

Chief Constables' Council

Proposal to extend the Best Use of Stop and Search Scheme to include vehicle stops under the Road Traffic Act

13/14th July 2016/Agenda Item: 21

Security classification: RESTRICTED

Disclosable under FOIA 2000: NO

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Force/organisation: Gloucestershire Constabulary

Date created: 24th June 2016

Coordination Committee: Operations

Portfolio: Roads Policing

Attachments @ paragraph: None

1. INTRODUCTION/PURPOSE

- 1.1 A working group has been established with the aim to develop a proposal around the recording of Section 163 Road Traffic Act that satisfies Home Office expectations and is supported by Chiefs Council.

2. BACKGROUND

- 2.1 In April 2014 the Home Secretary asked HMIC to “review other powers that the police can use to stop people, such as section 163 of the Road Traffic Act 1988, in order to establish that they are being used effectively and fairly.”

On March 26th 2016 the Home Secretary announced in The Times newspaper that the Best Use of Stop & Search Scheme was to be extended to include a requirement for forces to record some data sets from all road traffic stops.

Section 163 RTA 88 is the sole legislative power available to the police to stop a vehicle. This power is used for multiple reasons including the protection of those at collision scenes, incidents and hazards - thousands of vehicles are stopped daily.

CC Davenport (RP lead) has formed a working group to address the issue. The group has been tasked with developing a proposal including a pilot with regard to this directive. Body text.

3. ACTIVITY Update

- 3.1 The group met for the first time on 24th June 2016 chaired by ACC Stephen Barry, Sussex Police.

Aims

Explore the rationale for collating Section 163 stops data to answer the requirement to be transparent and open, regarding proportionality, justification and legitimacy of such stops.

To explore the data collection requirements.

To explore technological solutions to data collection.

To cross reference Section 163 requirements with the “Best use of stop and search scheme” (BUSS).

To provide an update to the Chief Constables Council via the Road Policing lead – Chief Constable Davenport

Establish realistic time frames for delivery of pilot and National model.

Home Office Expectations

John de Sousa is leading and has shared Home Office expectations. These can be summarised as follows:

Preferred model is the development of an enhanced BuSS that would include S163 data collection and which Forces would voluntarily apply to.

No precise timeframe but expects a pilot this summer with a scheme running early 2017.

Road blocks such as section 4 PACE, holding traffic at RTCs and drink drive checks would be excluded as high volume and non-individual specific.

Aware that the incorporation of a data recording requirement means some forces will need time to make the necessary arrangements.

HMIC would monitor compliance through inspection regime as per BuSS.

ACC Barry has also discussed with DCC Hanstock who leads on BuSS. Any opportunities to declutter the BuSS landscape by working together will be taken by the group.

4. CONCLUSION

- 4.1 West Yorkshire / Cambridgeshire / Northumbria / Sussex forces to initiate data gathering from August 2017 (Realistically September onwards)

- 4.2 Proposed data requirements are currently ethnicity and age (self-defined), reason for stop and outcome of stop (pre-defined list), link between reason and outcome (Yes/No)

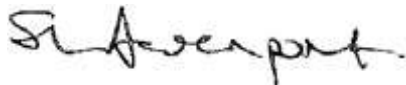
- 4.3 Evaluation criteria to be set by ACC Barry's group

- 4.4 Pilot not to include “non-individualised stops” e.g. S4 PACE, drink drive checks etc.
- 4.5 Forces will maximise use of mobile apps and technological opportunities.
- 4.6 Home Office accept that existing BuSS Forces should not be suspended if non-compliant with S163.
- 4.7 A representative of force IAG/Ethics panels/PCC offices will be sought for working group to provide advice regarding public/community input. Representative from “Stop watch” will be invited. Note that Home Office reiterated that public consultation is not necessary as S163 data collection requirement has been mandated by the Home Secretary.
- 4.8 Any lessons from BuSS work will be incorporated into S163 work. E.g. clarity of data requirements, monitoring/compliance regime and public access to information e.g police.uk
- 4.9 Any relevant training opportunities from BuSS (College of Policing) to be taken.

- 4.10 Input at the group from PNC established there is minimal opportunity to use PNC to record and retain S163 data
- 4.11 Home office expectation is National model for S163 data gathering should be in place by early 2017. My assessment is that this is very ambitious.

5. **DECISIONS REQUIRED**

- 5.1 Chief Constables Council to agree proposal for section 163 pilot



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