

BRITISH TRANSPORT POLICE AUTHORITY

Report to: Stakeholder Relations & Consultation Strategy

Date: 20th January 2009

Subject: Police Authority Draft Stop & Search Policy

Sponsor: Chief Executive & Clerk

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For: Information & Comment

1. PURPOSE OF PAPER

- 1.1 To present a first outline draft of the Authority's Stop & Search Policy (as attached at Appendix A) to the Committee for comment.

2. BACKGROUND

- 2.1 As described in previous papers to this Committee, police authorities have a key role to play in securing trust and confidence in policing. In particular they have specific responsibilities in relation to their respective force's use of Stop and Search and Stop and Account powers. Further, following the publication of the McPherson report in 1999, police authorities now have specific statutory responsibilities relating to Stop & Search under the now amended Police and Criminal Evidence Act 1984. Specifically police authorities should;

- Raise their community's awareness of their rights when stopped and or searched¹
- Rigorously scrutinise, with community representatives, the use of stop/search powers, and ensuring that the force take action to address any racial or other discrimination in the use of stop and search
- Demonstrate to communities that the force is being held to account for its use of stop/search

- 2.2 At a recent meeting of the APA's Equality and Diversity Officer Network (EDON) where the APA's own Stop & Search guidance was being reviewed, attendees were encouraged to review their own current

¹ Recording requirements in relation to Stop & Account were amended on 1st January 2009, see the Home Office Circular attached at Appendix B for further details

arrangements for communicating how they were discharging these duties. Also ensure that these arrangements were appropriate and visible to the communities they served.

- 2.4 The APA is now encouraging individual police authorities produce their own Stop & Search Policies to increase visibility and accountability in this area of work and this is likely to appear as recommended good practice in the forthcoming revised APA Stop & Search guidance². Members should note that BTP has its own separate operating arrangements and policy documents for Stop & Search and Stop and Account activity.

3. DRAFT POLICY

- 3.1 A first draft of the Authority's policy is attached to this paper at Appendix A. As a public facing document the policy is intentionally brief and this draft in particular sets out first thoughts as to the possible structure and content of the final document. Where possible the policy has been populated with further information to give an indication of the style and level of detail to be included.
- 3.2 An initial review of the documents of other police authorities has not identified any published Stop & Search policies; following discussions at the APA EDON meeting it is likely that other authorities are at a similar stage of drafting as BTPA. As such this first draft has been prepared using the Authority's standard template, to allow for consistency with our other policy documents, and includes only that information which is felt to be of most use to the end user(s). Where additional reference material is available but which is beyond the scope of the policy this is highlighted in the text.

4. NEXT STEPS

- 4.1 The draft as presented will be amended following feedback received from Members and will be further populated to produce a first full draft for circulation externally. If Members would prefer this draft could be circulated to them again offline for approval before it is shared with consultees.
- 4.2 An initial equality impact assessment will be carried out on the revised draft to highlight any immediate issues of concern. Any amendments at this stage will be recorded as a log of evidence of how the document was approved.

² Publication date TBC

4.3 As this is an important public facing document for the Authority, the Secretariat will then need to consult more widely on the proposed draft. This process does not need to be lengthy or complex but should focus on gathering high quality feedback from a small selection of stakeholders. We would suggest that appropriate consultees could include;

- BTP diversity unit
- BTP SAME
- BTP AMP
- BTP S&S lead (Superintendent Colum Price)
- BTP IAN and IAG IAN. These groups may be also able to suggest some additional individuals or groups who could provide input into the process.

5. FOR COMMENT

5.1 Members are asked to review the draft policy attached at Appendix A and comment on its proposed structure and content. In particular we would welcome feedback on any information which is felt not to be appropriate for inclusion or which is missing.

5.2 Members may also wish to comment on the proposed next steps as set out in section 4.3 above.