



NOTTINGHAMSHIRE  
**POLICE**  
PROUD TO SERVE

Stop and Search – Data and Delivery  
Scrutinisers; and Lay Observers Policy

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**SECTION 1 VERSION CONTROL**

Version No.	Date	Author	Post	Reason for Issue
1.0	July 2014	Supt Burrows	Stop and Search Operational lead	Draft policy for consultation
2.0	Sept 2014	Supt Burrows	Stop and Search Operational lead	Policy re-write following community consultation

## SECTION 2 BACKGROUND

The aim of this policy is:

- 1 To facilitate the introduction of members of the public accompanying police officers and staff while engaged in their general work duties, to view stop and search.
- 2 To support the Force's strategies and tactics in engaging with local people and communities.
- 3 To ensure the appropriate health and safety standards are adhered to and the Force's duty of care is met.
- 4 To reflect the Force's commitment to Fairness and Equality.
- 5 To ensure the principles of confidentiality and Data Protection are adhered to.

Nottinghamshire Police believes that the powers of stop and search should be used with the support and understanding of all communities and that all members of the public should be treated with dignity and respect at all times, particularly when being searched.

Nottinghamshire Police aims to understand the proportionality of the searches conducted in its Force area, so it can increase the effectiveness of the use of stop and search powers. Searches will be targeted more effectively, using current intelligence that is actively communicated to officers through daily briefings. The organisation will also make itself both more publically accountable for the way and manner in which the powers are used and understand how effective stop and search is used to make communities safer.

Nottinghamshire Police recognises that stop and search has a significant impact upon the trust, confidence and satisfaction of the people of Nottingham and Nottinghamshire – particularly those from Black, Asian and Minority Ethnic backgrounds. As such the Force will work to maximise the confidence of these communities in the service provided. This policy contributes to this by enabling members of the public, as both Data and Delivery Scrutinisers and Lay Observers, to review stop and search activity and view stop and search activity being delivered.

The new 'Best Use of Stop and Search Scheme' (BUSSS) has been launched by the Home Secretary; and provides the expectation that all Forces will comply with the requirements of the scheme as laid out, most notably that Forces will:

1. Develop an approach to the recording of stop and search encounters that fully incorporate the Code of Ethics to ensure every stop and search is 'justified and justifiable', the recording of grounds must be undertaken with this in mind. There must be transparency within any process identified and the necessity and proportionality tests must be fully considered and met.
2. Ensure officers understand:
  - The powers that they are using and can use to address an issue on the street
  - The legality of their action and the need to achieve sufficiency of grounds
  - The need, purpose and process of supervisory oversight of the use of these powers
3. Ensure stop and search is, excluding section 60 of the Criminal Justice and Public Order Act, used as a suspicion based power. It is critical that the public is well informed by Forces adopting the BUSSS of this fact and what the difference is between 'suspicion' and 'belief'.

- 4 Facilitate and attend a stop and search scrutiny board to review activity, data, outcomes, proportionality, complaints and any other 'metric', as required by the BUSSS.
- 5 Ensure members of the public will be able to comment on and influence the future delivery of stop and search.
- 6 Give Lay Observers, who will be members of the local community, opportunities to accompany police officers on patrol to observe stop and search.
- 7 Enable in all instances these members of the public undertaking the role of Lay Observer to comment upon and influence the future delivery of stop and search activity within Nottinghamshire Police, based upon what they have seen and read.
- 8 In addition to the stop and search scrutiny board and Lay Observers scheme, will hold itself open to scrutiny by any members of the public and listen to their views, not least through the complaints process. It is for this reason that a significant amount of information has been published via the Force website:  
<http://www.nottinghamshire.police.uk/stopsearch>.

### SECTION 3 AIMS / OBJECTIVES

Nottinghamshire Police's vision is supported by three strategic priorities:

- To earn your trust and confidence
- To cut crime and keep you safe
- To spend your money wisely

This stop and search Lay Observer policy supports the appropriate and proportionate use of these stop and search powers to target and reduce criminality and terrorism. The quality of every stop and search interaction can influence public confidence in the use of police powers and the Force, as well as providing a positive contribution to reducing the fear of crime. By using new technology to record stop and search we will improve use of police resources; as such this policy supports these three strategic priorities.

We will only use our powers when it is necessary, proportionate and lawful to do so in the pursuit of the following legitimate aims:

- In the interests of public safety
- To prevent crime and disorder
- In the interests of national security
- To protect the rights and freedom of others

In the utilisation of our powers we will, both as individuals and collectively, adhere to our **PROUD** values. We will:

- Be **Professional**
- Have **Respect** for all
- Work as **One** team
- Work with the **Utmost** integrity, trust and honesty
- Strive to do it **Differently**

## **SECTION 4 DETAIL**

### **4.1 Stop and search scrutiny board (Data Scrutinisers)**

All stop and searches are required to be recorded by law. Nottinghamshire Police will make best use of technology to ensure every use of a power to stop and search is recorded accurately and efficiently.

Nottinghamshire Police will be open and transparent in our use of stop and search powers and welcomes scrutiny by independent organisations and our communities in how these powers are used. We will seek and act upon community feedback by producing stop and search data at a neighbourhood level. Using existing and new community engagement opportunities, this data will be shared with our communities.

Nottinghamshire Police recognises that the inappropriate use of these powers and any poor treatment of a person being searched damages the trust and confidence of our communities in the service we provide. Confidence can, however, be built when officers are seen to be tackling those crimes that matter to communities and when the powers of stop and search are used ethically, treating people with dignity and respect.

We will ensure that the powers of stop and search are used fairly, impartially and without discrimination.

Nottinghamshire Police will support its officers in the use of stop and search by:

- Ensuring officers have up to date knowledge of the relevant legislation
- Focusing on effective leadership and supervision to ensure officers are using powers lawfully and proportionately
- Providing the most effective tools possible to record every use of a stop and search power

#### **4.1.1 The purpose of a stop and search scrutiny board**

The board is required to, not exclusively:

- Set its terms of reference for the Force to respond to, to hold the Force to account
- Review the Force's data on the use of all stop and search powers
- Review officer activity to establish any history of stereotypical use of these powers
- Review the grounds being recorded for sufficiency
- Ensure stop and search activity is being effectively supervised
- Review the proportionality of searching and the grounds being used
- Review and comment upon complaints data
- Ensure the requirements of the Police and Criminal Evidence Act (PACE), 1984 Code A, are being complied with
- Ensure the Best Use of Stop and Search Scheme (BUSSS) is being complied with and that any breaches are being reported to the Home Office.

Membership and recruitment to the board and the rotation of individuals within the board will be a matter for the board to determine, independently of the police.

The Force will provide training and briefing for board members so they are able to undertake their role, most particularly a briefing note on the requirements of PACE Code A, recording of the grounds of a stop and search encounter and the BUSSS.

Nottinghamshire Police will ensure that it attends the independent stop and search scrutiny board. In the absence of an independent Chair for this board being identified, the Force will ensure that this scrutiny requirement is undertaken by organising the meeting, providing the 'Chair', and inviting members of the public to attend; however this is not the preferred course of action. In this eventuality the Force will actively work with the community to identify an independent Chair.

In the anticipated case of this board being administered independently it is matter for the convening group to determine membership. Nottinghamshire Police will require that it is seen by the public to be representative of all those communities who are disproportionately likely to be stopped and searched as well as ensuring representation of both genders.

#### **4.2 Stop and search public meetings**

Nottinghamshire Police appreciates that some individuals who want to be involved do not have the time to regularly attend 'scrutiny board' meetings. This board by its very nature, needs to be small to remain functional.

Accepting this, the Force will hold quarterly themed meetings to present what Nottinghamshire Police is delivering around stop and search. At the suggestion of the public during one public meeting the decision has been made to give each meeting a theme, these themes will be change on public demand but for the period 2014/15 in the absence of any direct request, they will look to cover:

Quarter 1 – approx mid–May, the **year end report** covering the last performance year's activity

Quarter 2 – **Learning and development** - presenting the learning and training that has occurred

Quarter 3 – **Scrutiny, accountability and public empowerment** – reporting on the work done to positively inform the public of their rights, the legal powers, how to make a complaint and how to hold the Force to account

Quarter 4 – **Complaints and discipline** - outlining what has happened during the previous year

These meetings will be publicised via the Force website and through the existing network of individuals known to the organisation who have expressed an interest in getting involved.

Each meeting will have a data update on the year to date position.

#### **4.3 Stop and search Lay Observers**

The role of 'Lay Observer' is not new to Nottinghamshire Police – independent custody visitors have viewed activity in the custody suites for a number of years, talking with those detained to ensure their welfare is being looked after.

It is anticipated that Lay Observers will be individuals from the local community who are willing to give their time to help advise and develop the organisation. We see this role as providing an extremely positive contribution on behalf of the public, not just by observing and offering scrutiny to Nottinghamshire Police regarding the use of stop and search but also through offering guidance, support and feedback so help the organisation can improve the service provided and/or the use of

powers. They will be asked to de-brief their involvement so that the organisation can obtain their experience and opinion for learning and development.

Unlike the role of Lay Visitors, Lay Observers will not be appointed and managed through a central body; they will be individuals who come to view policing activity in an ad-hoc manner. To maximise the safety of the Lay Observers while deploying on the streets, the 'observations' will be conducted via an appointment. Similarly to ensure the training course dynamic does not change by Lay Observers outnumbering officers, an upper limit for attendance will be set. Ideally Lay Observers should attend in pairs. No more than one pair at any one time should observe a specific event.

The role of an independent Lay Observer is designed to enable members of the public without specific training, to view stop and search activity while it is being delivered. This may be by attending officer training or going on patrol or viewing targeted operations - to witness stop and searches taking place.

Nottinghamshire Police will ensure a risk assessment is in place to mitigate any risks during the course of these activities and that Lay Observers are fully briefed prior to any deployment.

Lay Observers will be asked to sign a 'Confidentiality Agreement' to ensure any information obtained during the course of this activity is treated appropriately. A willingness to sign this Agreement will be a condition of attendance.

No formal training will be provided to undertake this role as the aim is to enable ordinary members of the public to attend events to see what officers are both doing and being trained to do. A briefing note will be provided to outline how stop and search should be conducted and to ensure observers know what they should be looking for as best practice.

The Lay Observers will be expected to observe, comment and report on:

- The activity observed
- Whether any rules, legal requirements or best practice are being breached
- Their views on the effectiveness of what they have observed

Lay Observers must appreciate that they may observe interactions where the member of the public being searched does not wish to be seen by an individual not directly involved. As such the Lay Observers must respect the wishes of that person.

The organisation will keep a record of all Lay Observer attendance and while it will be anonymised, the fact of the attendance will be published via the Force website.

The names of Lay Observers may be made available to Her Majesty's Inspectorate of Constabulary (HMIC) during a stop and search inspection so that the Observers can be interviewed, subject to their agreement, at the request of the HMIC.

## **SECTION 5 LEGISLATIVE COMPLIANCE**

This document is written to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention on Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing. It has also been written to comply with the requirements of the Best Use of Stop and Search Scheme.

## Procedural guide for the deployment of Lay Observers

### 1.0 Background

1.1 The Lay Observer role is open to all members of society. The purpose is to provide an opportunity for individuals to gain a practical insight into the nature of police work focusing on stop and search.

### 2 Eligibility

2.1 Lay Observation is open to all, regardless of sex, marital or family status, race, colour, ethnic or national origin, nationality, religion or belief, politics, disability, sexual orientation, gender identity, social position or social disadvantage.

2.2 A Lay Observer who goes out on patrol to view stop and searches in action must: normally be aged 18 years or above. However, Local Area Commanders and their operational teams have the discretion to allow those aged 16 years or older to attend as a Lay Observer if they have a specific reason – e.g. a school project or participation to support any initiative that would be advantageous to both the Observer and the organisation.

2.3 Lay Observers will not require vetting, the rationale for this is that:

- They are not riding in police vehicles on the chance of witnessing a stop and search while on patrol with a police officer. If, however, they were to accompany officers on vehicular patrol this would elevate the risk to the Observer and the officer and as such vetting would be required.
- As there is no planned or intended sharing of operational information, as such there is no requirement to vet.
- While there is the potential to hear details of the person subject of the search, through ambient listening, they are not being given the information direct. Again in this instance there is no requirement to vet

2.4 The signing of a confidentiality agreement will cover the data protection requirements of the Force and a risk assessment properly conducted will mitigate foreseeable risks.

2.5 To realise the aim of extending the Lay Observer scheme to as many people as possible, and given the Force's finite resources, participants will normally be restricted to one observation per calendar year.

2.6 Participants of the Lay Observer scheme must be residents of Nottingham or Nottinghamshire or have strong community or volunteering ties to these areas.

2.7 Lay Observers can have their expenses paid for reasonable costs incurred for attending these operations.

### 3. Safety

3.1 The Force has a duty of care towards the Observer, members of the public with whom they may come into contact and its staff.

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- 3.2 Health and Safety and Data Protection legislation will be balanced with the need of the Force to develop trust and confidence amongst all sections of the community through this scheme.
- 3.3 Specifically the protection of life, the prevention of injury and the need to maintain individuals' privacy in certain sensitive cases will take precedence over the Lay Observer scheme.
- 3.4 While every effort will be made to get the Observer as close to the work of front line officers as possible, there may be occasions, where for reasons of safety or privacy, the Observer is asked to withdraw to a safe distance.
- 3.5 A generic risk assessment has been developed and will be complied with at all times.
- 3.6 It must be made clear to Observers that they must follow any instructions given by the accompanying staff member at all times during the observation.
- 3.7 The Force will NOT equip the Observer with a Hi-Vis jacket. The rationale for this is that providing there is no need to go on to roads or travel in vehicles then the best way to mitigate risk to the Observers is to enable them to step away from the operation and any confrontational situation and consequently blend in with the surroundings. The wearing of high visibility clothing may expose them to the attention of the aggressor or others who may be involved. To ensure Observers can be identified, they will be issued with a visitors badge and lanyard from the front counter so they are readily identifiable. Lay Observers will be required to wear a Visitors ID badge while in police stations but can should they prefer, remove these while on the streets to enable them to better blend in with the general public.
- 3.8 The Force reserves the right to refuse participation in this scheme and to terminate the observation if it is necessary for the officer or member of staff to carry out their work effectively, efficiently and safely.

#### **4. Health**

- 4.1 To participate as a Lay Observer, the Observer must have no medical conditions or injuries that will expose the Observer to any additional risk of harm. The presumption is that in asking to attend, this is confirmation that this is the case.
- 4.2 Organisers of the Observations will ensure that the Observer has disclosed any relevant medical conditions that could affect the placement through the completion of the Observers briefing prior to the observation.
- 4.3 Where a condition that could affect the placement is disclosed, the single point of contact will request the advice of the Force medical advisor prior to the placement to assess suitability and any additional measures required to counter any specific risks beyond those set out in the Generic Risk Assessment.

#### **5. Process**

- 5.1 There are two principal routes to accessing the Lay Observer scheme:
  - 1. Word-of-mouth from police officers, staff and community contacts who are already aware of the scheme
  - 2. The Force website via the Lay Observer scheme page

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- 5.2 The Lay Observer process will be coordinated by the operational lead for stop and search and publicised via the Corporate Communication Department.
- 5.3 All documentation comprising an application pack and a tracking mechanism will be held by the stop and search operational lead. The pack consists of:
- contact details for the Single Point of Contact (SPOC)
  - a confidentiality agreement
  - Observer briefing sheet
  - a risk assessment form
  - a feedback sheet
- 5.4 The tracking mechanism is a rudimentary spreadsheet that facilitates the recording of Observer contact details and the dates they will / have attended.

## **6. Tactics**

- 6.1 The Lay Observer scheme is an initiative that can help realise a number of Force aims. It can:
- provide insight for potential recruits who want to join the police
  - be used to focus on people within the Key Individual Network list, Neighbourhood Watchers and others from under-represented groups, demonstrating our commitment to all differing sections of our communities
  - by nature, build positive viewpoints and help counter any negative views of the police service
  - be used to focus on opinion formers and opinion leaders