it be absolutely necessary to exceed this, a further five pages are available.

Details of Offence

Where a message concerns the commission of an offence, the type of crime must always be clearly indicated with sufficient information included in order to make a lawful arrest. Further detail of a crime may be included in a broadcast message if it is thought that it may assist in the apprehension or questioning of a suspect. However, such information should not be included merely as a matter of course and consideration should always be given to its publication in appropriate Police publications.

Suspected Offender

In matters of crime, it is essential in appropriate cases where suspects or offenders are circulated firstly to enter details of person(s) on the PNC Names application, and to include in the text of the message sent under this scheme the following additional details;

PNCID number

Whether or not a warrant has been issued

The name, station, telephone number of the officer in the case

The surname of the subject should be made clear by entering the surnames prior to any forenames and by inserting an oblique stroke between the surname and the first forename, e.g. SMITH/ JOHN PETER

The sex of the subject

Port Warnings should contain full personal details of person(s) wanted, together with passport numbers, nationality etc, and as full a description as possible.

Stolen Motor Vehicles or Plant

Where details of stolen motor vehicles or plant (including machinery and marine engines) are circulated, the details must be entered on the Vehicle of Property application. The words 'Entered on vehicles (or Property) Application' should be included in the text of the broadcast message.

Further information or guidance regarding this issue should be obtained from the PNC Bureau