

POLICING PROTOCOL

PURPOSE OF THE REPORT

1. The purpose of this report is to inform Members of the recent draft Protocol developed by the Ministry of Defence to better define the relationship between the Ministry of Defence Police, Service Police, Home Office Police Forces, British Transport Police and Civil Nuclear Police.
2. The report outlines the aims of the protocol and views of the Association of Police Authorities. The report is submitted for discussion and noting.

BACKGROUND

3. The Ministry of Defence recently recommended a new draft protocol to replace Home Office Circular 24/2002, which is a bilateral agreement between the Ministry of Defence Police (MDP), the Home Office Police Forces (HOPFs) and the British Transport Police (BTP). The scope of the draft protocol has been expanded to include the Service Police forces.
4. The Home Office, in April 2008, asked for formal views from ACPO (Association of Chief Police Officers) and the APA (Association of Police Authorities). The Home Office was keen to ensure that the protocol helped to better define the relationship between the various forces as well as to ensure that their reprioritisation and the protocol did not impact adversely on police forces.

DRAFT PROTOCOL

5. The draft protocol outlines the roles, responsibilities and jurisdiction (including first response) of participants to the protocol. It also outlines arrangements for the policing of Service Families Accommodation; armed deployment; traffic control and escorts; mutual aid between the MDP and HOPFs; and how the MDP and HOPFs in England and Wales intend that the extended jurisdiction given to the MDP (in the Anti-terrorism, Crime and Security Act 2001) to act in support of the HOPFs, including immediate and urgent circumstances, will be exercised. The draft protocol also addresses complaints against the police and consultation, exchange of information and mutual support between participants.

VIEWS OF THE APA

6. The APA consulted with member authorities, including the Ministry of Defence Police Committee, and offered a number of views. The overall view of the APA is that the draft protocol represents a fair reflection of the status quo and is an improvement on the existing protocol between the MDP and ACPO. It was welcomed by the APA that the protocol now included the Service Police – the Royal Military Police, Royal Air Force Police and Royal Navy Provost – and

confirmation of the validity of local arrangements in a number of areas, whereby the Service Police pick up or assist with some crimes relating to service personnel.

7. The APA also noted a significant point of departure from the 2002 protocol through the move away from the commitment on behalf of the MDP that "... *responsibility for the investigation of criminal offences committed within the jurisdiction of the Ministry of Defence Police Act 1987 as amended by the Anti-terrorism, Crime and Security Act 2001 will rest with the Chief Constable of the Ministry of Defence Police.*"
8. The move away from the 2002 protocol is recognised by the APA to be the result of resource constraints and a greater focus of resources on specialist armed protective security policing and crimes which have a significant impact on the UK's fighting capability and defence. The APA welcomed assurances from the MOD and MDP that there will be no intention to withdraw from current commitments and that there remains an intention to continue to investigate criminal offences at defence establishments at which there is a permanently stationed and available MDP presence.
9. The APA has asked for further discussions about what would fall under the definition of a 'Significant Defence Crime' thereby allowing either the MDP or Service Police to request that the relevant HOPF cede jurisdiction. There are also a number of other areas within the protocol where the APA noted contradictions between elements of the protocol which will require clarification.

FINANCIAL IMPLICATIONS

10. The financial implications of any changes in working practices will be monitored on an ongoing basis. Any changes to budget assumptions will be reported to the Finance Committee.

LEGAL IMPLICATIONS

11. The draft protocol is currently being considered by the legal team at the Home Office to identify any potential conflicts in the legislation as it stands.

EQUALITY AND DIVERSITY IMPLICATIONS

12. Not applicable.

CHILDRENS ACT 2004

13. Not applicable.

CONCLUSION

14. The draft protocol is nearing agreement with the various parties involved. The MOD has, according to the APA, agreed the changes. The next step for police authorities is for the final protocol to be agreed at the APA Annual General Meeting on 16 July 2008.

RECOMMENDATIONS

15. It is recommended that Members:

- (i) Discuss the potential implications of the draft Protocol for the Humberside Police area; and
- (ii) Receive details of the final Protocol to a future meeting.

John Bates
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Background Papers: GEM 112/2008 – Policing Protocol between Ministry of Defence Police, Service Police and Home Office Forces
(Association of Police Authorities)