

## Terms of Reference for Local Community Monitoring Groups

### Introduction

The Mayor's Office for Policing and Crime, (MOPAC) is committed, through its Police and Crime Plan, to tackle 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 and 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 the 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). The CMN is the MOPAC mechanism to assist in delivering community scrutiny of the Metropolitan Police Service use of stop and search powers

### **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 affecting 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.
3. CMGs are independent of both the MPS and MOPAC. Neither the MPS nor MOPAC has any role in the selection of CMG members.

### **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.
3. To review Body Worn Video and comment on any issues arising from the viewing to the appropriate MPS officer and feedback to the local community as appropriate after each review meeting, 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. The MPS will produce a guidance document and policy, which must be followed<sup>1</sup>.

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 who are 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 the borough and, where relevant, for other comparable boroughs or London as a whole.
  - b) Identify issues and seek responses from local police on their use of Stop and Search powers.
  - c) Bring serious recurring or unresolved Stop and Search issues within their borough to the attention of the MOPAC and the MPS, 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 lead 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) CMGs should familiarise themselves with the MPS' complaints procedures, so that they are able to 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 at 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.

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<sup>1</sup> The MPS has produced a Data Protection Impact Assessment for the reviewing of Body Worn Video. There have been no established breaches of the General Data Protection Regulations (2018) in relation to the reviewing of body worn video

4. CMGs should have knowledge and regard to equalities legislation and conduct their business accordingly. The full Public Sector Equality Duty<sup>2</sup> specifically to:
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - Foster good relations between people who share a protected characteristic and those who do not.

#### **4. Membership of the CMG**

All members of the CMG will be required to comply with the Code of Conduct, which sets out the standards of behaviour MOPAC expects from CMG members and identifies your rights and responsibilities as a volunteer. Compliance with the Code of Conduct is a condition of involvement with the CMG.

1. Membership of the CMG will be drawn primarily from the local borough.
  - a) 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.
  - 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) CMGs should aim to have a diverse membership to represent their local areas and those most affected by stop and search and should make every effort to have at least one member under the age of 25 on their group.
2. Police vetting will not be required to qualify for membership of a CMG.
3. It is advisable that CMGs appoint a Vice Chair from amongst their members.
4. No serving police officer can be a member of a CMG. A former police officer may be considered for membership of a CMG, but must declare their interest and provide details of their most recent policing role for consideration by the CMG.
5. Local elected members or people involved in the criminal justice system<sup>3</sup> may sit on a CMG, but they must declare any perceived or potential conflict of interest due to their current or previous professional position.

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<sup>2</sup> <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

<sup>3</sup> E.g. solicitor, magistrate or judge

6. The MPS may make suggestions to the Chair of a CMG with regards to membership. However, it is at the discretion of the CMG as to whether an individual may join the Group.
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 required to comply with the Code of Conduct.
9. The selection of members must comply with the current Equality Act (2010).

## **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. The borough stop and search leads will be invited to Community Monitoring Network (CMN) quarterly meetings with their Chair or Vice Chair as non-voting contributors.
3. When there is a change to the borough Stop and Search lead the local Borough police leadership team should notify the CMG Chair as soon as possible.
4. It is expected that every effort is made by the MPS to supply to CMGs 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 as soon as reasonably practicable 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 (it isn't mandatory to have a Vice Chair, but it may assist in the effective management of the Group 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 CMG 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 came into force in May 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 as 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 Marked 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 except for providing generalised feedback to the local community for reassurance purposes.
  - 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 to their meetings. 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. If they are unable to do so a member should ensure the Chair is notified and duly recorded.

## **9. Related matters**

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 [and with MOPAC where the matters are directly relevant], on any issues that may impact and affect the CMG.
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 and procedures that govern representation of the CMG and should familiarise themselves with the relevant content of these documents.

## **10. Terms of Reference**

1. If changes to these TOR become necessary in the event of legislative changes, changes to CMGs, MOPAC or MPS governance arrangements, or any other reason, such changes will be considered and approved as an agenda item at a CMG meeting.