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Leicestershire
Police

Protecting our communities

Leicestershire Police Lay Observer Scheme

1. Purpose and Scope

This document outlines the procedure and guidance for Police officers and lay observers accompanying police officers to view instances of stop and search that may occur. Such street encounters may be on general patrol duties or emanate from specific operations.

The lay observer scheme aims to...

- Support an open transparent relationship with our diverse communities, working to build confidence in policing service delivery.
- To ensure all those involved are able to do so as safely and effectively as possible, ensuring health and safety standards are followed and the Force's duty of care is met.
- To ensure the principles of confidentiality and Data Protection are adhered to.

2. Background

The Best Use of Stop and Search Scheme requires police forces to provide opportunities for members of the public to accompany police officers on patrol when they may see stop and search in action. By introducing 'lay observation', a process of two way learning can take place, bringing the police closer to the public.

Leicestershire Police runs a 'lay observers' scheme which allows members of the public to accompany police officers on patrol to witness and feedback on the use of stop and search.

A Caveat...Stop and search doesn't happen all the time and must be carried out only in specific circumstances; consequently it might not be carried out at all during the observed patrol. Police will not look to stop and search for the benefit of the lay observer, such an approach would in all likelihood render the search unlawful and would be completely counter to the intention of the stop and search reforms.

3. Lay Observers Defined

A 'Lay Observer' in the context of this document does not apply to a casual or ad-hoc witness to a stop search but specifically refers to an individual who has applied formally through the scheme and is accompanying a police officer by arrangement whether on patrol or other pre-arranged official police related business.

Journalists and other media workers...

A request received from a journalist or other media worker falls outside the scope of the Lay Observer Scheme and any such approach should be referred to Corporate Communications.

4. Liability

Where an officer is acting in the performance of their duty, the Chief Constable will be vicariously liable for their actions pursuant to section 88 of the Police Act 1996. Nevertheless, whilst a lay observer is in their care, the officer will be responsible for undertaking 'on the spot' assessment of any hazards as they present themselves and taking appropriate action to mitigate risk. The officer as a minimum will be expected to take reasonable care of the lay visitor and instruct them clearly and courteously on what action they must take or not take in the circumstances.

5. Eligibility

Lay Observation is open to all, regardless of sex, marital or family status, race, colour, ethnic or national origin, nationality, religion or belief, politics, disability, sexual orientation, gender identity, social position or social disadvantage.

- Applicants must reside or work in Leicester, Leicestershire or Rutland; this restriction supports the premise that the scheme is to improve local confidence and transparency to our communities.
- Applicants must be aged 18yrs or over.

Previous convictions are not a bar but 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 Leicestershire Police following vetting procedures.

6. Health

To participate as a Lay Observer, the observer must have no medical conditions or injuries that will expose the observer or accompanying officer to any additional risk of harm. The presumption is that in asking to attend, this is confirmation that this is the case.

Prior to any patrol accompanying officers will ensure that the observer has disclosed any relevant medical conditions that could affect the placement through the completion of the 'Observers Briefing' prior to the observation.

Where a condition that could affect the placement is disclosed, the diversity unit must be notified by email. They will request advice and guidance as required including that of Occupational Health Dept. prior to any decision concerning further placement. The enquiries are to assess suitability and any additional measures required to counter any specific risks beyond those set out in the Generic Risk Assessment for members of the public shadowing police officers.

7. Confidentiality Agreement

Lay Observers will be asked to sign a 'Confidentiality Agreement' by the accompanying officer prior to going out on patrol. This is intended to ensure any information obtained during the course of patrol activity is treated appropriately. A willingness to sign this Agreement will be a condition of attendance.

The signing of a confidentiality agreement does **not** give the observer any additional right to access confidential information, it is simply an undertaking that they will not disclose information they may hear or see in passing. Observers must not be present at any intelligence briefings, nor will they be permitted to view information on force systems or view confidential documents.

If it is necessary for an accompanying officer (or colleagues) to use the force computer system they must ensure that observers cannot see information displayed on the screen.

8. Application process

1. Prospective lay observers will apply by going to the relevant page on the external force website and completing and submitting the online form, including preferred patrol locality and availability.
2. An email acknowledgment will be generated advising process
3. A member of the diversity unit will do any necessary checks and make contact with the prospective observer. They will undertake liaison with the relevant NPA commander to facilitate the for lay observation attachment.
4. Part of the assessment must include a judgement regarding the locality a prospective observer requests to do observation, observing in the same locality a person resides in is to be discouraged for obvious reasons.
5. NPA commander will identify an officer and arrange contact with the observer and copy in diversity unit regarding the agreed proposed date.
6. Post observation Diversity Unit will write/arrange feedback from lay observer and feedback to NPA commander as appropriate.
7. Diversity Unit will utilise/disseminate feedback as required e.g. to the Stop Search Reference Group. PAGRE, The NPA etc...
8. Diversity Unit will generate a letter of thanks to the observer.

9. Conduct of the Visit

Lay observers can expect to observe any operational activity the officer is involved in, including attending serious collision scenes. They can also be driven on emergency calls as long as normal safety rules are applied. The officer will **not** be expected to drop the guest off in a place of safety before going on a call.

10. Before Going Out...

At the beginning of the visit, before leaving the police station the accompanying officer must ensure the lay observer has read and signed two documents:

1. The Observer Brief and Confidentiality Agreement; this document explains to the lay observer the standards of behaviour expected of them whilst accompanying the officer.
The lay observer must read the document but in addition a section in bold at the bottom of the form **must** be read to the lay observer by the accompanying officer to reinforce the terms. The lay observer must sign to acknowledge that they have been given these instructions.
2. A 'Health and Safety and Terms of Deployment' document should also be handed to the lay observer for them to read. Again there is a section to be read to the observer by the accompanying officer and a section which must be signed by the observer to acknowledge they understand the content. See the health and safety section for more detail.

The lay observer will retain a copy of each document for their own purposes and the accompanying officer will take charge of two signed copies. The accompanying officer prior cease must append any comments regarding the patrol and scan in and email both the documents to the Diversity Unit mailbox with the originals forwarded via internal mail.

At the start of the tour of duty the accompanying officer must inform the Control Room that they are carrying a lay observer.

11. On Patrol

The observer **must wear an orange tabard during the patrol**. The attire will not only enhance safety with increased visibility but will differentiate the observer from Police personnel and mitigate potential misunderstandings. Tabards are to be returned to the accompanying officer at the end of the observation patrol. The accompanying officer will be responsible for the retention and storage at the NPA for future use per local arrangements.

Note: Orange Leicestershire Police tabards are available from supplies as standard stock sizes M to XL... the garment has been approved by the Force Equipment and Officer Safety Group. It will be the responsibility of NPA's to obtain and store a small stock for observer and other similar contingency.

The lay observer may have to remain in the vehicle if the accompanying officer considers it may be unsafe to leave it. This decision will be dependent on a number of factors, such as:

- the activity being undertaken
- the perceived level of risk
- environmental considerations
- the personality of the individual lay observer

If the lay observer ignores instructions or acts in a manner that jeopardises their or the safety of any others the accompanying officer has the right to end the visit. In such circumstances the accompanying officer must make a pocket book entry outlining the situation and email details to the Diversity Unit mailbox.

12. Attending Incident Scenes

Lay observers should be placed in the safest location at incident scenes.

When the vehicle is parked in the fend off position to protect the scene, the lay observer should be directed to a suitable location away from on-coming traffic and, preferably, any distressing sights, and told to remain there. When there are lots of hazards at the scene such as broken glass, twisted metal and substances on the road, and the traffic vehicle is parked in a reasonably safe location, it may be better to leave the lay observer in the car.

Lay observers must not be allowed to undertake any activity where there is significant potential for them to harm themselves e.g. heavy lifting clearing debris at a road traffic collision however well-intentioned the actions.

13. Roadside Checks

When the accompanying officer is undertaking activity that involves standing on the roadside it would be reasonable for the lay observer to leave the vehicle and watch. In such cases they should stand away from the edge of the kerb where they could still get a good view. When the officer causes a vehicle to stop the lay observer should be told to maintain a position out of the way of on-coming traffic.

People stopped for minor offences may feel that their privacy is being invaded if a lay observer is present. Lay observers should therefore maintain a discrete distance when **any police officer** is dealing with a potential offender.

If the officer gets involved in a confrontational situation the lay observer should be told to remain in (or return to) the vehicle.

If the officer is in any doubt about a potentially hazardous situation they are to instruct the lay observer to remain in the vehicle.

14. First Aid

Lay observers must not administer first aid to any injured party unless they are a trained and competent medical professional such as a doctor or nurse and in possession of the relevant protective equipment.

15. Detainees

It should be noted that **under no circumstances** should lay observers be carried in police vehicles with detainees, unless the detainee is held in a secure cage. This is irrespective of whether there is a pre-arranged agreement or it results from a welfare or safety issue following any incident.

16. Carrying a member of the public as a result of a welfare or safety issue after any incident...

Emergency situations and operational considerations may arise, that necessitate the immediate carriage of a member of the public in a police vehicle. Such examples include the removal of a member of the public for welfare or safety considerations or when conducting a witness on a search for offenders.

Clearly the arrangements for pre-arranged visits cannot anticipate every eventuality. Therefore accompanying officers should assess any risks and decide on the most appropriate action to be taken in the circumstances at the time.

Special care **must** be taken when any person being carried in such emergency situations is under the age of 18.

17. Health and Welfare Assistance

Given the spontaneous nature of policing there is always the potential for lay observers to see and hear things during their in-company period which may cause them to suffer an adverse reaction. In cases when the accompanying officer feels that the lay observer has attended a potentially distressing or traumatic incident during the visit they should inform them of the welfare services we can offer and how they can access them. The Force's Occupational Health Department (more specifically the 'Senior Nurse South Area/ Clinical Head of EMCHRS OHU) is the contact point for these purposes. The accompanying officer should also email the occupational health unit (copying in the diversity unit) regarding the advice given and the possible contact by the lay observer. Diversity unit will coordinate any subsequent support between Lay observer and OHU as required.

18. Health and Safety

The form 'Health and Safety and Terms of Deployment' form has three areas...

1. Contains a reinforcement of the above safety considerations when attending the scene of an incident.
2. Part 2 contains a short passage which must be read verbatim to the observer by the accompanying officer at the start of the observation tour of duty.
3. Both parties sign each of the forms one for the observer and a copy retained by the officer.

The accompanying officer will subsequently send the signed health and safety form to Diversity Unit.

19. 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

20. Use of Observer Feedback

Post in-company period each Lay Observer will be sent a feedback form by Diversity Unit, this can be electronically or through the post depending on observer preference. The observer will complete a feedback sheet after each deployment, the returned diversity unit will...

- Provide a single point of contact for any subsequent enquiries regarding the Lay Observer element of the 'Best Use of Stop Search Scheme'
- Ensure Leicestershire Police maximise learning by coordinating the sharing of observer feedback with relevant critical friends and advisory groups such as the Stop Search Reference Group.
- Be the central point to collate feedback and utilise same to inform organisational learning and influence operational policy practice and procedure going forward.