



Stop and Search Lay Observers Scheme Policy

This document is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Police, Fire and Crime Commissioner are required to adhere.

Policy Statement

The Best Use of Stop and Search Scheme was announced by the Home Secretary in her statement to Parliament on 30th April 2014.

The principal aims of the Scheme are to achieve greater transparency and community involvement in the use of Stop and Search powers. It also aims to support a more intelligence-led approach, leading to better outcomes (for example, an increase in the stop and search to positive outcome ratio).

One of the features of the Scheme requires police forces to provide opportunities for members of the public to accompany police officers on patrol when they might deploy stop and search powers. By introducing 'lay observation' a process of two-way learning can take place, bringing the police closer to the public.

The purpose of this policy is to give clear guidance to lay observers and staff engaged in the scheme. By adhering to the policy, it will achieve the following:

- members of the public are provided with the opportunity to see stop and search in action;
- the Police have the opportunity to demonstrate their use of stop and search;
- the public has the opportunity to provide feedback to the Police based upon their observations;
- the need to ensure the safety of lay observers is appropriately taken into account.

Adherence to this procedure will contribute to reducing the risk of:

- injury to any person being carried and/or
- litigation and/or
- prosecution under health & safety legislation

1.0 Lay Observers

1.1 The definition of a Lay Observer is wide ranging. It includes any person who is not a member of North Yorkshire Police (NYP), who is accompanying a police officer (or officers) on patrol for the

main purpose of observing the use of Stop and Search powers (should the correct circumstances arise).

1.2 Operational and community relations' considerations make it advantageous for NYP to allow a wide range of people to be participate as lay observers.

1.3 The following restrictions apply:

- Applicants who are under the age of 18 will not be considered for this scheme.
- Participants will be restricted to one observation every 6 months.
- Applicants must reside within the NYP geographical boundaries.
- Applicants must have no serious or recent convictions that may be considered to pose a security risk. The decision as to whether an individual poses a security risk will be at the discretion of NYP following vetting procedures.
- Applicants are not entitled to reimbursement of any expenses incurred in connection with this scheme.
- Applicants must not already be members of NYP, this includes police volunteers, staff, and special constables.

1.4 It should be noted that under no circumstances should lay observers be carried in police vehicles with detainee's unless the detainee is held in a secure cage.

1.5 Lay observers should ideally accompany officer(s)/units which are more likely to perform stop and search during a tour of duty. Lay observers should be flexible with the hours they can accompany an officer, as working during the daytime hours may not always be an option.

1.6 Lay observers will be required to sign indemnity and Data Protection/Official Secrets Act documents prior to commencing their attachment. These are found on the Lay Observer Briefing Sheet.

1.7 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.

1.8 The taking of photographs and videos by the observer on an attachment is prohibited. The observer will be informed of this prior to the attachment taking place (it is part of the briefing).

2.0 Administration

2.1 The provision of documentation with this procedure is to ensure that a standardised approach is taken in relation to each request (see 'relevant documents'). **Appendix F** is a process map detailing how the scheme operates and who has what area of responsibility.

2.2 Members of public who wish to be considered for the scheme must apply by using the link on the Office of the Police, Fire and Crime Website:

- Stop and search lay observer scheme - Police, Fire and Crime Commissioner North Yorkshire (northyorkshire-pfcc.gov.uk)

2.3 Administration in terms of recruitment, HR and Vetting will be managed by the Office of the Police, Fire and Crime Commissioner (OPFCC). The OPFCC will be responsible for liaising with relevant parties and processing the application. Once the applicant has passed vetting and given approval by the OPFCC to take part in the scheme, the OPFCC will contact the Force SPOC (the Force lead for Police Volunteers) who will liaise with the relevant area commander for an officer(s) to be allocated. The Force SPOC will then continue to be the liaison between the lay observer and the Force. Once an officer has been allocated the SPOC will send a confirmation letter (**Appendix A**) to the applicant formally inviting them to participate in the scheme. The SPOC will remain the primary point of contact thereafter for the applicant and will liaise with relevant parties to deal with any queries/issues that may arise.

2.4 Applicants for the scheme will be subject to vetting procedures (NPPV1). This vetting is mandatory and if the applicant refuses then their application will be rejected. The vetting process is likely to take approximately 4 weeks dependent on the Vetting Unit workload. As above, this will be managed by the OPFCC.

2.5 Where a lay observer is deemed unsuitable, a letter will be formulated by the OPFCC giving reasons for refusal. Any appeals against the decision will be a matter for the OPFCC who may liaise with the appropriate Chief Officer.

2.6 Where the prospective lay observer is a journalist or other member of staff from the media this should be referred by the OPFCC to Corporate Communications, who will deal with the request.

2.7 After the attachment the lay observer will be sent an email by the OPFCC SPOC which will contain a survey for them to complete. This will provide feedback to the OPFCC, the Stop and Search Scrutiny Panel and the Force about their use of Stop and Search. Further, where appropriate, the completed survey will be forwarded on to the Stop Search Force Lead for analysis and evaluation.

3.0 Officers accompanying lay observers

3.1 Each Safer Neighbourhood or Operations Commander should appoint officers on a volunteer basis to accompany lay visitors. It is suggested that the number of accompanying police officers is restricted to a minimum, securing benefits in terms of service quality and ensuring that lay observers are aware of legal and health and safety issues.

3.2 Accompanying officers when first notified of the visit of a lay observer should be given the Lay Observer Officer Advice Sheet (**Appendix C**) on each occasion that they are responsible for the welfare of a lay observer. This advice sheet contains important information in relation to procedure, health and safety and welfare.

3.3 Accompanying officers must also brief the lay observer prior to any attachment using the Lay Observer Briefing Sheet (**Appendix B**). The lay observer must then sign both sections of the briefing sheet as mentioned in 1.5. One copy will be retained by the lay observer, and a second copy retained by the officer and scanned to the Stop Search folder on the Force shared drive.

3.4 If the lay observer refuses to sign the briefing sheet or other issues arise which give the accompanying officer concern, then the attachment will be terminated. If an accompanying officer is in doubt over any part of the procedure, then they must liaise with a Supervisor.

Stop & Search Lay Observers Scheme Policy

3.5 The lay observer will be given a Stop and Search guide (**Appendix D**). This summarises the legal and procedural elements of Police Stop and Search powers. They will refer to this whilst on their attachment.

3.6 It is the responsibility of the Lay Observer to bring with them a high visibility jacket, if they do not have access, it is recommended that they make contact with the Volunteer SPOC who may be able to supply them with one. HQ stores have a stock of high-visibility jackets that contain no Police markings.

3.7 As mentioned in **Appendix C**, accompanying officers have the right to terminate the visit if the lay observer ignores instructions or puts themselves or others at risk or in danger.

4.0 Risk Assessments

4.1 Appendix E is the generic NYP risk assessment for this scheme. All officers involved in the scheme should make themselves familiar with this document.

4.2 It is the responsibility of NYP to conduct an individual risk assessment on each observer prior to the attachment taking place. This is to ensure any factors that are not covered by the generic risk assessment are dealt with (such as disability). Once this separate risk assessment has been done it should be attached to the briefing sheet that the observer signs before the attachment commences.

4.2 Police personnel should apply dynamic risk assessments whilst accompanying a lay observer. It is important that officers positively consider their observer's welfare at all times. Observers do not have access to Personal Protective Equipment and training that Police Officers have, therefore they may be vulnerable to harm in certain situations.

More guidance on Health and Safety, Risk Assessments and Welfare is provided in **Appendix C**.

4.2 Legal, health and safety responsibilities require that the full procedure should be followed in each case.

Linkages

Strategy:

Best Use of Stop and Search Scheme

PACE Code A

Other Documents:

LO Confirmation Letter (Appendix A)

LO Briefing Sheet (Appendix B)

LO Officer Advice (Appendix C)

LO Stop Search Guidance (Appendix D)

RA for Stop Search Lay Observers (Appendix E)

Stop Search Lay Observer Scheme Process Map (Appendix F)