

Strategic Policing and Crime Board

19 June 2018

Title: Policing and Brexit

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Purpose of report

1. This report is prepared by the Office of the Police & Crime Commissioner for the West Midlands (OPCC). Its purpose is to update the Strategic Policing and Crime Board (SPCB) on the principal issues relating to policing in the West Midlands arising from the decision to invoke Article 50 of the Lisbon Treaty on 29 March 2017 and thereby, within two years, withdraw from the European Union (EU) (Brexit).
2. In particular, this report seeks to inform the SPCB of the latest developments in the Brexit negotiations and their potential impact on policing and security in the West Midlands.
3. The report then asks David Jamieson, the Police & Crime Commissioner (PCC) and the SPCB to consider and approve the next steps outlined below at the end of this paper.

Background

4. The previous SPCB report, presented on 4 April 2017, set out the background to the potential impact of Brexit on policing, with a particular focus on various vital cooperation tools/mechanisms enabling UK and EU police forces to work together to prevent and tackle crime and threats to regional and national security. In particular, the report discussed the potential impact: on the future incompatibility between EU and UK laws and the rights the UK could lose by falling out of the EU's jurisdiction and legal framework; of losing shared law enforcement databases; of losing the EU arrest warrant; losing our membership of and significant influence over Europol; and other important areas of cooperation and arrangements around security.
5. Rather than repeating a description of the key cooperation mechanisms identified previously, the SPCB is invited to consider the previous 7 page SPCB report attached at Annex 1, as a refresher of the key areas of concern and context.

Key points

6. In summarising the development of negotiations, this report will reemphasise how vital these areas of cooperation are for policing in the West Midlands and for the wider national security of the UK.
7. Importantly, this report seeks to make the SPCB aware of the serious concerns that have been expressed by the Home Affairs Select Committee (HAC), that if the UK fails to reach a satisfactory Brexit deal or leaves the EU without any deal at all, the UK risks falling off a “*cliff-edge*” in terms of certain security and UK-EU policing cooperation. Further, HAC’s report outlines serious concerns regarding the government’s limited level of contingency planning for how police services will cope in the absence of a detailed security agreement in time for Brexit.
8. West Midlands Police (WMP) plays a vital role in national security and the safety of the public in the West Midlands, and Brexit may risk putting the UK and the West Midlands in jeopardy if detailed arrangements aren’t put in place to meet the current levels of effective UK-EU cooperation, which are used to help WMP fight terrorism, human trafficking and serious organised crime. Based on the concerns outlined in this report, WMP is concerned that its ability to fight serious and violent crime will be hindered.
9. WMP will need to look to government for national leadership and increased support for contingency planning in the event cooperation mechanisms are lost in March 2019, or lost after the end of the implementation period discussed further below. In doing so, WMP will need to consider what additional government funds and resources will be required to prepare for these new challenges.

IMPLEMENTATION PERIOD & WITHDRAWAL - CURRENT SITUATION

10. In late March 2018, the EU’S 27 Member States reached political agreement on the terms of an Implementation Period (IP), which will run from March 2019 to December 2020. This is subject to the UK and EU reaching a final settlement on the wider Withdrawal Agreement. The terms of the IP allow for operational cooperation on most Justice and Home Affairs tools to continue on their current basis. The IP is due to be legally ratified by the UK and EU Member States in late 2018 – early 2019.
11. In the next section, we discuss the impact this may have on the West Midlands specifically.

THE IMPACT ON WMP

Acknowledgement of current work streams

12. WMP acknowledges that there are several national streams of work considering policing post-Brexit. To that end, WMP is aware of the National Police Chiefs’ Council’s (NPCC) International Criminality Portfolio, ACRO’s¹ position, the HAC’s position and the recent letter to police chiefs from Steve Smart (NCA Director of Intelligence) and Richard Martin (Deputy Assistant Commissioner) – these work streams and positions are discussed further below.

¹ The NCA’s Criminal Records Office.

13. WMP specifically notes particular concerns surrounding the impact of Brexit on the NPCC's ACRO function (explained below). ACRO's CEO Rob Price stated that *"Brexit is undoubtedly the biggest challenge currently facing ACRO"* and that it *"will significantly impact on ACRO's business, notably the exchange of criminal conviction information between the UK and Member States"*.
14. ACRO's main concern is that the UK could lose direct access to European Criminal Records Information System (ECRIS), resulting in a partial revert to manual exchanges to provide vital conviction information from the continent.
15. In order to prepare for Britain's formal departure, ACRO is heavily involved with partners in policing, to draw up contingency plans. As things stand, the volume of ACRO requests post-Brexit is still unknown but ACRO can confirm that there has generally been an upward trend for requests from police forces, and this adds to the concern.
16. WMP's view is that much of the negotiations and details establishing the UK's policing position after Brexit, and during the IP, is still very uncertain without any sign of secured outcomes yet.
17. Further, WMP's view is that, as things stand, UK policing does not have sufficient contingencies in place in order to meet the current levels of UK-EU cooperation. WMP is looking towards the NPCC's national lead for policing, the National Crime Agency (NCA) and the Home Office for strong leadership and support to help WMP prepare locally and bridge the current gap in contingency planning.

Specific impact on WMP

18. Various quantitative data sets demonstrate WMP's use of EU tools. Whilst they don't currently provide a comprehensive picture of use, they do provide a clear picture of how important these tools are for WMP.

Data around number of offenders

19. From WMP custody data, the number of relevant individuals (i.e. those involved or suspected of criminality) who are EU citizens was as follows:
 - a. In the financial year 2017/18 WMP had the following processed through police custody:

443 EU nationals who were 'voluntarily interviewed' and a further 461 whose nationality was listed as unknown.
 - b. 8535 arrested persons who declared themselves to be non-British of these 4055 were from EU countries.

ACRO data requests

20. ACRO checks made by WMP are recorded by ACRO. Because of a recent glitch in the EU system at ACRO, their reporting figures are only as current as December 2017. WMP, on average, submits a significant number: around 500 requests per month, with 472 in December 2017, 566 in November 2017 and 552 in September 2017. These include EU and non-EU submissions through ECRIS.

Data on EU victims in the UK

21. Data on the nationality of victims is harder to collate and interrogate and it is difficult to draw firm conclusions. However, data on slavery offences in the last 12 months indicates that second to UK citizens being a victim, Romanians (41) are the next likely to be victims, with Albanians (33), Vietnamese (33) and Polish (31) being the next largest victim group. The cross association of human trafficking and slavery/servitude means that most of the investigations will have a footprint in Europe and therefore require the use of international instruments or cross border cooperation.

European Arrest Warrants

22. There is no corporate system to measure and monitor outgoing European Arrest Warrants (EAW), i.e. where WMP sends EAW packages to another EU country seeking that person's extradition back to the UK.
23. In relation to incoming EAWs in the actual year 2017, WMP received 125 EAW packages from the NCA (with all the relevant intelligence around the nominal, as well as the opportunity to mitigate risk through extradition). WMP extradited 98 persons back to the EU during this same period. For 2018 WMP has received 35 packages so far this year, and extradited 25.
24. It is believed there are at least 9 (incoming) EAWs in place for WMP covering 2 murders, drug trafficking, firearms offences, rape, child sex offences, parental abduction, fraud and burglary.

Schengen Information System

25. Schengen Information System (SISII) alerts are utilised systematically and wholesale across WMP for every person missing, every person wanted on warrant, every person wanted missing, every stolen vehicle, and persons under discrete surveillance for serious crime matters. The alerts can and do act as a precursor to EAWs being issued. We discuss this tool further below as a WMP case study.

Europol

26. Enquiries sent to Europol by forces are presented to Europol via Secure Information Exchange Network Application (SIENA) to which WMP doesn't have direct access, but which the Regional Organised Crime Unit (ROCU) administer on behalf of WMP.
27. In this calendar year (2018 up to mid-May) WMP submitted 19 discrete enquiries to Europol. Joint Investigation Teams (JITs) can then be set up on a case by case basis, where a need arises. WMP does not currently have a centralised information system to collate JIT numbers, although we discuss a WMP case study below.
28. On a monthly basis, Europol Information System (EIS) checks are now made via ROCU for all WMP foreign nationals, prisoners and interviewees to cross reference with EU colleagues and establish travelling serious offenders. Around 800 nominal details are run through the database monthly, with a varying hit rate of around 10-12 nominals per month. All most dangerous suspect nominals are now also processed through EIS.

Case studies

29. WMP is able to provide multiple case studies of real life examples for how it uses the investigative tools discussed, and which would be affected should these tools no longer be available to the UK. Two such examples are as follows:
- a) Human trafficking – On-going Joint Investigating Team with Slovakia – WMP is currently engaged in an on-going human trafficking and modern day slavery investigation, via a Europol JIT. Aside from the important fact that this has created a mechanism for effective cooperation on this investigation (and others), it has also brought with it Europol funding for meetings, equipment and administration. It is possible joint investigations like this will be jeopardised in the event of Brexit.
 - b) Sex offenders – SISII (referred to above) allows WMP to benefit from alerts that are placed on all stolen vehicles. Notification is sent to WMP when the vehicle or parts thereof are found within the Schengen area. Using this information WMP has additional information about where stolen vehicle are being found, as well as nominals who were found with them. WMP frequently places markers on individuals involved in serious criminality. Registered sex offenders (RSOs) are subject to such markers, and on a weekly basis WMP receives details of foreign travel via SISII, detailing where the RSOs are and who they are with. This can be cross checked against relative restrictions placed on them. Brexit may impact the access to SISII and therefore the ability to tackle West Midlands sex offender investigations like the one discussed here.
 - c) ACRO checks – On Friday 15 December 2017 officers responded to a road traffic collision in Bordesley Green. A car had smashed into two other vehicles and witnesses pointed out the driver who was stumbling from the scene. The suspect smelt of alcohol and forcibly resisted arrest. It was later discovered he had no insurance or licence. WMP’s semi-automated ACRO process ensured that conviction checks were done with Romania to establish his offending history. These revealed that the man had ten convictions, including a murder in 1985, an attempted murder 14 years later and other offences for battery, violence, thefts and possession of weapons. Identification of these offences allowed for his deportation.

Corporate impact – recruitment and retention

30. Outside of the investigative tools, WMP has started to consider the impact of Brexit on WMP’s recruitment and retention. Whilst it is difficult to predict the net effect, it is worth noting that, as would be expected, WMP currently has a number of staff and police officers who are EU nationals, as outlined in the table below.

	Police Officer	Police Staff	PCSO	Specials	Grand Total
EU (non-British)	58	13	2	2	75

31. A total of 75 current staff are from other EU countries, with about a third of these being from Ireland.

Mitigation in worst case scenario

32. As referenced above, national contingency planning is ongoing to establish and mitigate access issues that police and security agencies will have to EU systems and

data, which includes considering the national picture and worse case scenarios. This will consider policing in the widest context.

33. Again, as stated above, while WMP is aware of these work streams and is very willing to engage to play its part in planning contingencies, it is WMP's view that it is very difficult to estimate the impact on WMP with so much uncertainty circulating around negotiations and resources for planning and a "cliff-edge" scenario. Undoubtedly, in the first instance a response will have to be a national one, as access will largely depend on the UK's ultimate negotiated arrangements.

STATUS OF NEGOTIATIONS & COMMENTARY

Home Office – proposal for a new partnership

34. Elaborating on the Department for Exiting the European Union's policy paper back in May 2017 ([*The United Kingdom's exit from, and new partnership with, the European Union*](#)), the Home Office released its own more detailed paper in September 2017 ([*Security, law enforcement and criminal justice: A future partnership paper*](#)).
35. The Home Office's paper acknowledges the significant shared interest the UK has with the EU in ensuring there is considerable ongoing cross border cooperation to tackle and seek to prevent threats to national security and serious organised crime. Further, it specifically outlines that pooling resources and expertise is essential and continues to strongly emphasise the increasing threats to the UK and the EU from terrorism and threats associated with cyber-crime.
36. The paper goes on to acknowledge that there is a suite of mechanisms that are vital for policing ("*including data sharing tools, practical cooperation arrangements, and a number of EU agencies*") and which the UK needs to maintain. However, it openly states that "*When the UK leaves the EU, the legal framework that currently underpins cooperation between the UK and the EU on security, law enforcement and criminal justice will no longer apply to the UK*".
37. The paper sets out a vision for a comprehensive security arrangement that seeks to retain all of the existing benefits of the current mechanisms while also building on them to move away from what the Home Office describes as "*ad hoc arrangements*".
38. Later sections detail the principles on which such an agreement would be made, such as a commitment to "*continue to develop a dynamic relationship over time as threats change and opportunities for joint working develop*" and that cooperation should be about preventing crime as well as detection and enforcement activities. It also explains that there are other existing models of cooperation which the UK could possibly seek to adopt. For example, Norway and Iceland have concluded agreements with the EU to participate in Prüm (the EU IT system for rapid sharing of fingerprint, DNA and vehicle registration data for law enforcement purposes). Switzerland and Liechtenstein are also in the process of seeking participation in Prüm.
39. The report is however very clear that existing alternatives are not sufficient, stating that they "*would also fall short of current channels used to assess the strategic threats facing European countries*" and would "*have more limited value, and would risk creating operational gaps for both the UK and for its European partners, increasing the risk for citizens across Europe*". For these reasons, the UK wishes to seek a more comprehensive and all-encompassing agreement while ensuring "*that there are no operational gaps created by the transition from one set of arrangements to another*".

House of Commons Home Affairs Committee

40. On 14 March 2018, the House of Commons' cross party HAC released its report [UK-EU security cooperation after Brexit, Fourth Report of Session 2017–19](#) which contains considerable detail over the importance of the UK-EU security cooperation mechanisms and the supporting evidence provided to substantiate its position.
41. The report pays particular attention to the importance of Europol, European Arrest Warrants (in light of full participation in EAW currently being restricted to Member states of the EU) and EU data sharing).
42. After hearing this evidence, the HAC concluded the following *"We agree with the Home Secretary [then Amber Rudd MP] that a no deal outcome in security should be unthinkable, but we are not convinced that the Government has a clear strategy to prevent the unthinkable from becoming a reality, **and we have serious concerns about its apparent lack of investment and interest in contingency planning**. It is time for the Government to flesh out the details of the 'bespoke deal' it says it hopes to secure in this area, and to be open with the public and Parliament, by explaining how it proposes to address the potential pitfalls and obstacles identified in this report"*.
43. More specifically the report states:
 - a. *"Cooperation in policing and law enforcement is one of most vital forms of EU activity, and the UK has both gained and contributed a great deal of intelligence and leadership, resulting in enhanced capabilities and operational successes"*.
 - b. *"Much more attention needs to be given, however, to the many complex technical and legal obstacles to achieving such a close degree of cooperation"*.
 - c. *"Looking beyond transition, it is crucial that negotiations on a future security treaty begin imminently. There are many difficulties for the Government to overcome, and we have particularly strong concerns about the following issues:"*
 - d. *"The Government should clarify whether the engaged, dynamic relationship it is seeking would preserve its current capabilities in full"*.
 - e. *"The Government must also provide more clarity about whether it is seeking ongoing full participation in the European Arrest Warrant (unprecedented for a non-EU member state), a replication of the EU's surrender agreement with Norway and Iceland (not yet ratified, and with significant deficiencies compared with the EAW), or a bespoke arrangement"*.
 - f. *"We are concerned about the implications of the UK's future access to EU data for the activities of the security services...The Government must work closely with its EU partners to ensure that Brexit does not cause the UK's surveillance powers to become a source of conflict, nor an obstacle to vital forms of data exchange"*.
 - g. *"Where data protection is concerned, the extent of CJEU involvement in any meaningful agreement between the UK and the EU means that it would be unwise to make the jurisdiction of the CJEU a "red line" issue"*.
 - h. *"...the UK should not be rigid about its own red lines, including the future jurisdiction of the CJEU"*.
44. Clearly then, close attention needs to be paid here in the West Midlands as to whether the government will listen to the advice of MPs from across the political spectrum about the serious concerns raised.

Home Office presentation

45. In May 2018, the Home Office sought to provide further details concerning its proposed EU security agreement in a presentation entitled [Framework for the UK-EU Security Partnership](#). This restates the significant importance of maintaining close ties with the EU to fight against the very real threats the country faces around issues such as terrorism. It is clear from the content of this presentation that distancing ourselves from the EU would put us at far greater risk: *“Europe’s security is the UK’s security. The UK is unconditionally committed to maintaining it”, “Terrorism and crime do not respect borders. And threats are increasingly complex and intertwined” and “It is critical that the strength of these bodies [e.g. Europol] is not weakened”*.
46. The presentation emphasises that without a new agreement, relying on precedent for existing non-EU arrangements would leave notable security gaps, sometimes significant such as not having access to the ECRIS or reduced access to Europol² and Passenger Name Records. These can be summarised in the table below, which borrows from the Home Office’s presentation, although the risk column reflects the OPCC’s analysis of the potential post-Brexit position.

Table – precedent of existing third party arrangements UK could seek to rely on & risk.

Precedents	Example of EU measures/form of cooperation	Risk for WMP
No existing precedent	ECRIS	High , as mechanism often relied on by WMP (see above) with no precedent for third country arrangements
Precedent but significant capability gap	Europol Mutual Legal Assistance Extradition Passenger Name Records (PNR)	High , as mechanisms often relied on by WMP (see above) with precedents presenting significant capability gaps
Precedent for smaller capability gap	Eurojust ³ Joint Investigation Teams (JITs)	Moderate risk as mechanisms often relied on by WMP (see above) but precedent exists with smaller gaps
Precedent for third country (Schengen) access	Schengen Information System (SISII) Prüm	High risk as mechanisms often relied on by WMP (see above) and although precedent exists recent reports suggest France may block the UK’s participation in Prüm post-Brexit ⁴

² The importance of and cutting edge role played by Europol has also been raised in oral evidence given to the Home Affairs Committee on the issue of [Policing for the future: changing demands and new challenges](#)

³ [The EU’s Judicial Cooperation Unit](#).

⁴ The Times reported on 31 May 2018 that Prüm, which allows access to and sharing of DNA data across EU members and which enabled French and Belgian authorities to identify the terrorists responsible for the Paris attacks in 2015, may not be available to the UK post-Brexit. The article also notes that in *“a small-scale pilot on UK use of the system, British police checked 5,500 DNA samples from unsolved crimes and found 118 matches. The offences included rape, burglary and arson”*.

47. At the same time, the presentation sets out what a new security arrangement could include should the UK and the EU negotiate a mutually beneficial deal. Specifically, the presentation sets out that a new UK-EU security deal, if reached, could provide arrangements that cover all existing mechanisms and develop the level of cooperation. This would include: practical cooperation such as EAWs, JITs, the European Investigation Order and the Prisoner Transfer Framework Decision; continue involvement in EU agencies such as Europol and Eurojust; and continue real time data sharing such as through SISII, ECRIS and PNR. The agreement could also cover new UK-EU secondment and information sharing mechanisms, as well as frameworks for ongoing dialogue over joint projects and discussions around foreign policy and defence. For further detail see the link to the presentation above.
48. In the main, the presentation elaborates on a number of details surrounding how significant the UK's involvement is with the EU on security issues and therefore the types of issues that would need to be covered by a comprehensive security deal. However, it fails to provide much detail on how it will ensure it achieves this agreement and, just as vitally, ensure there are contingency plans in place should the UK fail to reach an agreement, in turn subjecting the UK to a genuine security risk and security cooperation gaps.
49. In terms of risk, the OPCC and WMP are not clear on whether the UK is likely to be able to agree such a new comprehensive agreement before the end of the IP or indeed whether any such agreement would put the UK in a better position than it is now. The OPCC and WMP shares the view of HAC that contingency planning is vital given the uncertainty regarding future negotiations and the end position.

House of Lords – hearing evidence on Brexit impact on UK-EU security

50. On 16 May 2018, the House of Lords heard evidence from its Select Committee on the European Union, Home Affairs Sub-Committee, [*Brexit: the proposed UK-EU security treaty*](#). Witnesses included Jim Brisbane (Internal Assurance Officer and SRO for EU Exit, Crown Prosecution Service) and Debbie Price (Head of International Justice, Crown Prosecution Service).
51. This highlighted that there is some degree of contingency planning going ahead in anticipation of the lost mechanisms in the absence of a security agreement on a UK exit, although these were less directly related to policing.
52. Plans so far involve considering what security agencies will need to do without the existing mechanisms in order to complete the applicable tasks in hand. Some of this is highlighting barriers that would be extremely difficult to overcome. For instance, Ms Price said, *“One of the aspects that the Brexit team is working on now with the CPS is what the alternatives are if we cannot extradite someone from, say, France... We cannot guarantee that they will take the trial on; even though there is a principle of “extradite or prosecute”, they may not be able to do it”*.
53. On hearing evidence from the witnesses it is also clear that additional resources may be needed to plug the gaps due to the removal or streamlined processes making cooperation easier and quicker. For instance, Mr Brisbane said *“...Extra resources may be needed...”* and that *“...we anticipate that the extradition work might be more extensive even if there were a drop-off in numbers...”*.

54. Ms Price also took the opportunity to stress that there could be a human price to any failure, including for victims.
55. Further, it is clear that there is still considerable uncertainty over the current negotiations and the ultimate position, whether regarding the withdrawal agreement or a new agreement going forward. For instance Debbie Price said *“I am not sure that the withdrawal agreement tells me that both negotiating parties are in agreement on the EAW at this time”*.
56. At an earlier hearing on the same day, Lord Evans of Weardale said, *“The fact that we will not be in the Council or represented in the European Parliament and so on means that a well-informed and relatively influential voice on issues of national security, or the inadvertent impact of policy initiatives on national security, will not be there...that is one of the things that would most worry me”*. Robert Hannigan, former director at GCHQ, agreed saying, *“I know that some of our colleagues worry a lot about the absence of that voice”* and he added *“From the perspective of the current Russian regime...It will be easier to sow dissent in Europe”*. Both Lord Evans and Mr Hannigan agreed that they are concerned that the UK could fall off a security cliff edge if a comprehensive agreement is not reached after the transition period.
57. In conclusion, evidence taken in the House of Lords strongly supports the view that UK-EU security cooperation is vital. Despite references to there being ongoing contingency planning, the evidence heard so far does not provide assurance that policing will not be negatively impacted upon or that detailed contingencies plans and resources are in place, in the absence of a comprehensive agreement is reached.

House of Lords – other reports

58. The House of Lords has also issued other reports on UK and EU cooperation regarding law enforcement. Like the above, these too stress serious concerns over a potential cliff edge should comprehensive arrangements not be agreed in time. It is also clearly stated that there should be *“caution, however, against assuming that because there is a shared interest in a positive outcome, negotiations will unfold smoothly. Even with the utmost good will on both sides, it seems inevitable that there will be practical limits to how closely the UK and the EU-27 can work together on police and security matters if they are no longer accountable to, and subject to oversight and adjudication by, the same supranational institutions, notably the Court of Justice of the European Union”*. For more detail see the House of Lords’ EU Home Affairs Sub-Committee’s report on [Criminal Justice Cooperation with the EU after Brexit: The European Arrest Warrant inquiry](#) and [Brexit: future EU-UK security and police co-operation inquiry](#).

NCA & NPCC

59. As referred to above, the OPCC understands that the NCA and NPCC are working on contingency planning in the event certain cooperation tools are lost should the IP principles not be ratified or if later no comprehensive security agreement is reached following the IP in December 2020.

60. As outlined in the 'next steps' below, the OPCC will be eager to understand from WMP's leadership the extent of WMP's engagement with this contingency work and will seek assurance that WMP is as prepared as it can be for a cliff edge scenario, so far as its reduced resources will allow (WMP has lost approximately £145 million from government cuts since 2010).
61. The OPCC also notes that on 31 May 2018, The Times reported that British police carried out 539 million checks on SISII last year, with Steve Smart, Director of Intelligence at the NCA quoted as saying *"The impact of losing access to those datasets is that more bad people will get into the UK and it will be harder for us to find and deal with them"*.

APCC

62. The OPCC understands that the Association of Police & Crime Commissioners (APCC) hopes to engage with UK police forces in the near future to help build a detailed understanding of how often key UK-EU cooperation tools are used and to help support any ongoing contingency work.
63. Further, in a communication sent to Police & Crime Commissioners on 9 May 2018, the APCC raised further issues to consider, including the issue of *"recruitment, HR and finance"* (as mentioned above), such as whether Brexit will make it harder to recruit to WMP or whether economic impacts on the UK generally may result in even more significant cuts to WMP at a time of growing demand and complexity of service requirement.

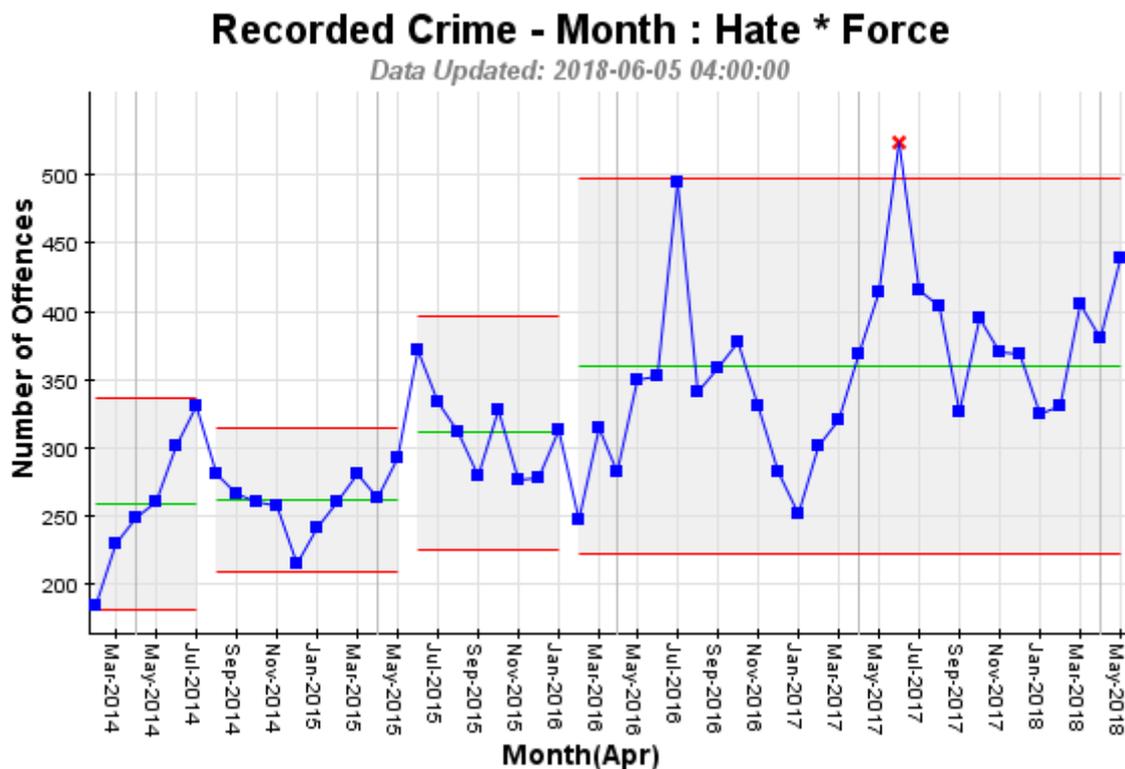
Northern Ireland

64. The last SPCB report raised the issue of Brexit and its potential implication for the Northern Ireland border, which in turn could create tensions that have policing and security implications. There is strong consensus that undermining the progress achieved under the Good Friday Agreement through the creation of a hard border or arrangements in place that otherwise upset the current arrangement, could have devastating consequences.
65. Negotiations on this specific issue are ever changing, and there is currently a great level of uncertainty as to the end position. Back in December 2017 the UK agreed that *"the United Kingdom will maintain full alignment with those rules of the internal market and the customs union, now or in the future, support North-South cooperation, and the all-island economy and the protection of the 1998 Agreement"*.
66. This report does not seek to deal with this complex issue in detail, but it does note that the media has reported that the government's customs proposals were unlikely to be accepted and may contravene the previous UK negotiation position, and there is ongoing uncertainty regarding the Northern Irish border.
67. While this issue may be less likely to directly impact on the West Midlands (although it will no doubt concern a large number of West Midlands residents eager to see that peace is maintained in Ireland), the issue demonstrates the great uncertainty regarding the UK's future security arrangement and the status of Brexit negotiations.

Hate Crime

68. The previous SPCB report presented statistics on the increase in recorded hate crime in the West Midlands immediately following the EU Referendum result. As indicated by the chart below⁵, recent WMP data since that report indicates that monthly averages of reported hate crime have remained higher than monthly averages in the two years preceding the EU Referendum – the monthly average July 2014 to June 2016 is 291; monthly average July 2016 to May 2018 is 370. This increase may be driven both by a real increase in hate crime and an increase in willingness to report.

69. The PCC is deeply concerned about this trend, and while this report does not consider hate crime in detail, the PCC wishes to emphasise that he is taking various steps to address this problem including: drawing up proposals to raise awareness of hate crime reporting through the WMP safer travel team and the issue of hate crime on public transport in the region; and has undertaken research with Leicester University to identify meaningful actions to address the needs of hate crime victims.



Next steps

70. Based on the above, the OPCC asks the SPCB to:

- i) Note how the issue has progressed since the last SPCB report and the serious concerns raised around future risks to law enforcement and security in the UK and the West Midlands.

⁵ Data provided by WMP as at 5 June 2018.

- ii) Note the concern around insufficient contingency planning for a scenario where no agreement can be reached on future security arrangements;
- iii) Request that WMP continues to engage closely with contingency planning and:
 - a. provide assurance to the PCC that going forward WMP is working closely with government and the Home Office, the NCA and NPCC to ensure WMP has contingency plans for the worst case scenario;
 - b. build a detailed understanding of the scale and qualitative basis of WMP's use of the security mechanisms, the consequences of losing them and the changes WMP will need to make in the event of a cliff edge; and
 - c. consider how much the government will need to provide WMP and other police forces with additional resources to support its contingency planning work and execution of contingency plans in the event no comprehensive security deal is reached.

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