MPA METROPOLITAN POLICE AUTHORITY

A practical guide to

Stop and Search Community Monitoring Groups

METROPOLITAN POLICE

Working together for a safer London

August 2009

Contents

Borough Community Monitoring Group guidance

1. Background

The MacPherson Report into the death of Stephen Lawrence[1] made 70 recommendations intended to provide greater public scrutiny and control of policing, enshrine rights for victims of crime and extend the number of offences classified as discriminatory. Four of these recommendations were specifically aimed at ensuring that the use of the powers of stop and search were applied in an unbiased way and the Metropolitan Police Authority (MPA), in partnership with the Metropolitan Police Service (MPS) is committed to the fair and sustained implementation of these recommendations.

Recommendation 60 states:

> *'That the current powers of stop and searches are required for the prevention of crime and should remain unchanged.'*

Recommendation 61 states:

> *'That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all "stops" and "stops and searches" made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so-called "voluntary" stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped.'*

Recommendation 62 states - to monitor the stop and search practice:

> *'These records should be monitored by Police Services and Police Authorities and reviewed by the HMIC on inspections, with the information and analysis being published.'*

Recommendation 63 sought to ensure public awareness of their rights when stopped and searched:

> *'That Police Authorities be given the duty to undertake publicity campaigns to ensure that the public is aware of "stop and search" provisions and the right to receive a record in all circumstances.'*

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[1] The Stephen Lawrence Inquiry Report/Report of an Inquiry by Sir William McPherson of Cluny

2. Technical detail

2.1 Definition of a stop

Officers must record all stops that fulfil the following definition of a 'non-statutory encounter' as set out in the practice guidance to Code A of the Police and Criminal Evidence Act 1986 (PACE)[2]:

'When an officer requests a person in a public place to account for themselves, i.e. their actions, behaviour, presence in an area or possession of anything, a record of the encounter must be completed at the time and a copy given to the person who has been questioned (Para 4.12).'

The recording requirement does not apply to:

- General conversations with members of the public (e.g. giving directions);

- Seeking witnesses;

- Seeking general information;

- Establishing background to incidents (to resolve disputes, etc.);

- Traffic stops when a HO/RT1 ('producer'), Vehicle Defect Rectification Scheme notice (VDRS), or Fixed Penalty Notice (FPN) is issued; or

- Traffic stops when a breath test is required.

2.2 Stop recording practice

From January 2009 a revised, shorter stop recording form (5090 form) was launched by the MPS across London. This has proved to be a more acceptable approach for both officers and London's communities. The time it takes to record a stop and account or stop and search encounter has reduced significantly from 8-10 minutes to 3-5 minutes approximately.

There have also been changes and/or amendment to Police and Criminal Evidence Act guidance on stop and search and stop and account:

'From 1 January 2009, a police officer or Police Community Support Officer (PCSO) conducting an encounter under paragraphs 4.11 – 4.20 of Code A will be required to record only the ethnicity of the person. Whilst the change reduces the form filling process, it maintains the important requirement to record the ethnic classification of the person and to provide the person with a receipt of the encounter.'

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[2] Code A guidance for the application of the Police and Criminal Evidence Act 1986 (PACE) also provides examples of the types of encounters, which are to be recorded by officers (page 3)

3.   Why community monitoring of stop and search is so Important

The involvement and empowerment of London's communities is essential to the success of policing in London, and a key component is local monitoring of stop and search activity. The process should be established in each borough through independent stop and search Community Monitoring Groups (CMGs), a sub group of Community Policing Engagement Groups (CPEGs) or Independent Advisory Groups (IAGs).

3.1   The aim

The primary aim of CMGs is to provide local communities with a voice into their local police to communicate their experiences of street encounters especially around stop and search. The monitoring process has been introduced to improve the trust and confidence of the public in the way the police employ stop and search interactions. Therefore, to influence this important area of policing, it is necessary to have an effective framework that monitors London-wide stop and search practice. For this reason, the MPA recommended[3] that CMGs were established across all 32 boroughs to assist in the improvement of London's community-police relationship.

3.2   The role of CMGs

The role of CMGs are to act as independent overseers of local police functions at borough level; examine any apparent unfairness in the way they operate; and to hold their local commanders and officers accountable on policies and practices so as to assist in driving down disproportionality. This also includes supporting police officers through sharing of best practice such as the development and engagement in stop and search borough initiatives.

Effective groups are not exclusive and should reflect their local community/borough diverse population to ensure a fair voice for all. This also includes community representatives who have had direct/non direct experience, peer representation and/or members of community organisations that are able to share information and support the monitoring process for all aspects of stop and search.

It is also encouraging to have borough commanders and operational (stop and search lead) officers to participate in all CMGs as this will contribute to effective dialogue and debate.

3.3   The expectation

CMGs are expected to monitor all local stop and search issues including complaints, arrest rates and disproportionality as well as identifying and sharing of best practice with other CMGs which will assist in promoting the importance of the groups' work.

CMGs are also expected to provide to the MPA Community Monitoring Network (CMN) Forum reports on the status of the group throughout the year via notes of meetings or via requests to present to the Forum.

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[3] Recommendation 53, MPA Scrutiny Report 2004: each borough commander be directed to meet with concerned and attached communities on an organised and ongoing basis to established a citizen feedback system for sharing and reviewing stop and search data and activities to discuss concerns and work with these communities to facilitate improvement in practice and in community-police relations

CMGs should not only be limited to monitoring but should include the participation of their CPEGs and or IAGs to avoid duplication of work and share information to inform new changes in practice and or policies. This also includes developing and participating in borough initiatives or projects that inform the public of policing changes/legislation and their rights.

4.   Model Terms of Reference of the CMGs

The aims and objectives of the CMGs are to:

- Support local/borough communities to secure an effective monitoring process for stop and search activities in boroughs;

- Provide an arena for the local community to engage in discussion and debate of stop and search policing, operation and safety;

- Represent and/or be a voice for local community members and vulnerable groups who are disproportionately targeted or interact with the police;

- Monitor stop and search impact and progress in the borough through the receipt and interpretation of local data, reports and presentations and underlining issues in relation to stop and search;

- Share information with the wider community and support other boroughs through sharing of best practice;

- Commission reports and the attendance of local police officers, attendance of other partners and organisation representatives supporting the monitoring process;

- Bring reoccurring stop and search issues to the attention of the MPA CMN Forum, the local council and other key stakeholders to attain early resolution;

- Establish an independent local complaints system so as to resolve stop and search complaints at borough level;

- Increase the capacity of membership to ensure representatives are diverse and their interests are to improve local policing around stop and search operations;

- Inform, influence, support and/or challenge community policing policies that impact on the communities in the borough and promote equalities of opportunity where appropriate;

- Represent the borough CMG at the MPA CMN Forum;

- Facilitate discussions between the MPA/MPS, community groups and organisations concerning stop and search activities; and

- Provide feedback from consultation, to inform the improvement of MPS stop and search practice, to the MPA and MPS.

5. Membership

Membership of the CMGs can be drawn from statutory, voluntary and community organisations in the borough so as to represent the views of communities in monitoring stop and search. As police stops primarily affect young people (especially young men), the emphasis should be placed on ensuring these individuals, and/or organisations in which they play a significant role, are represented. Listed here are organisations/individuals that could participate and/or contribute to the process.

This is not an exclusive list and may not reflect representatives in some boroughs.

- Safer Communities Executive

- MPS Staff Associations (ideally a nominated representative of the umbrella group)

- London borough (elected member)

- Greater London Authority (GLA)

- Learning Trust (LEA) (ideally a teacher or representative of school governors, etc.)

- CPEGs

- Youth organisations/representative (ideally representatives of Youth Offending Teams, youth groups, etc.)

- Probation Service (ideally one representative)

- MPA representative (not compulsory)

- Disabled groups/representative

- MPS officers (ideally the borough commander, stop and search lead officer, etc.)

- Independent Custody Visitors Panels (ICVPs)

- Faith group representatives

- Community services (health organisations, women's group, etc.)

- Community voluntary/local groups

- IAGs (ideally one representative and a representative of the Youth IAG)

- Equality and Human Rights Group (former Race Equality Council)

- Youth Black Police Association (YBPA)

6.   Appointment of roles

The elected officers' roles are drawn from, and agreed by, the members of an overarching body if the monitoring process is a sub group of an existing community group the MPA recognises (i.e. CPEGs, CDRP, IAG, etc.). Alternatively, a CMG can be independently established and appoint officers/executives (i.e. a chairperson, administrator/secretary) with local groups linking into the process.

Executive roles are independently elected in boroughs, therefore it is not the MPA's remit to suggest individuals for specific roles. However, to independently monitor stops and challenge officers' actions at borough level, it is recommended that community representatives are elected as executive members and not police officers.

6.1   Election of executive members

- The executive members should consist of a chair, vice chair, administrator/secretary (however this is not compulsory as not all boroughs are the same);

- The appointment of the chair and or vice chair should be nominated and agreed by all members of the group;

- If required, the chair and the vice chair should appoint the administrator/secretary;

- The tenure for the executive members should be agreed in the development of a local/borough constitution; and

- It is recommended that young members of the group are given the opportunity to be executive members. This will encourage their peers to take part in the monitoring process as well as add youth perspectives to issues that impact on youth people in general.

6.2   Role of the chair and vice chair

- To set and agree the agenda items ahead of meetings (e.g. 2-3 weeks before);

- To develop and agree work plans and code of conducts in consultation with members;

- To ensure all decisions and actions are agreed by all members;

- To ensure meetings are conducted in an orderly manner and each member has an equal input in discussions, etc.;

- To attend and represent the borough at the MPA CMN Forum or appoint a representative to attend so as to feedback to members;

- To present a view of the CMG activities/report since established (i.e. issues, successes, expected borough initiatives, etc.) on request to the MPA CMN Forum;

- To ensure the group is diverse in membership and reflects the community around stop and search issues; and

- To ensure the borough commander or the stop and search lead officer is given a slot on the agenda to inform about emerging issues, changes to legislation or action to feedback at future meetings.

6.3   Role of the administrator/secretary

- To meet with the chair and finalise the agenda items for discussion at the next meeting;

- To arrange and agree dates and venues with chairs and to inform members in reasonable time of scheduled meeting dates and venues so as to attain full attendance;

- Take notes at meeting and follow up on actions (where appropriate);

- Produce official notes of meetings and agree these with the chair;

- Distribute notes ahead of meetings and prepare additional materials (optional) for future meetings;

- To maintain the changing cycle of membership; and

- To liaise with the chair on invitation for guest speakers or presenters.

6.4   Frequency of meetings

The MPA does not set the frequency of meetings. This is down to borough chair and members. To retain membership and interest it is, however, advisable for new groups to meet monthly for the first few months in order to maintain consistency (this is not compulsory but a suggestion). Members of the borough CMG would need to agree how often to meet and whether to hold ad hoc meetings (e.g. to inform of new changes to legislation, etc.).

6.5   Venues

Taking into account borough representatives' comments, some found that it is more convenient to meet at police premises as no cost is involved. Therefore the MPA has relaxed the decision on venues and groups can meet wherever suitable.

6.6   Members' attendance

- All members should be encouraged to attend the borough CMG so as to have a balanced view on decisions and/or actions;

- Members should be given the opportunity to respond to invites to confirm attendance or non-attendance in advance; and

- Members unable to attend should be expected to send a representative and/or tender their apologies and notice given to the chair.

6.7   Public relations

Acknowledging that some CMG chairs or representatives attended a media training course (i.e. previously arranged by the MPA) and have had the opportunity to challenge comments on stop and search monitoring in their local press, it is advisable that all groups should nominate a media contact or spokesperson:

- The chair and members of the CMG should agree an authorised spokesperson;

- Statements and interviews should be agreed in advance by members;

- CMG members approached by the press on stop and search monitoring should refer enquires to the spokesperson appointed;

- If the CMG is a sub group of an umbrella organisation (i.e. IAG or CPEG), advance notice should be given together with details of what will be said and the spokesperson agreed to provide the comments/interview;

- In the absence of the spokesperson a nominated member should be agreed and that person informed of the protocols;

- Comments and statements to the press and media should only acknowledge the stop and search work of the monitoring group; and

- The MPA Stop and Search Team and CMN Forum co-chairs should also be informed of the intended media interview so as to be aware of the impact and/or provide guidance to that borough if appropriate.

7.   Good practice

The MPA acknowledges and encourages the networking of CMGs to observe, adopt good practice (if appropriate) and assist other CMGs to develop and improve the monitoring process across all boroughs. This can be achieved through the following:

- Attending fully developed and active monitoring groups (by mutual consent with specific borough groups);

- Sharing information of positive outcomes and/or achievements across boroughs, at the MPA CMN Forum or at the community group meeting;

- Arranging joint meetings in agreement with neighbouring boroughs;

- Preparing reports for the MPA CMN Forum; and

- Developing borough stop and search initiatives with neighbouring CMGs (i.e. conferences, workshops, etc.).

8. Measurement of effective stop and search monitoring groups

The value of shared membership, interest and experience can effectively impact on community confidence through CMGs in challenging and supporting local police officers. This is not only to build and retain trust and confidence, but also to achieve a safer environment through intelligence and stop and search deployment. It takes time, commitment and resources to achieve effective monitoring. Therefore, CMGs may fall into one of the following three categories in time.

a. **BRONZE**
   A new group or one being developed and/or fully supported by the police in terms of establishing the monitoring process. It is likely that many, if not all groups may commence at this level. At Bronze and all other levels the MPA can play a valuable role in assisting, advising, networking and supporting CMGs with their concerns around stop and search monitoring and related policy issues. A fully established group can also revert to this level following the loss of membership and/or disbandment.

b. **SILVER**
   A group with increased community involvement can actually start the process at his level. A community representative is appointed as chair and administrator for the meetings but relies heavily on the borough police officers' support to gain recognition and understanding of their roles and responsibilities. At this level the group is expected to strive to meet the MPA CMN Forum objectives and aim for Gold status.

c. **GOLD**
   A group fully active in their community, i.e. developing borough initiatives and awareness around stop and search as a whole. At this level the MPS is invited to attend to provide information requested by the group such as up-to-date, clear and concise stop and search data and any other related policing matters (e.g. complaints etc.) for presentation as well as responding to other local policing issues that impact on all stops. A group at this level is often requested via the MPA to support other borough CMGs by attending and/or assisting in developing the process.

At all levels, but specifically Silver and Gold, groups are expected to have a diverse membership representative of the borough.

9. Priority issues to be considered at meetings

9.1 Data monitoring and performance issues

- Data on police stop and search questions (see Appendix 1) that could be used for analysis at borough level;

- Police operations, initiatives or taskings impacting on stop and search (e.g. Blunt 2, Section 60, Section 44); and

- Community responses to stop and search information and trends.

9.2   Complaints, consultation and feedback

- MPA/MPS feedback on community issues raised by the CMG (i.e. data monitoring performance, complaints and community impact, policies and consultation)

- Complaints about the police received via partner organisations and the Independent Police Complaints Commission (IPCC); and

- Third Party Reporting of complaints, particularly regarding the use of stops and stop and search.

9.3   Community impact

- Impact of the use of stop related legislation (e.g. Section 60[4] and S44 of the Terrorism Act 2000, stop and account, stop and search and Blunt 2 operations);

- Stop and search impact on role of police officers in schools such as truancy issues; and

- Tension indicators in the area.

10.   Resolution of community Issues

For community monitoring of all stop and search to be an effective and successful process at the local/borough level, the relationship between the police and communities needs to be balanced to support the work so as to resolve any recurring issues. The process to achieve success is set out in three stages below:

1st stage

It is expected that the CMGs will form a productive working relationship with the police command unit in the borough they monitor with both parties effectively managing issues at a local level.

2nd stage

It is understandable that on some occasions issues may be impossible to resolve locally. With this mind, the MPA CMN Forum will play a vital role in addressing and resolving these issues.

3rd stage

The MPA CMN Forum may feel it necessary to refer unresolved issues to the MPA Stop and Search Working Group that reports into the Communities, Equalities and People Committee (CEP). CEP is a senior policy making body of the MPA. It is also the interface between the MPA and the MPS where most policy issues are expected to be resolved at executive level.

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[4] Section 60, Criminal justice & Public Order Act 1994

Appendix 1: Questions for the police around stop and search data

Questions you make like to pose to your borough officers at the CMGs, contained within a stop and search monitoring mechanism training document, can be accessed on the MPA website:
www.mpa.gov.uk/downloads/issues/stop-search/sstraining.pdf

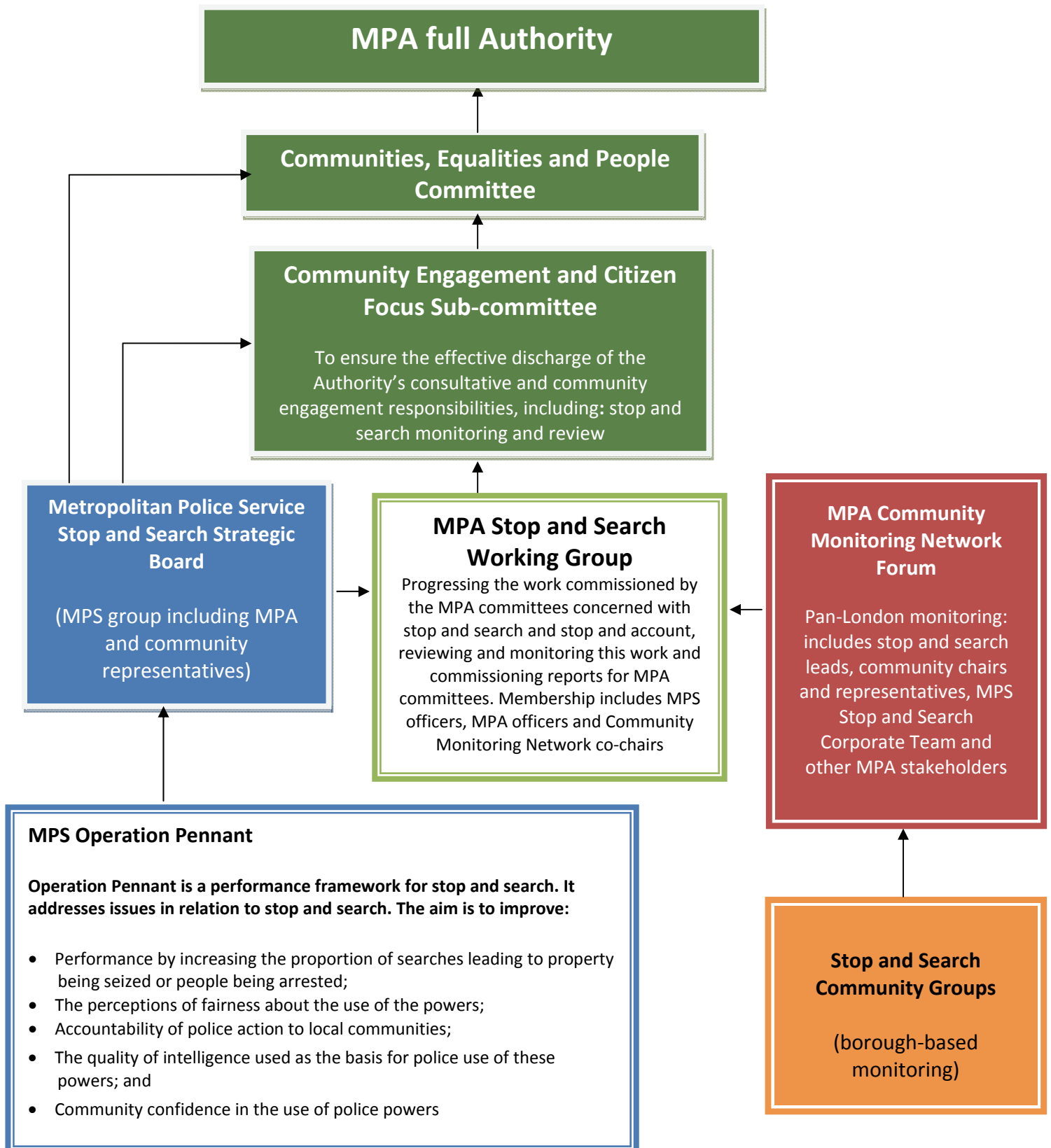A speaker's note can also be accessed on the MPA website with further detailed information:
www.mpa.gov.uk/downloads/issues/stop-search/sstrainingnotes.pdf

This training was conducted by the MPA Planning and Performance Unit to provide community representatives or members with questions they feel were not being addressed by officers at CMG meetings.

Hard copies of these can be requested from the MPA.

Appendix 2: Stop and search CMG reporting structure

Stop and search committee flow chart

MPA full Authority

Communities, Equalities and People Committee

Community Engagement and Citizen Focus Sub-committee

To ensure the effective discharge of the Authority's consultative and community engagement responsibilities, including: stop and search monitoring and review

Metropolitan Police Service Stop and Search Strategic Board

(MPS group including MPA and community representatives)

MPA Stop and Search Working Group

Progressing the work commissioned by the MPA committees concerned with stop and search and stop and account, reviewing and monitoring this work and commissioning reports for MPA committees. Membership includes MPS officers, MPA officers and Community Monitoring Network co-chairs

MPA Community Monitoring Network Forum

Pan-London monitoring: includes stop and search leads, community chairs and representatives, MPS Stop and Search Corporate Team and other MPA stakeholders

MPS Operation Pennant

Operation Pennant is a performance framework for stop and search. It addresses issues in relation to stop and search. The aim is to improve:

- Performance by increasing the proportion of searches leading to property being seized or people being arrested;
- The perceptions of fairness about the use of the powers;
- Accountability of police action to local communities;
- The quality of intelligence used as the basis for police use of these powers; and
- Community confidence in the use of police powers

Stop and Search Community Groups

(borough-based monitoring)

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