

CO-ORDINATED POLICING PROTOCOL BETWEEN THE BRITISH TRANSPORT POLICE AND HOME OFFICE POLICE FORCES

The Parties to the Protocol are the Chief Constable of the British Transport Police and Chief Constables of Home Office forces in England and Wales operating under the Police Act 1996.

This protocol provides for an efficient and effective working relationship between the British Transport Police and Home Office police forces, outlining where necessary areas of responsibility and accountability. It makes provision for consultation and co-operation between the two parties, with the aim of delivering the best policing on the ground.

This protocol also outlines how the parties intend that the extended jurisdiction given to the British Transport Police (in the Anti-terrorism, Crime and Security Act 2001) to act in support of Home Office forces, including in immediate and urgent circumstances, will be exercised

1. Primary responsibility for the maintenance and enforcement of the criminal law throughout England and Wales rests with the chief officers of the '1996 Act' Police Forces (hereinafter described as 'local Chief Constables' and 'local police forces'). The references in this protocol to a local Chief Constable shall also include The Commissioner, Deputy Commissioner and Assistant Commissioners as appropriate, of the Metropolitan Police Service and the City of London Police.
2. Recognising the mutuality of the agreement, the Chief Constable of the British Transport Police and the local Chief Constables will endeavour to ensure regular consultation and timely exchange of information on matters of shared interest specifically in relation to:
 - a) policing matters which fall under the jurisdiction of the Chief Constable of the British Transport Police; and
 - b) cases or suspected cases of criminal offences concerning railway property or premises which come to the notice of local Chief Constables.
3. **Investigation of Criminal Offences**

The responsibility for the investigation of criminal offences committed within the jurisdiction of the British Transport Police set out under the British Transport Commission Act 1949 as amended by the Transport Police (Jurisdiction) Act 1994 and the Anti-Terrorism, Crime and Security Act 2001 will rest with the Chief Constable of the British Transport Police.
4. However, in relation to any crime or suspected crime of terrorism, or any incident of murder or suspicious death on railway premises, that force will take any immediate action necessary whilst simultaneously informing the local Chief Constable. Thereafter, the local Chief Constable in consultation with the Chief Constable of the British Transport Police will determine how the investigation should proceed.
5. Crime occurring within the jurisdiction of the British Transport Police will often have implications for local police forces. Similarly crime occurring outside such jurisdiction, investigated by local police forces, may have implications for the British Transport Police in their role. For example the British Transport Police may be investigating offences of

robbery or rape which form part of a series of crimes being investigated by a local police force where cross-referring of intelligence and forensic evidence is essential. The reverse will also be true.

6. The importance of continued inter-force liaison, mutual support and co-operation at all levels is recognised and encouraged as an important facet of these arrangements. The value of close co-operation connected with established multi-agency approaches to some serious offences, for example certain offences relating to children, is also recognised. In these cases it is therefore essential that dialogue between the Chief Constable of the British Transport Police and the local Chief Constable is maintained.

7. **Reporting and Recording of Offences**

Details of any offence reported to a local police force that has been committed on railway premises that are within the jurisdiction of the British Transport Police, should be passed to the British Transport Police for recording in accordance with current Home Office policy. The British Transport Police will be responsible for the annual reporting of offence statistics to the Home Office in the format applicable to that force. Similarly, offences that are reported to British Transport Police and which have been committed outside of the normal jurisdiction of that force will be reported to the local police force for adoption.

8. **Mutual Aid**

Under the Anti-terrorism, Crime and Security Act 2001, the Chief Constable of the British Transport Police may, at the request of a local Chief Constable, provide mutual aid and/or police assistance to that particular local police force for the purposes of enabling that force to meet operational demands.

9. This is most likely to be in support of policing at major public order events and civil emergencies or in the provision of specialist policing capabilities. Where such assistance is provided, British Transport Police officers will be under the operational control of the local Chief Constable from the requesting force, and will have the same police powers as officers of that local police force.

10. During any period of mutual aid, officers of the British Transport Police will be deployed under the overall command of the senior officer of the local police force responsible for policing the operation. Prior to each operation, the local police force concerned will ensure that British Transport Police officers on mutual aid duties are fully briefed regarding intelligence, risk assessments, operational deployments and tactics.

11. **Extended Jurisdiction**

Generally, jurisdictional requirements mean that the powers available to the British Transport Police are restricted to railway premises, the vicinity of such premises and elsewhere in England, Wales and Scotland in matters affecting a Police Services Agreement Holder, (as defined in the Transport Police (Jurisdiction) Act 1994). The Anti-terrorism, Crime and Security Act 2001 allows officers of the British Transport Police to exercise constabulary powers outside the vicinity of railway premises and elsewhere in the following circumstances:

- a) if requested by a constable of a local police force to assist them in the execution of their duties in relation to a particular incident, investigation or operation;
- b) when they suspect on reasonable grounds a person of having committed, being in the course of committing or about to commit an offence, or that they need the

powers and privileges of a constable in order to save life or to prevent or minimise personal injury. British Transport Police officers can only act in these circumstances if they are in uniform or have documentary evidence that they are a member of the British Transport Police, and they believe on reasonable grounds that they should exercise these powers without securing the attendance of, or a request for assistance from, another constable under (a) as this would frustrate or severely prejudice the purpose for which they believe the power should be exercised;

- c) under the provisions of '**Mutual Aid**' as set out above.
12. It is envisaged that requests for assistance from local police forces should normally arise from incidents, investigations or operations that impact upon the British Transport Police or their primary policing jurisdiction. They should not be routinely requested to exercise powers outwith their normal jurisdiction on policing tasks unrelated to the railways. However, this should not prevent requests for British Transport Police assistance in any case where there is a real risk to life or where police officers require urgent assistance.
13. The primary role of the British Transport Police continues to be to provide law and order policing services to the railway estate and associated community. Other than in the circumstances set out under '**Mutual Aid**' above, British Transport Police officers will not normally seek to exercise powers in their extended jurisdiction to deal with other matters unless they come across an incident requiring police action whilst in the course of their normal duties.
14. Whenever British Transport Police officers exercise police powers under this '**Extended Jurisdiction**' the Chief Constable of the British Transport Police will ensure the local Chief Constable is notified as soon as possible.
15. **Anti-terrorism Powers**
The Anti-terrorism, Crime and Security Act 2001 amends the Terrorism Act 2000, so as to grant to officers of the British Transport Police powers to erect cordons and to stop and search under the Terrorism Act 2000. British Transport Police officers of the rank of Superintendent or above have the powers to authorise the erection of cordons, and officers of the rank of Assistant Chief Constable or above can authorise stop and search powers. In such cases, the Chief Constable of the British Transport Police should consult with the appropriate local Chief Constable(s) before such an authorisation is made, unless the power is required urgently. In this event, if practical, the local Chief Constable(s) will be notified as soon as possible.
16. **Traffic Control and Escorts**
Primary responsibility for the control of traffic on public roads rests with local Chief Constables. However, it should be recognised that there are occasions when British Transport Police officers legitimately undertake policing functions on public roads in a number of instances, e.g. certain Light Railway/Tramway services and offences at railway level crossings.
17. Aside from these circumstances, if for any reason a road escort is to be provided by the British Transport Police for a vehicle carrying a dangerous or valuable load, or escorts in connection with any road transport used by the railway companies as an alternative to railway services, e.g. buses conveying football supporters, the Chief Constable of the British Transport Police will provide the appropriate local Chief Constable(s) with notification of the timings and route to be taken as early as is practicable.

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18. **Use of CS Spray Outside Normal Jurisdiction**
CS Spray is issued to British Transport Police officers for protection in connection with the performance of their lawful duties. Where such use is made of CS Spray in any circumstances connected with the provision of '**Mutual Aid**' or other '**Extended Jurisdiction**' granted under the Anti-terrorism, Crime and Security Act 2001, then the Chief Constable of the British Transport Police shall ensure that the local Chief Constable is advised.
19. **Home Office Circulars and ACPO Policies and Procedures**
The British Transport Police provide a public policing service and police 'public space', albeit primarily within the confines of private property. In the exercise of this function, the Chief Constable gives due regard to relevant and appropriate Home Office Circulars and ACPO policies and practices in England and Wales.
20. **Accountability and Liability of British Transport Police Officers Exercising Powers Under 'Extended Jurisdiction'**
As a general principle, the Chief Constables of the British Transport Police and the local police force will each assume a sole and individual responsibility for damages and costs arising out of any civil liability or injury occurring as a result of the actions of their own officers whilst engaged in '**Mutual Aid**' duties. This is regardless as to whether the incident takes place whilst the officers are under the overall supervision of an officer from the other force, unless there is specific legal advice placing sole liability on a single Chief Constable for all actions or that liability should be jointly shared between each of them.
21. Costs and damages arising directly from the operational strategy will be met by the local police force. The local Chief Constable will also indemnify the British Transport Police officers against accidental personal injury whilst engaged on formal '**Mutual Aid**' duties away from railway premises. The same arrangements will apply to safeguard officers from a local police force when they are providing formal '**Mutual Aid**' at the request of British Transport Police.
22. Where British Transport Police officers exercise policing powers outside of their normal jurisdiction in circumstances set out under '**Extended Jurisdiction**', the Chief Constable of the British Transport Police remains vicariously liable for all of the actions of those officers and for dealing with any consequential claims or actions. This includes those cases where the officers were responding to a specific incident without prior formal '**Mutual Aid**' arrangements between forces.
23. **Complaints Against Police**
Nothing in this protocol over-rides the responsibility placed upon the Chief Constables of the British Transport Police and the local police forces to record and investigate complaints made about the conduct of their officers. Rather, the following subparagraphs suggest a preferred method of dealing with such matters subject to each Chief Constable's approach in each instance. Where a complaint against police connected with the deployment of '**Mutual Aid**' officers is made, the following general rules will apply:
- a) The geographical location of the incident from which an individual complaint or allegation arises will inform the decision as to which Force will conduct the investigation but will not be the sole determinant. In this agreement the force in whose area the incident is geographically located is referred to as the home force.

- b) If officers from both the British Transport Police and the home force to whom aid is being provided are involved in the complaint or allegation, then the home force will normally investigate all officers provided the respective Chief Constables agree. If only officers from the home force are involved the investigation remains with that force.
- c) If only officers from the British Transport Police are involved, then that force will normally carry out the investigation. However, if the Chief Constable of that force agrees, the home force may undertake the investigation.
- d) Where the identity of the officer(s) complained of is unclear, the home force will be responsible for initiating an investigation. When the identity of the officer(s) is finally established the further investigations will be dealt with as outlined above.
- e) In the event that one or more of the Forces considers any complaint to qualify for voluntary referral to the Police Complaints Authority, the other affected force will be consulted before any such voluntary referral is initiated.

24. **Charges for Services**

Where an officer of the British Transport Police is acting under '**Extended Jurisdiction**' or in response to a request for assistance, (other than under '**Mutual Aid**' arrangements), no charges for those services will be made against the local police force concerned.

25. Where '**Mutual Aid**' is being provided on a pre-planned basis in response to a formal request from the local Chief Constable, charges for those services will in normal circumstances be agreed in advance between the forces.

26. **Contact and Consultation between Chief Constables**

Where, in any of the above paragraphs, an undertaking has been given by the Chief Constable of the British Transport Police in connection with co-operation, consultation, or the advising of certain matters to a local Chief Constable, this may be delegated to appropriate local officers within the British Transport Police and the local police forces for day to day operational purposes.