



Strategic Policing and Crime Board

Tuesday 20th November 2018

Police and Crime Plan Priority: Brexit and Policing

Title: Brexit and Policing

Presented by: Assistant Chief Constable Gareth Cann QPM

Purpose of paper

1. The purpose of this paper is to provide information and assurance to the Strategic Policing and Crime Board (SPCB) relating to policing in the West Midlands in the event of a no-deal UK exit from the European Union in March 2019. This report is for discussion at the SPCB on the 20th November 2018. This report takes into account the previous reports presented to the SPCB on 4th April 2017 and 19th June 2018.
2. The paper will highlight the relationship of West Midlands Police (WMP) with other police forces and Law Enforcement Agencies (LEA) in preparing for a potential no-deal Brexit. It will highlight how WMP is collaborating with partners to deal with any spike in hate crime and public disorder linked to Brexit.

Background

3. The Home Secretary through the Home Office Europe Directorate, has requested that law enforcement agencies be fully prepared for a no deal scenario on the day that the UK exits the European Union (EU) on 29th March 2019. A direct implication of the European Commission and the UK government failing to reach an exit agreement would mean that there would be no implementation period, and the UK law enforcement agencies would no longer have access to those European policing tools and measures that are currently used to facilitate the exchange of information and intelligence.

4. In addition to the loss of European policing tools to UK law enforcement, the government has commissioned contingency planning across all departments in the event that a deal is not reached. It is assumed that there is a risk of demonstrations with a possible rise in public disorder, disruption at ports and a reduction in the availability of goods across the UK as a result of no deal. The planning assumptions also recognise that increased protests and demonstrations may occur whether or not a deal is agreed.

Law Enforcement and National Security Measures

5. There are currently 32 justice and home affairs measures (also known as LENS: Law Enforcement and National Security Measures) that are used on a daily basis in an operational policing context. The most significant of these for UK law enforcement are:
 - Schengen Information System II (SISII)
 - European Arrest Warrant (EAW)
 - European Criminal Record Information System (ECRIS)
 - Europol/Eurojust
 - Joint Investigation Teams (JITs)
 - European Investigation Order (EIO)
 - Data protection
 - Prüm Decision (biometric and vehicle registration details exchange)
6. Whilst there are contingency plans in place to replace the key EU tools they are all less capable than current powers. In response to a request from the Home Office, the NPCC/NCA Brexit Implementation Team has developed plans to prepare for a no deal, no implementation period Brexit in order to mitigate some of these risks and ensure that forces are prepared for all eventualities.
7. This includes developing a unit within the NPCC International Criminality Portfolio which is led by Deputy Assistant Commissioner Richard Martin of the Metropolitan Police Service. The unit will operate as part of the National Crime Coordination Committee (NCOCC) under Chief Constable Mike Barton, with further scrutiny and governance through a Brexit Steering Group.
8. Within the unit, a series of co-ordination units will support a network of regional SPOCs who will drive activity in forces and ROCUs. The unit will be the single point of contact for change, policy development, training and operational advice for all forces, the NCA and Crown Prosecution Service (CPS). Key operational partners such as the NCA and ACRO will also contribute staff to the model enabling a better intelligence exchange and avoidance of silo working.

9. The unit will provide staff to cover and support all forces within the UK and will be structured along the following areas to maximise operational capability for all forces:
 - *Manhunt Coordination* - This section will bring together all existing tools used to locate individuals (except missing people due to the volume involved).
 - *Missing Persons/Property Coordination* - Officers within the unit will ensure that missing people at a specified risk level are entered onto Interpol systems. They will also be responsible for making high risk enquiries through the ILO/FLEC (Foreign Law Enforcement Community) community in conjunction with the NCA.
 - *Police Cooperation Coordination* - This section will manage police information exchange via Interpol, Swedish Initiative and Article 39 CISA. The section will advise forces the route through which to channel police co-operation enquiries. Ensuring that channels remain open will be a core responsibility of this unit.
 - *Judicial Cooperation* – This section will manage issues relating to Joint Investigation Teams (JITs) and the European Investigation Order (EIO), and will advise on how to gather evidence and to seek authority to use evidence already obtained in an EU state. This section will work closely with ACRO and the CPS.
 - *Management and Policy Support* – This unit will provide management, policy and business support. The requirement to write new or amended guidance to the service and to manage the delivery of required training will be a further essential function of this section.
 - *Regional SPOC Network* – The SPOC network will be organised on a regional basis to provide support to a number of forces. The SPOCs will be required to drive change activity in forces based on the loss of access to multiple European policing measures.
10. Chief Superintendent Richard Baker is the Force Lead for Brexit and represents West Midlands Police through the Brexit Steering Group outlined above. Ch. Supt. Baker is responsible for the LENS elements and will report back to ACC Cann, Force Strategic Lead for LENS.
11. At the present time a national recruitment process is underway to fulfil the positions of Regional Force Coordinator to support the Central Coordination Team (CCT). It is estimated that staff within the CCT will start work in December 2018.
12. Until the implementation of the CCT, there is no formal interface between WMP and the NPCC/NCA Brexit Implementation Team to share intelligence on assumed risks or potentially emerging risks. However, since September 2018 the

WMP Intelligence Department has been sharing information with the NPCC/NCA Brexit Implementation Team on a weekly basis.

Contingency Planning

National Police Planning

13. The major concerns for policing centre on public disorder and civil contingencies. Consequently ACC Chris Shead and DCC Paul Netherton as the NPCC leads respectively in these areas are leading on contingency planning. They will report into CC Charlie Hall and the Operations Co-ordination Committee with matters escalated to Chief Constables' Council as appropriate. It is recognised that other areas of policing are likely to be impacted upon and NPCC leads will be asked to lead on planning in those areas although the Operations Coordination Committee will provide governance regardless of the business area impacted to ensure cohesion and coordination.
14. A small dedicated planning team will be established to coordinate activity/meetings. This will be established at no cost and consist of NPoC and MPS personnel.
15. CC Hall will chair a monthly steering group with strategic membership from each region, PSNI, Police Scotland and the appropriate NPCC business area leads for identified threats. Full membership is yet to be determined but it is anticipated that the NPCC leads for public order, civil contingencies, roads policing, business continuity, protest, hate crime etc. will be needed to participate. This meeting will ensure national cohesion, any interdependencies between areas are identified and de-conflict activity to prevent duplication. The regional leads will be responsible for liaison with forces within their region to ensure adequate planning is occurring and escalation of issues to a national level as appropriate.

West Midlands Police Planning

16. The regional lead for the West Midlands region has not yet been identified, however ACC Chris Johnson is leading the operational contingency response for West Midlands Police. ACC Johnson is supported by Superintendent Phil Dolby who is responsible for the Resilience Team in WMP, and is working with partners in the Local Resilience Forum.
17. The WMP Resilience Team has completed a threat and risk assessment based on planning assumptions from a no deal UK exit from the EU in March 2019. The risk assessment is categorised with low, medium and high assessments¹ and measured against milestones at one week, six weeks and twelve weeks after the

¹ Low – does not mean no risk but means that mitigating action is still possible with a relatively reduced impact
Medium – plans will have been activated or need to be as the threat/risk has increased and is producing a more pronounced impact
High – urgent/immediate action is required to prevent significant threat, harm, damage, loss and injury

UK's exit from the EU. The risk assessment produced by the WMP Resilience Team will feature in the single LRF risk matrix as requested by the Home Office.

18. Examples of specific risk areas identified for the West Midlands Police include acknowledgement of limits to law enforcement efficiency through LENS, demonstrations with a possible rise in public disorder, and disruption at ports with the flow of goods.
19. It is anticipated that an LRF Led Strategic and Tasking Coordination Group will be initiated by January 2019 with table top exercises focusing on civil contingencies and public order. West Midlands Police continually maintains local mobilisation plans to support national mobilisation plans for Police Support Units. The plans were recently tested as part of a national no-notice table top exercise focusing on multiple seats of significant disorder.

Police Leave

20. The question whether an embargo should be placed on police leave for the Brexit period has been raised nationally. It is accepted that until a full threat assessment at national level has been completed, any decision regarding police leave is deferred. It is acknowledged that delaying a decision on leave, whilst ensuring a proportionate approach for future flexibility to impose an embargo if deemed necessary, does carry some risk.
21. The Police Federation has been consulted at a national level and it has been agreed that they will be kept informed in order that they may in turn keep branches and members appraised.
22. West Midlands Police has made no decision at this time concerning any police leave over the Brexit period. This decision will be kept under constant observation on receipt of information from local threat assessment planning and national information from the NPCC.

Hate Crime

23. It is acknowledged that a possible consequence of a no-deal Brexit may be a rise in hate crime. In the West Midlands, hate crime levels continue to be monitored through a force wide community sentiment analysis and locally through Independent Advisory Groups. Whilst hate crime levels have been above the average over the summer period, there is no significant trend to suggest that Brexit has contributed significantly to this increase.
24. WMP has a comprehensive and embedded strategy to deal with any spike in hate crime regardless of cause, which is delivered through the Hate Crime Control Plan (HCCP). The HCCP has four key objectives:

- I. Close the reporting gap by increasing confidence in victims and communities, and removing barriers to reporting
 - II. Hate crime victims and wider communities to be recognised as potentially vulnerable and receive an excellent service
 - III. Improve outcomes and satisfaction for victims of hate crime
 - IV. Work with partners to identify opportunities for early intervention and prevention of hate crime/hostility
25. In the event of a force-wide spike in hate crime, this would be identified through the monthly Force Tactical Delivery Board chaired by the Deputy Chief Constable, where appropriate force resources would be deployed.

Current and Future Funding

26. The policing costs associated with the CCT will be fully funded by the Home Office with no permanent revenue cost to policing. It is anticipated that a special grant will be made by the Home Office to MOPAC, who will then administer all financial arrangements on behalf of the NPCC. The costs of the NCA and ACRO staff embedded within each unit will be covered by their respective agencies. At the present time, WMP provides no direct funding to the CCT and has no staff employed to support its work.
27. The Home Office have only identified funding for the current financial year. In January 2019 there will be a further funding round. DAC Martin has been clear with the Home Office that unless additional funding is identified for 2019/20 and onwards the CCT will be stood down.

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