Information & Guidance

Stop and Search Scrutiny Panel
1. INTRODUCTION

The Police and Crime Commissioner (PCC) for Dorset was elected to be the voice of the people, and to hold the police to account, ensuring they are answerable to the communities they serve. The Dorset PCC has therefore set up the Stop and Search Independent Scrutiny Panel will scrutinise the use of Stop and Search powers by Dorset Police and provide recommendations for improvement. The role of the panel is to highlight lessons to be learnt, increase both transparency and public confidence in Dorset Police. In addition, they will review the effectiveness of internal police referral processes.

1.2 PURPOSE

The purpose of the Panel is to assess and scrutinise the use of stop and search powers and identify, and feedback, areas of concern or good practice.

The role of the Panel will be to critically review elements of policing work to gain a better understanding of trends and patterns in relation to the use of stop and search powers, thus providing reassurance to the public and enabling the Dorset PCC to hold the Chief Constable to account. It is acknowledged that Stop and Search is a key tool in the Dorset Police’s ability to tackle criminal and drugs related activity.

The Panel will also provide oversight and offer independent advice and recommendations on practice to the Dorset Police’s lead officer on Stop and Search. The Panel will also consider information provided to the community by the Force, to highlight areas of public concern around Stop and Search.

Reports from the Panel will be presented to the Force Standards and Ethics Board, chaired by the Chief Constable, and attended by the Police and Crime Commissioner and a representative from the Professional Standards Department. Those reports will also be shared with the Equality and Confidence Board.

Members of the Panel will need to develop awareness of the criteria for the Best Use of Stop and Search Scheme and awareness of the community impact of Stop and Search. Members will have the opportunity to observe training in stop and search to enhance their knowledge. It will be important for each Panel member to have a clear understanding of the Force policy on stop and search and the process for the recording and production of performance data.

A key part of the panel’s role and that of its members is to educate the community though their involvement and learning from the way the Force conduct stop search activity and via the participation of panel members in the observation scheme.

A separate section of the agenda for each meeting will be marked as “Restricted” to ensure that the operationally sensitive matters are shared in confidence.
1.3 PANEL MEMBERSHIP

Status

The role of Independent Scrutiny Panel member is voluntary. Members will be reimbursed reasonable travel expenses. Volunteers will join the Scrutiny Panels as independent lay members, bringing with them their specific community and individual experience, but not formally representing any organisation or body.

Membership

The Panel will comprise:

- An Independent Panel Chair (appointed by the PCC)
- Independent members (appointed by an independent recruitment process)
- A representative with experience of, or a background in working in victim support and / or with offenders, or with a background / experience in mental health)

Other attendees:

- Police representatives with expertise in the stop and search area will attend as appropriate.
- A member of the PCC’s Governance & Contact Team

Vetting

As Members will have access to operationally sensitive and personal data, all appointments to the Panel are subject to standard vetting. In the quite unlikely event that these entry-level checks should identify any concerns about an individual, the PCC would separately consider such issues on a case-by-case basis after consultation with the Chief Constable or Deputy Chief Constable.

Confidentiality

As Members will discuss confidential cases, not open to the public, they will be required to sign a Confidentiality Agreement (attached at Appendix A) stating they will not disclose personal details of the cases to organisations or individuals outside of the meeting.

A summary of the findings of the panel will be made available by the Office of the Police and Crime Commissioner for Dorset.

The panel will meet on a quarterly basis. In the event of the Chair being unavailable, the panel will identify a Chair for the purpose of that meeting. The panel will not seek to/or have the power to alter the outcome of any case already decided upon by the Professional Standards Department (PSD). The panel will focus on the process followed rather than the conduct of individual officers.

Panel members should be conversant with Local and National Guidance on Stop and Search e.g. the officer explaining the grounds for and objective of the search under the Police and Criminal Evidence Act 1984. Arrangements will be made to ensure this is included within the training for panel members.
They will also need to have an awareness of the National Decision Making Model to assist them in their findings. Arrangements will be made to ensure this is included within the training for panel members.

Any complaints or feedback specific to Stop and Search will be raised by the Dorset Police lead for Stop and Search for discussion around identifying any key learning.

Cases currently being investigated by PSD will not be passed to the Panel for scrutiny.

Conduct

Scrutiny Panel members would be expected to abide by the Nolan 7 principles of public life, and by relevant Dorset PCC policies and procedures governing the conduct of volunteers.

1.4 CHAIR

The Panel Chair will be independent from the police. The Chair will be appointed on an annual basis with a usual tenure of three years.

The role of the Chair is to select a stop and search theme to be scrutinised and select the cases to be considered. The Office of the PCC (OPCC) will also agree the selection of cases to ensure it represents an appropriately risk based sample. During the meeting they will ensure that each panel member has equal opportunity to provide verbal feedback and personal views. After hearing all panel members’ views, the chair will note their findings on the case/theme as appropriate. Where a majority decision cannot be reached the Chair will decide the outcome.

1.5 VACANT POSITIONS

When vacancies arise within the panel it will be at the discretion of the OPCC to decide whether recruitment is required. Panel membership can be reviewed at any time to ensure all relevant agencies/independent members are represented to assist in an effective scrutiny process. The views of the panel will be taken into account when deciding on any changes in membership.

1.6 CASE SELECTION

At the end of each panel meeting, the Chair will inform the OPCC lead which area they wish to focus on for the next panel meeting. The focus may be thematic, based on diversity considerations or the location, such as mental health settings. Consideration will be given to the type of search carried out e.g. for drugs under Section 23 Misuse of Drugs Act 1971; for stolen property under Section 1 Police and Criminal Evidence Act 1984; or search authorised under Section 60 Criminal Justice and Public Order Act 1994. Searches may also be carried out under Section 47 Firearms Act 1968 and Section 47A Terrorism Act 2000.
There may be occasions when a stop and search lead within the police wishes to refer a specific case or theme to the panel where they feel that independent scrutiny would be helpful. These should be sought by the OPCC lead, prior to the meeting and the chair informed. They will have the discretion to consider any such cases in addition to or included in their chosen theme area.

The OPCC lead will be responsible for obtaining cases from the Force within the theme for discussion. To do so, they will:

1) Liaise with the Force lead for Stop and Search to establish the force expert for the theme area. They will then request the following basic details for all cases from the previous quarter relating to the theme area:
   - Occurrence number and circumstances of the stop and search
   - Any injuries sustained by subject or officers as a result of the search
   - Location e.g. health setting etc.
   - Age, sex and ethnicity of the subject, where known

Individual cases will have the details of the subject and the searching officers anonymised.

2) Liaise with the Professional Standards Department to see if they have any finalised complaints within the theme area or any other cases which they feel would benefit an independent review of their findings. The panel will not review complaints unless they are finalised.

A list of the stop and search cases from the force will be provided to the chair in advance of the panel meeting, including those searches that result in No Further Action. The chair will independently and randomly select the cases to be considered by the panel.

The selected cases will be researched by a respective force representative and will be sanitised of personal information, names, addresses, locations and dates and will be allocated a unique panel reference number to assist with identification by the OPCC lead when providing feedback. Case information may include where relevant:

   - The stop and search form
   - Witness statements where relevant
   - Incident log
   - If available, the views and feedback from the subject
   - Anything else of relevance.

In addition the force will provide supplementary information, which is directly comparable and in the same format, illustrating use of stop and search powers for that quarter. This data will provide contextual details and enable the panel to monitor the overall use of stop and search. It will also assist the panel when deciding on suitable themes for the next meeting.

1.7 PANEL MEETINGS
Meetings will be held quarterly and details of date, time and venue will be circulated in advance by the OPCC lead based around convenience for Panel members.

At the meeting, panel members will review the material provided to them by the OPCC lead, and the chair will note feedback on the individual cases and themes. The panel will be encouraged to highlight good practice whenever it is noted.

Tactical feedback can be provided to the Force lead for stop and search.

The panel will review the different types of search used by police and will have a theme to review at each meeting. The relevant Force representative will attend to advise the panel of the law governing use of stop and search powers and the different types of search used.

In reviewing an individual case, the panel will consider the circumstances of the situation, whether the National Decision Making Model has been applied by the person using their powers of stop and search, and if the rationale they have given for the search is consistent with training and force policies.

In determining the feedback, a conclusions template will be completed by the chair at the time of the meeting, recording the panels’ findings in each case.

Minutes will be taken at each meeting by the OPCC admin support. A Public Facing Report will be prepared by the OPCC. There will be an area at the end of this report for a police response to be added. This will be sought from a force lead in stop and search through the Standards and Ethics Board and / or the Joint Executive Board.

1.8 FINDINGS AND FEEDBACK

The completed Public Facing Document will be added to a Scrutiny section on both OPCC and Force websites.

Feedback will be collated by the OPCC for passing onto the Force Board. Feedback should be constructive, promote best practice and identify areas for policy development or training requirements.

The force will use the feedback to ascertain whether policy changes, further guidance, or officer training, are required to improve their use of stop and search.

This guidance can be revisited and amended where necessary as the panel evolves. Examples of good practice, trends and organisational learning can be communicated to the relevant Force Board, who will determine what action is taken.

The guidance will be reviewed by the Chair annually to ensure that the information remains relevant and changes can be made in consultation with the OPCC.
1.9 MINUTES

The draft minutes will be circulated to panel members for comments and submitted to the next meeting for approval.

A public facing summary based on the minutes will be published on the Dorset Police website and on the OPCC’s website subject to the redaction of any confidential or otherwise exempt material within 20 working days of the meeting, subject to the prior submission to the Joint Executive Board or other appropriate forum.

A summary of the Panel findings will be detailed in the minutes and will be circulated to all members for use as appropriate in developing knowledge and practice in all agencies.
OFFICE OF THE POLICE AND CRIME COMMISSIONER FOR DORSET

UNDERTAKING OF CONFIDENTIALITY

All members of the Stop and Search Scrutiny Panel by agreeing to be members also agree to this confidentiality requirement.

The purpose of the Panel is to independently assess, scrutinise and quality control the use of stop and search by Dorset Police.

I understand that my part in fulfilling the Purpose means that I will have access to data and that such access shall include:

a) the processing of information held on computer or displayed by some other electronic means, or
b) the processing of manually held information in written, printed or photographic form.

I undertake that;

1. I shall not communicate to, nor discuss, with any other person any personal details from the data except to those members involved in the panel. A report of findings will be completed after each meeting.

2. I shall not retain, extract, copy or in any way use any of the data to which I have been afforded access during the course of my duties for any other purpose.

3. I will comply with the appropriate physical and system security procedures made known to me as a member of the panel.

4. I will not share, publicise or make public any data produced using data without the prior consent of the Data Controller.

I understand that Dorset Police data is subject to the provisions of the Data Protection Act 1998 and that by knowingly or recklessly acting outside the scope of this Agreement I may incur criminal and/or civil liabilities.

I undertake to seek advice and guidance from the named individual acting on behalf of the Data Controller in the event that I have any doubts or concerns about my responsibilities or the authorised use of the data and/or aggregate data defined in the Agreement.

For the avoidance of doubt, I understand that as a Panel member, should I breach this Undertaking of Confidentiality, the Police and Crime Commissioner reserves the right to remove me as a member of the Scrutiny Panel.

By accepting the Terms of Reference and being part of the Scrutiny Panel I confirm that I have read, understood and accept the above.

Signed:……………………………

Date:..........................