



**Police and Crime Plan Priority: Emerging Items**

**Title: EU Exit**

**Presented by: T/ACC Chris Todd**

**PURPOSE OF REPORT**

1. The purpose of this paper is to provide information and assurance to the Strategic Policing and Crime Board (SPCB) in relation to the ongoing planning by West Midlands Police (WMP) in preparation for the end of the UK/EU transition period, currently scheduled for 31 December 2020. This paper is an update on the paper presented at SPCB in July 2020 and is for discussion.

**THE INTERNATIONAL CRIME COORDINATION CENTRE**

2. The International Crime Coordination Centre (ICCC) remains open since its establishment in March 2019 following the potential of a 'no deal' EU (European Union) exit. Guidance has been written centrally by the ICCC teams (consisting of: Manhunt, Missing People and Property, Police Cooperation and Judicial) addressing the use of EU International Instruments and the fall-back position. The guidance was released earlier in 2019 and disseminated through regional SPOCs for implementation at a local level.
3. It is accepted that a 'no deal' exit is still possible after the transition period has concluded. The ICCC and the Home Office have developed and are developing new ways of working with European counterparts. Through work with the ICCC, staff are being up-skilled around international enquires, and WMP have been able to use these opportunities to exchange police-to-police intelligence for quick time, high risk cases, directly with police attaches within London Embassies – both for EU and non-EU cases, and primarily for high risk crime.
4. Detective Chief Superintendent Richard Baker continues to represent WMP as the Force Lead, responsible for the Law Enforcement and National Security Measures (LENS) elements of BREXIT and attends the BREXIT Steering Group.

## **WEST MIDLANDS POLICE INTERNATIONAL INSTRUMENTS PLANNING**

5. General use of EU tools within WMP has remained as business as usual within the transition period. In addition to the points reported to the board previously, WMP has received hits on the Prum exchange of DNA. Prum exchange is providing intelligence hits against crimes scenes and nominals, having been assessed against the DNA databases of Germany, France, Spain, Austria, Netherlands, Belgium, Luxembourg and the Netherlands. These details will be retainable and usable following a full exit from the EU. Through the Force Intelligence Bureau (FIB) intelligence function, a tracking process has been instigated to track hits and meet our obligation to report back to the EU via the ICCC.
6. The end of the transition period without an agreement on continuing access would see the end to the UK's access to current EU law enforcement instruments – whether that be immediately in a 'no deal' scenario, or post a further implementation period with a deal. The systems that are used but likely to be lost are the Schengen Information System (SIS II) and the European Arrest Warrant (EAW), with an implementation period providing time for negotiations to take place to re-obtain access to Europol before exit.
7. In the run up to the earlier October 2019 deadline for EU exit, supported by the ICCC, WMP undertook a process of 'Back Record Conversion' from SIS alerts to the use of Interpol notices and diffusions. All SIS alerts were reviewed for dissemination using Interpol mechanisms. Double keying of SIS alerts and Interpol channels is now being incorporated into daily business to mitigate the need for any subsequent back record converting at the point of a full exit from the EU.
8. The use of the ACRO Criminal Records Office to obtain conviction details from abroad (for both EU requests and worldwide), remains part of daily business and investigation toolkits. It has been established that the front-end mechanism within police forces for ACRO checks will not be affected immediately by EU exit and, in line with ICCC guidance, WMP have not made any alterations to processes.
9. WMP has been well supported by the ICCC, both at a strategic and tactical level. It is acknowledged that access to Europol, after the UK's exit from the EU is subject to negotiations that can only take place after leaving. On a case-by-case basis, investigation and intelligence exchange via Europol, Eurojust and extradition processes have been supported and guided by the ICCC.
10. In preparation for a loss of access to EU law enforcement mechanisms, regular dialogue is maintained with the Crown Prosecution Service around extradition matters, both EAW and further afield internationally. Through this forum, relevant tools are being considered and used outside of the EU framework, and cases that can be progressed through the use of EU tools can be prioritised and expedited. Use of Europol facilities is maintained via ROCU SIENA access, for serious and organised crime. Training is being provided across policing by the ICCC, as part of the continuous upskilling of officers around international tools. This will be complemented by training packages for both frontline and specialist areas of business being produced by ICCC and released through the College of Policing. Whilst it can be speculated that criminals involved in

specific crime areas may exploit the loss of EU tools, the general upskilling and better use of International Instruments will somewhat mitigate any change in crime typology.

## **NATIONAL PLANNING**

11. ACC Scott Green (Staffordshire Police) represents the West Midlands region at the National Brexit Gold meeting. The NPCC are preparing for the impact on operational policing at the end of the transition period, including the impact of delays at borders and ports, potential for protest and disorder, and civil contingencies. There is no intelligence to suggest a rise in crime or disorder at this time but we are considering worst-case scenarios provided by Government to inform our planning.
12. The current (published) Reasonable Worst Case Scenario (RWCS) document remains unchanged at this stage. Her Majesty's Government (HMG) and the EU are still negotiating with a view to reaching a negotiated settlement. Local Resilience Forums (LRF) are being encouraged to test and exercise resilience around managing the competing demands of the Covid-19 pandemic, the end of the transition period (EU exit), winter flu and flooding.
13. There is no change to the national or regional position and no change to the RWCS or threat assessment. NPCC guidance will be developed and evolved once the current round of negotiations conclude and we have clarity on whether we have a negotiated departure or not.

## **WEST MIDLANDS POLICE PLANNING**

14. WMP has continued to conduct horizon scanning in relation to the developing International position regarding negotiations of a future UK/EU agreement. Our formal route for information is direct from the Ministry of Housing, Communities & Local Government (MHCLG) under Operation YELLOWHAMMER; this is supplemented by national police structures. In addition, our own intelligence capabilities continue to scan for public concern and potential threats and the team within the Operational Resilience Unit (ORU) monitor economic, social and logistical threats. Internal resilience structures have been set up both with Heads of Departments meetings and a Departmental Single Point of Contact (SPOC) Incident Management Team (IMT) setup. These meetings will be held on a regular basis in support of the business continuity incident management arrangements as per Force Business Continuity Planning.
15. WMP continues to work closely with the LRF in order to prepare and exercise against the impact of the UK's exit from the EU on local communities. WMP is well prepared for issues that could potentially arise in the event of a 'no deal' EU exit and outcomes forecasted within the Reasonable Worst Case Scenario (RWCS) Cabinet Office outline. These include the impact of delays at borders and ports, potential for protest and disorder, and wider civil contingencies with the Covid-19 backdrop. The LRF is considering EU exit and Covid-19 concurrently and has been making preparations with these events closely together during the period of Covid-19. These close working relations necessary to deliver in a time of national upheaval have been thoroughly tested and scenarios around supply chain issues have played out in real time. There is

now regular EU exit planning meetings ongoing with 'table top' exercising as a part of this process.

16. A series of LRF wide 'table top' exercises were conducted in preparation for EU exit, exercising multi-agency readiness, contingencies and C3 (Command, Control and Coordination). This learning has now been added to by the experiences of working together during the pandemic. It will now inform a new round of testing and exercising. Internally the ORU facilitated internal 'table top' exercises with material from NPCC.
17. A combined Warwickshire and West Midlands LRF led Strategic Coordinating Group (SCG) and Tactical Coordinating Group (TCG) meetings are taking place weekly in response to Covid-19, with EU exit being a standing agenda item.
18. As per previous EU exit preparations, a multi-agency information cell (MAIC) will be set up to provide information returns to the government on behalf of the LRF and share relevant information across the partner organisations. MHCLG has informed the LRF that daily reporting to Central Government will be set up again in readiness for the exit however, have not provided a date or process in which this will occur. They have reassured LRFs that this will be as streamlined as possible.

#### **INTELLIGENCE & HATE CRIME**

19. WMP has outlined its intelligence requirement to support the planning and preparation for EU exit. This has been approved at a strategic level through Operation CARVEN (III). WMP Intelligence Department scans for EU exit related intelligence on a daily basis and at this time, intelligence relating directly to EU exit is limited, both locally and nationally.
20. WMP also monitors Hate Crime across the Force area. Since February 2020, there has been a marked reduction in EU exit linked hate crime. Sadly, Covid-19 provided a new and immediate focus for perpetrators of hate. Despite the shift in focus, monitoring continued throughout the year and remains in place.
21. WMP Intelligence Department continues to share and receive intelligence at a national level. As well as a focus on the direct impacts associated with cross border arrangements, this includes reporting on and tracking all aspects of human trafficking and exploitation. Every effort is made by police forces with a physical land or sea border to be proactive at the earliest opportunity to identify and assist those being trafficked. Our partnership with Birmingham Airport has seen on-going activity in this area. WMP is also working with intelligence departments in other police forces at a regional level in order to ensure a consistent approach in intelligence reporting.

#### **PROTESTS**

22. Since February 2020 there has not been any significant protest regarding any aspect of the UK/EU current position, or the direction of negotiations within WMP's footprint.
23. The majority of protests were aimed at themes around the Covid-19 pandemic and social injustice. There is no current intelligence or information to suggest that anything

is currently planned regarding the UK/EU negotiations, and the Force is continually scanning these appropriately.

## **IMPACT ON RESOURCES**

24. There have been no impact on resources during the first half of 2020 because of the UK/ EU exit or ongoing trade negotiations. As outlined, this is due in a large part to Covid-19 providing a significant distraction to all areas of WMP work.

## **FUTURE PLANNING AND IMPACT UPON RESOURCES**

25. The Operation CARVEN III Gold Group will continue to monitor the developing EU exit process to coordinate WMP resources at a strategic level. Chief Superintendent Wharmby will lead through his Silver (tactical) planning process. This will include briefings to internal staff associations and networks across the organisation.

26. The Silver Lead and Force Operations Department will continue to work closely with the LRF to prepare for contingency planning and the impact of EU exit, pending the outcome of national political events.

27. It is extremely difficult to predict with any accuracy the financial implications upon WMP as a result of any scenario. It is a possibility that the impact of EU exit will not be fully realised until the end of 2020 and beyond, with the end of the transition period. This will prolong the need to remain watchful, and push financial implications into 2021. The Silver planning process will accurately capture any costs incurred to provide real time monitoring and support post incident review.

28. A review was previously undertaken of key suppliers for WMP and any associated EU exit impact. The realities of reshaping WMP to serve our community throughout the emerging Covid-19 pandemic allowed many of the assumptions around key suppliers to be tested in reality. This was largely a positive outcome, but some stress points in relation to International supply chains were revealed. The Contracts and Procurement team are in the process of seeking additional confirmation from suppliers as to how their plans may have changed as we get closer to the exit date, as well as seeking assurance that they will still be able to provide the force with the essential goods and services that we require. Contracts and Procurement are making this contact in conjunction with reaching out to all force suppliers to understand what (if any) impact that the second Covid-19 lockdown will bring. Additionally, recovery and debrief work is ongoing to capture the key pieces of learning, and offer solutions.

## **NEXT STEPS**

29. The Board is asked to note this report.

Authored by:

Ch. Supt Lee Wharmby – Head of Operations – Brexit Silver

Det. Ch. Supt Richard Baker – Head of ROCU – Force Lead for LENS