



## **Equality Impact Assessment**

### **Proceeds of Crime provisions in Policing and Crime Bill**

#### **Gathering Evidence through Community Engagement**

The Asset Recovery Action Plan consultation document was published on the Home Office website in May 2007 as part of a 12-week consultation process. This was preceded by an intra-Governmental consultation. The consultations outlined Action Points for the delivery of projects already in place as well as 13 new proposals for consultation.

#### **Assessment & Analysis**

The majority of the policy proposals in the Plan received strong support from respondents. There were no specific comments received in relation to the likelihood of particular communities or groups having different needs, experiences and/or attitudes in relation to the policies or implementation of the proposed new powers. There were comments calling for adequate safeguards, particularly in relation to the protection of Human Rights.

Following the above consultation, 10 proposals are being taken forward as amendments to the Proceeds of Crime Act 2002(POCA) via the Police and Crime Bill. They are;

1. Recovery of expenses
2. Payment of compensation
3. Power to search vehicles
4. Detained cash investigation: transfer of jurisdiction to the Crown Court
5. Power to retain seized property
6. Power to sell seized personal property
7. Limitation
8. Detention of seized cash
9. Forfeiture of detained cash without court order
10. Seizure of personal property on arrest

It is considered that in relation to two of these measures, there is a potential for particular communities or groups having different needs, experiences and/or attitudes in relation to the policies or implementation of the proposed new powers.

These two measures are '**Seizure of personal property on arrest**' which featured in the public consultation mentioned above, and '**Power to search**

**vehicles'** which did not feature in the public consultation, but which was consulted on within Government. The 'Power to search vehicles' is merely intended to expand the existing powers that provide for the search of the person and premises for cash. These powers have been in force since December 2002 and are subject to many safeguards to ensure that their operation is proportionate and focussed. The safeguards include; the expectation of securing prior approval of a search from a judicial officer, an independent person who oversees the operation of some of the searches and a Code of Practice issued by the Secretary of State in relation to the exercise of the search powers. The Code of Practice will require amendment prior to the introduction of the new power to search vehicles; the Code is subject to a consultation process, which will include Equality Impact considerations.

It is envisaged that there is potential for a differential impact on particular communities or groups, for instance, persons with disabilities and learning difficulties, as well as impacts in relation to faith and religion. Nevertheless, the proper exercise of these powers will not, in themselves result in discrimination since they can be applied to any individual. It is in the abuse of these powers that a risk of discrimination resides. Below are details of safeguards to avoid such abuse of the proposed powers.

### **Action Plan**

The highlighted potential impact will be countered through the provision of guidance for all individuals and groups that exercise the prospective laws listed including in relation to 'Seizure of personal property on arrest' and 'Power to search vehicles'.

These amendments to the Proceeds of Crime Act 2002 via the Police and Crime Bill mean that there will be a need to;

1. amend all POCA practice codes; and
2. provide training or awareness to those concerned with the exercise of powers.

The impact on equality will form part of the considerations made in relation to the above, and may include related consultation.

The current cash search code gives guidance that taking special care and having particular regard to a person's vulnerabilities and possible difficulties should be exercised when conducting a search. This is seen as particularly relevant with juveniles and persons with mental or physical disabilities. The current investigation code also provides guidance in the context of interviewing, such as a person with learning difficulties being accompanied by an "appropriate adult".

These considerations, including any relevant consultations, will inform both the amendments made to the Practice Codes and any training or awareness offered to those that exercise them.