

# **MOPAC**

## **TERMS OF REFERENCE FOR**

### **LOCAL COMMUNITY MONITORING GROUPS**

#### **2020**

#### **Introduction**

The Mayor's Office for Policing and Crime, (MOPAC) is committed, through its London and Police Crime Plan for 2017-2021, to tackle violent crime and make London a safer place for all those that live, work, and visit London. Stop and Search is a vital tool in tackling crime; it also aids in the reduction of crime and protects the public. We know the public supports the use of Stop & Search when it is carried out ethically, and within the law. However, Stop and Search can be a source of tension between the police (MPS – Metropolitan Police Service) and communities, when not done well, and can lead to undermining confidence in the police.

The Mayor has committed to holding the Commissioner of the MPS to account for the properly targeted lawful use of the powers of Stop and Search, in order that when members of the public are being stopped and searched, they are always treated with dignity and respect. Local Stop and Search Community Monitoring Groups (CMGs) have a vital role in delivering this accountability on behalf of the communities in their boroughs.

CMGs are groups comprised of volunteer members of the community. They will monitor all local Stop and Search issues including legal powers, number of stops, arrest rates, disproportionality, complaints, and Body Worn Video footage. CMGs can also identify and share best practice with other CMGs through their membership of the London-wide Community Monitoring Network (CMN).

#### **1. Community Monitoring Groups (CMG)**

1. CMGs are set up to monitor the police use of Stop and Search powers within individual London boroughs, including any disproportionality effecting particular groups in the use of such powers.
2. CMGs will inform MOPAC and the MPS of any changes that they believe will impact positively in order to improve the safety of communities via the Community Monitoring Network (CMN).
3. CMGs are independent of both the MPS and MOPAC. Neither the MPS nor MOPAC has any say in the selection of CMG members or officers.

#### **2. The Purpose of The CMG**

1. To provide advice and information to the wider community regarding policing and in particular Stop and Search.

2. To monitor the impact of Stop and Search as carried out in the borough drawing on all available local MPS Stop and Search data – including a sample of redacted data.
3. To view Body Worn Videos and comment on any issues arising from the viewing to the appropriate MPS officer, for every viewing; ensuring that the full confidentiality and other requirements for such viewing are met in full. A Confidentiality Agreement between the MPS and those viewing Body Worn Videos are to be signed prior to viewing.
4. Should a CMG member recognise anyone within the Body Worn Video viewing, they must immediately inform the MPS officer in charge of conducting the viewing, and the viewing will cease immediately. The previously signed Confidential Agreement for that viewing, remains in place.
5. To provide an arena for the local community to engage in discussion and debate on police use of Stop and Search, its outcome and its impact.
6. To give a voice to local community members and groups who are subject to Stop and Search; particularly those perceived or identifying themselves, to be disproportionately affected.

### **3. What the CMG Will Do**

1. Hold their local police to account for their Stop and Search activities within the borough.
  - a) Examine and interpret Stop and Search data for their own borough and, where relevant, for other comparable boroughs or London as a whole.
  - b) Identify issues and seek responses from local borough police on their use of Stop and Search powers.
  - c) Bring serious recurring or unresolved Stop and Search issues within their own borough to the attention of key local stakeholders, as appropriate, in order to try to attain early resolution.
  - d) Provide a mechanism by which local community members can express to their borough Stop and Search police their views and concerns on Stop and Search, including individual Stop and Search encounters or broader, more general concerns about community impact, with a view to local resolution.
  - e) Advise and support those wishing to use the formal police complaints system in relation to Stop and Search.
2. Ensure CMG membership is diverse and representative and has the capacity to evaluate and improve local policing around Stop and Search operations.
3. Ensure the CMG is represented on the CMN by sending a CMG member to every scheduled meeting of the CMN. This should be the Chair or the Vice Chair, or another member of the CMG nominated by the Chair.

#### **4. Membership of the CMN**

1. Membership of the CMG will be drawn primarily from the local borough.
  - a) MOPAC recommends that CMGs are as diverse as possible to represent their local areas, and that the CMG should make every effort to have at least one member under the age of 25 on their group.
  - b) A member can be also drawn from outside of the immediate CMG local borough if the CMG believes that an individual has expert knowledge of policing and in particular of Stop and Search.
  - c) CMG members can also be co-opted from outside of the local borough if they have moved from the local area but have retained a professional or personal connection within the borough.
2. Solicitors and Councillors can sit on a CMG, but they must declare any perceived potential conflict of interest due to their current or previous professional position.
3. No serving police officer can be a member of a CMG.
4. An ex-police officer, if interested in being a member of a CMG, must declare their interest. The Chair must advise members of the CMG of the former officer's role within the MPS.
5. An ex-Magistrate or an ex-District Judge (Civil or Criminal) may become a member of a CMG, however, they must declare their interest, and/or any perceived potential conflict of interest.

**NOTE:** Should anyone seeking to become a member or be approved as a member, have come into contact or had any dealings with a member of the CMG in a professional capacity, they must let this be known to the Chair.

6. The MPS may make suggestions to the Chair of a CMG with regards to membership, however, it is at the sole discretion of the Chair as to whether an individual may join their CMN.
7. The Chair of the CMG will oversee the selection of members. Applications for membership in writing shall be submitted through the Chair. A CV will not be necessary. The Chair should meet on a one-to-one with a prospective new member. This meeting can be conducted by the Chair only and/or with the Vice Chair jointly as appropriate.
8. All members will be informed of the CMGs expectations of its members.
9. The selection of members must comply with the current Equality Legislation.

## **5. MPS Role in CMGs**

1. Every borough has a named Stop and Search lead police officer. Borough lead officers are aware that as part of their duties, they are required to attend meetings and respond (or seek responses) to issues and concerns raised. Any officer attending as a substitute must have sufficient authority to deal with any matter raised by the CMG that would normally be dealt with by the Stop and Search lead.
2. Stop and Search borough leads are also expected to attend the Community Monitoring Network (CMN) quarterly meetings with their Chair or Vice Chair when possible.
3. When there is a change to the Borough Stop and Search lead, the local Borough Command, Chief Superintendent, or a Chief Inspector, should notify the CMG Chair as soon as possible.
4. It is expected that every effort is made by the MPS to supply to CMG in a timely manner the information on Stop and Search the CMG requires for critical monitoring.
5. Specifically, it is expected that the borough Stop and Search lead officer will advise their borough CMG Chair without delay, whenever a Section 60 has been authorised for an area within their borough.

## **6. Election of The Chair and The Vice Chair**

1. The Chair and the Vice Chair will be chosen from amongst the membership of the group.
2. Members of the CMG will establish their own process for the selection of the Chair (and Vice Chair, should they decide to have one).
3. Neither the MPS nor MOPAC can vote at any election of a Chair or a Vice Chair of a CMG.
4. These Terms of Reference will not prescribe the process of selection; however, members must be aware of the need for transparency, credibility, fairness and equality of opportunity.

## **7. Roles of the Chair and The Vice Chair**

1. The role of a CMN Chair is:
  - a) To chair meetings of the CMG in an impartial, structured and orderly manner.
  - b) To participate in Agenda planning and in conjunction with their MPS Stop and Search lead.
  - c) To represent the CMG at meetings seminars, conferences, briefings etc., as appropriate and provide feedback.

- d) To act as a single point of contact for the CMG, in respect of MOPAC, their local MPS, and any individual group seeking information or support on Stop and Search issues within the borough.
- e) To represent the CMG at CMN meetings or to nominate another member to do so.
- f) A Chair and Vice Chair should familiarise themselves with the GDPR (Data Protection) legislation that come into force in April 2018, in order to protect the data of CMG members.

2. The role of a CMG Vice Chair (if a Vice Chair is elected or appointed) would be to chair the CMG meetings in the absence of the Chair and to deputise for the Chair at meetings seminars, conferences, briefings and to deputise for the point of contact in the absence of the Chair.

## **8. Meetings**

1. The CMG will meet as frequently agreed by the members, but at least quarterly.
2. A meeting Agenda should be established and drawn up by the Chair. The Chair will liaise with the borough MPS Stop and Search lead to plan the Agenda. The Agenda for each meeting should include representation by the MPS of local Stop and Search data for scrutiny by the CMG, and an opportunity for police to respond to issues and concerns.
3. The Chair shall ensure that a record is kept of all CMG meetings.
4. MOPAC suggests that at the start of all CMG meetings, members are reminded of the need for confidentiality regarding certain matters that may be discussed and documents that may be produced during the meeting.
  - a) Any documents presented by the MPS Stop and Search lead and marked Restricted, Protectively Marketed or Sensitive, cannot be taken away from the meeting and/or discussed with a third party outside of the meeting.
  - b) Any discussions regarding redacted data cannot be discussed outside of the meeting.
  - c) Arrangements should be in place in relation to CMG scrutiny of police data to protect the right of confidentiality of persons identifiable as stopped or searched or as involved with the police in any way.
5. A CMG may invite other borough CMG members or specialist MPS officers or external specialists (e.g. IOPC) to their meetings to provide specialist input. The Chair or Vice Chair should notify their CMG members of the possible visit.

6. Members should make every effort to attend their CMG meetings. Each CMG shall, by recorded vote of its members, agree sanctions that will be applied for persistent non-attendance by any member, including removal as a CMG member.

## **9. Conduct**

1. CMG members will avoid any actual or perceived conflict of interest, which may compromise the integrity of the CMG as a whole.
2. Anyone wishing to become a member of a CMG must declare to the Chair, any conflict of interest due to their professional work, which could include, for example only, their prior work involving policing, their role in a local authority or their role in the Judiciary.
3. CMG members will avoid relationships, activities or professional positions, which may influence, directly or indirectly, the performance of the CMG in carrying out the CMG Terms of Reference.
4. CMG members should not speak on any media outlets or social media as a member of the CMG without consideration by and in consultation with the Chair, where applicable, on any issues that may impact and affect the CMG, and/or MOPAC.
5. CMG members will maintain the confidentiality of all documents, information and general CMG matters received in any format at meetings and outside of CMG meetings.
6. CMG members should be provided by the Chair with MOPAC's Terms of Reference by-laws, and procedures that govern representation of the CMG and should familiarise themselves with the relevant content of these documents.

## **10. Terms of Reference**

1. These **Terms of Reference** will come into force when approved by a majority of CMG members present at a correctly convened CMG meeting with at least two weeks' notice of this as an Agenda item.
2. If changes to these TOR become necessary in the event of legislative changes, changes to CMNs, MOPAC or MPS governance arrangements, or any other reason, such changes will be considered and approved as an Agenda item at a CMG meeting.
3. A CMN can adopt their own TOR applicable to their local borough provided their **Terms of Reference** contain equivalence provisions to those in section 2 and 3 above, and equivalence protection for transparency, fairness and equality of opportunity.

- a) A CMG proposing to adopt their own Terms of Reference should inform MOPAC of this and if requested by MOPAC a copy of the proposed local Terms of Reference should be made available to them.
- b) Any Terms of Reference for a CMG must be within the law with regards to Stop and Search and policing generally and any legislation in force in England with particular regards to Equality and Human Rights legislation.

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