

Safer Stronger Communities Select Committee			
Title	The Impact of the Prevent strategy and “Stop and Search” policy on community relations.	Item No	7
Contributors	Scrutiny Manager		
Class	Part 1	Date	19 September 2018

1. Purpose of paper

- 1.1 As part of its work programme the Committee has agreed to undertake an in-depth review into “The impact of the Prevent strategy and “Stop and Search” policy on community relations” with particular emphasis on relations between the Police and the BAME community.
- 1.2 This paper sets out the rationale for the review, provides some background information and sets out proposed terms of reference for discussion and agreement by the Committee.
- 1.3 The in-depth review process is outlined at Appendix 1.

2. Recommendations

The Select Committee is asked to:

- note the contents of the report
- consider and agree the proposed key lines of enquiry for the review outlined in section 8, and the timetable, outlined in section 9.

3. Policy context

- 3.1 The Council’s overarching vision is “Together we will make Lewisham the best place in London to live, work and learn”. In addition to this, ten corporate priorities and the overarching Sustainable Community Strategy drive decision making in the Council. Lewisham’s corporate priorities were agreed by full Council and they remain the principal mechanism through which the Council’s performance is reported.
- 3.2 The Council’s corporate policy of “Community Leadership and empowerment” promotes empowering local residents and includes commitments to working with people of every background – race, gender, age, sexual orientation, disability and faith, to address the challenges of discrimination. The Council’s Corporate Policy of “Safety, Security and Visible Presence” promotes improving partnership work with the Police and others and using the Council’s powers to combat crime, the fear of crime, and antisocial behaviour. There is a particular emphasis on the safety of young people within the borough.

- 3.3 The Council's Sustainable Community Strategy's priority of "Safer" aims to create a borough where people feel safe and live free from crime, antisocial behaviour and abuse.
- 3.4 The Council's "A Safe Lewisham Plan 18/19¹" includes consideration of work on disproportionality in particular the review by David Lammy MP, Dame Louise Casey, and Baroness Young. It also incorporates areas identified by borough partners and residents including "reducing fear, harm and revictimisation" and "improving trust, confidence and satisfaction" The Plan also seeks to answer the question: "How do we understand and ensure negative bias is reflected upon and protected against?"

4. Background

- 4.1 The review proposes to cover two distinct areas and consider their effect on community relations and whether they have a particularly adverse effect on members of the BAME community. The two areas are the government's Prevent Strategy and the Police's use of stop and search.

Prevent

- 4.2 Prevent is part of the UK Government's "Contest Strategy"² under the legislation from the 2015 Counter-terrorism and Extremism Act³. Its aims are "to stop people becoming terrorists or supporting terrorism" with the Act defining the primary outcome as "reducing intent". It forms part of the strategy's focus on the 4 areas: Prevent; Pursue; Protect; Prepare; and is part of the Government's response to the continuing terrorist threat facing the United Kingdom and the threat risk from International Terrorism in the UK remaining at Severe. A key part of the Prevent Strategy is Channel which can be defined as "a multi-agency approach to identify and provide support to individuals who are at risk of being drawn into terrorism."⁴
- 4.3 The Counter-terrorism and Extremism Act puts a duty on public bodies such as: schools, colleges and universities; prisons and probation services; healthcare services; and local authorities to assess the risks to their clients and the community and ensure robust safeguarding policies and procedures are in place. Local Authorities have additional duties in respect of partnership working and coordinating and are required to:

¹ A Safe Lewisham, A plan for 2018-19, March 2018

https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/A%20Safe%20Lewisham%20-%20A%20Plan%20for%2018%2019%202808_05%291.pdf

²Contest – The UK's strategy for countering terrorism, June 2018

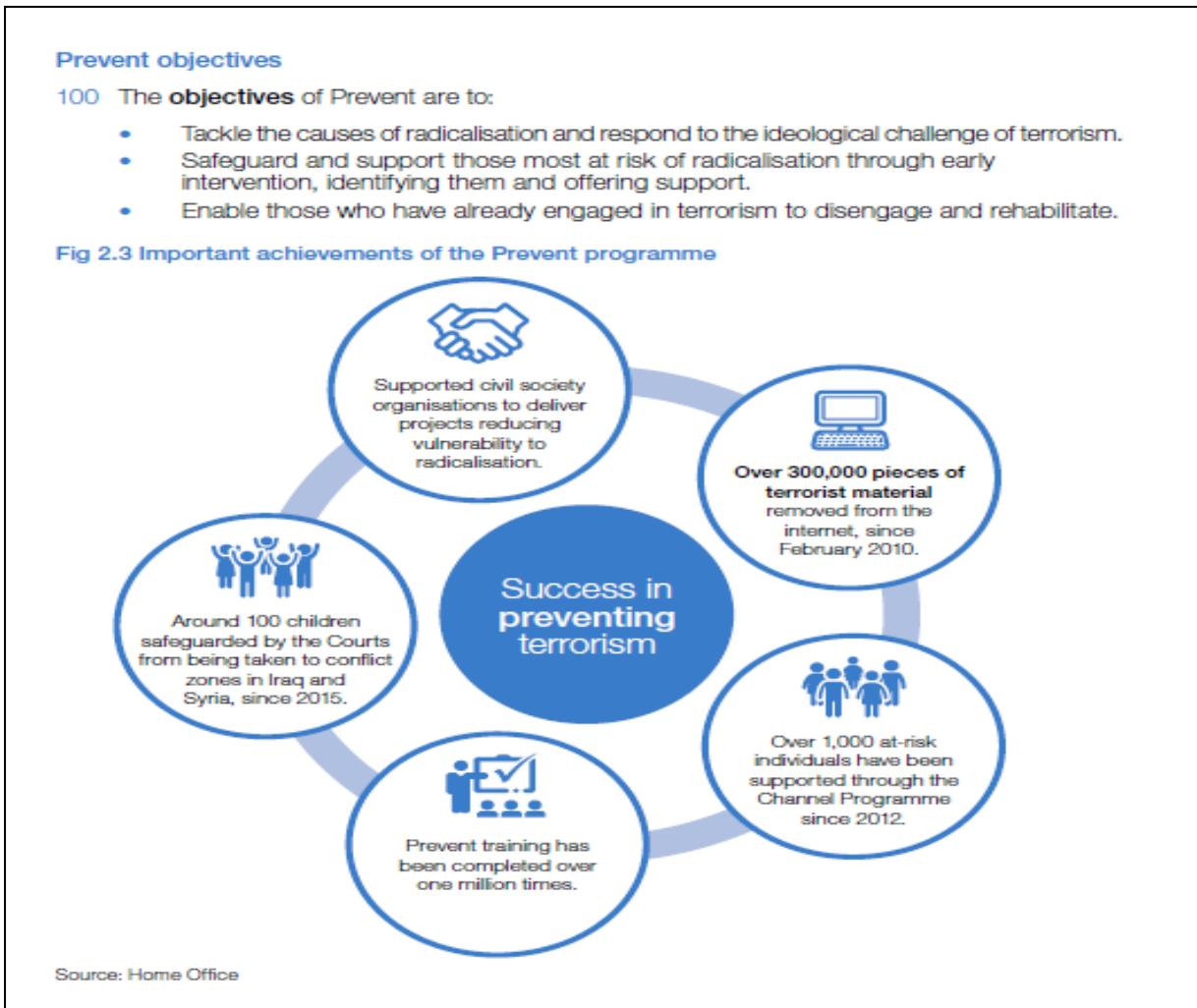
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716907/140618_CCS207_CCS0218929798-1_CONTEST_3.0_WEB.pdf

³ Counter-Terrorism and Security Act 2015 <http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>

⁴ Channel Duty Guidance HM Government 2015

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf

- establish or make use of an existing local multi-agency group to agree risk and coordinate Prevent activity
 - make links to other statutory partnerships such as Local Safeguarding children's and Safeguarding adults' boards.
- 4.4 The diagram below is from the Government's Contest Strategy and highlights how the Government defines the objectives and some achievements of the Prevent programme:



- 4.5 There are three tiers of local authority defined as part of the Prevent Strategy. TIER 1 is for areas deemed most at risk and these areas receive the most funding through from the Home Office. Lewisham is currently in TIER 2 and receives Home Office funding for a Prevent Manager and one additional officer. This will be reviewed in April 2019. TIER 3 authorities still have their obligations under Prevent but receive no funding.
- 4.6 A number of organisations have raised concerns about the Prevent strategy, arguably the most high profile being the UN Human Right's Council in their report of June 2017. One of the particular criticisms was listed as being "the

focus on countering non-violent extremism without a narrow and explicit definition”.

- 4.7 The UN special rapporteur also highlighted concerns heard from civil society groups, students and faith groups as part of the evidence he gave. His report stated: “The Prevent strategy appears to draw a nearly automatic link between extremism and terrorism”. The Rapporteur stated that perception of the programme was negative for some groups and that “some families are reportedly afraid of even discussing the negative effects of terrorism in their own homes, fearing that their children would talk about it at school and have their intentions misconstrued.” The Home Office provided a rebuttal to the report and this, as well as more views from civil society and faith groups, can be looked into in more detail as part of the review.

Counter-Extremism and Hate Crime

- 4.8 The Committee may wish to broaden the review to consider counter-extremism work and look at the wider harms of extremism including Hate Crime in the borough more broadly. It is important to note that due to the timeframe of the review and the amount of time available the committee will need to carefully consider their priorities.
- 4.9 The Council has a counter-extremism officer funded by the Home Office. The role is focused on working with the local community to build community relations and gain an understanding of the drivers and prevalence's of extremism in Lewisham. The role includes measures to address extremism in all forms such as hate crime and harmful cultural practices and the officer works closely with faith and community groups in the borough to build positive relations and dialogue to challenge extremist narrative.

Stop and Search

- 4.10 The Police have general powers to stop and question and stop and search. The definition from gov.uk is attached in the table below⁵. In addition to the general powers, under the Criminal Justice and Public Order Act 1994, section 60, the Police have additional powers to stop and search in anticipation of or after violence. In the case of section 60 stop and search, this must be authorised by a Police Officer of or above the rank of Inspector that reasonably believes “that incidents involving serious violence may take place in any locality in his/her police area and that it is expedient to give an authorisation under this section to prevent their occurrence or that persons are carrying dangerous instruments or offensive weapons in any locality in his/her police area without good reason.”⁶

⁵ Police Powers to stop and search: your rights, gov.uk <https://www.gov.uk/police-powers-to-stop-and-search-your-rights>

⁶ Criminal Justice and Public Order Act 1994

Police powers to stop and search: your rights

The police can stop and question you at any time - they can search you depending on the situation.

A police community support officer (PCSO) must be in uniform when they stop and question you. A police officer doesn't always have to be in uniform but if they're not wearing uniform they must show you their warrant card.

 The rules are different in [Scotland](#).

Stop and question: police powers

A police officer might stop you and ask:

- what your name is
- what you're doing in the area
- where you're going

You don't have to stop or answer any questions. If you don't and there's no other reason to suspect you, then this alone can't be used as a reason to search or arrest you.

Stop and search: police powers

A police officer has powers to stop and search you if they have 'reasonable grounds' to suspect you're carrying:

- illegal drugs
- a weapon
- stolen property
- something which could be used to commit a crime, such as a crowbar

You can only be stopped and searched without reasonable grounds if it has been approved by a senior police officer. This can happen if it is suspected that:

- serious violence could take place
- you're carrying a weapon or have used one
- you're in a specific location or area

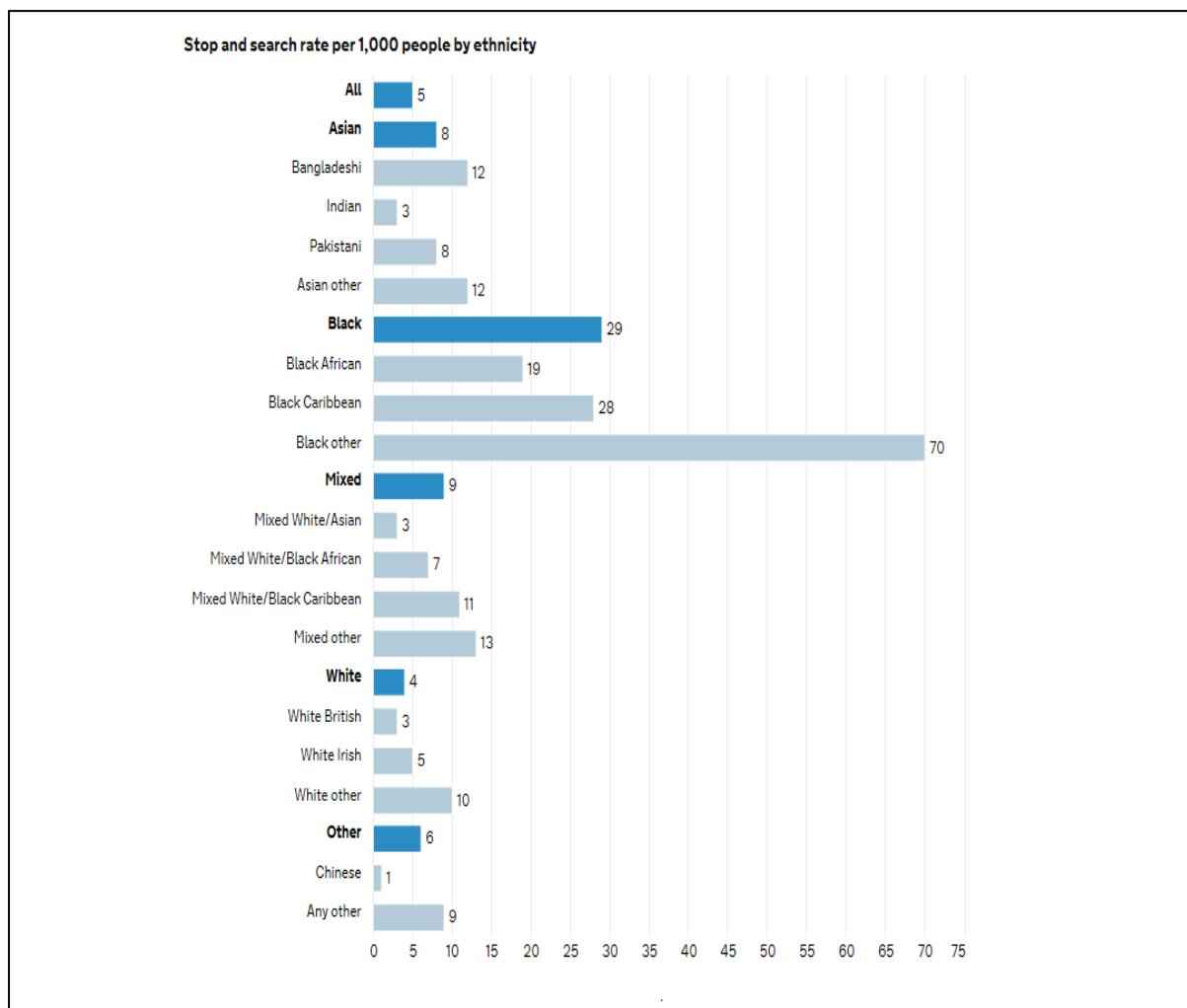
Source: Gov.Uk, Police Powers to stop and search: your rights

4.11 The Home Office statistics for 2016/17 financial year show there were 298,949 stop and search incidents in England and Wales, at a rate of 5 per 1000 people; down from 23 per 1000 people in 2009/10. In 2016/17 there were 4 stop and searches for every 1000 White people compared with 29 stop and searched for every 1000 Black people.⁷ The Metropolitan Police have the highest rate of stop and search in England and Wales with a rate of 17 per 1000 population in 2016/17 within this there were 40 stop and searches for every 1000 Black people compared to 10 stop and searches for every 100 White people.⁸

⁷ Gov.Uk Ethnicity Facts and Figures: Stop and Search

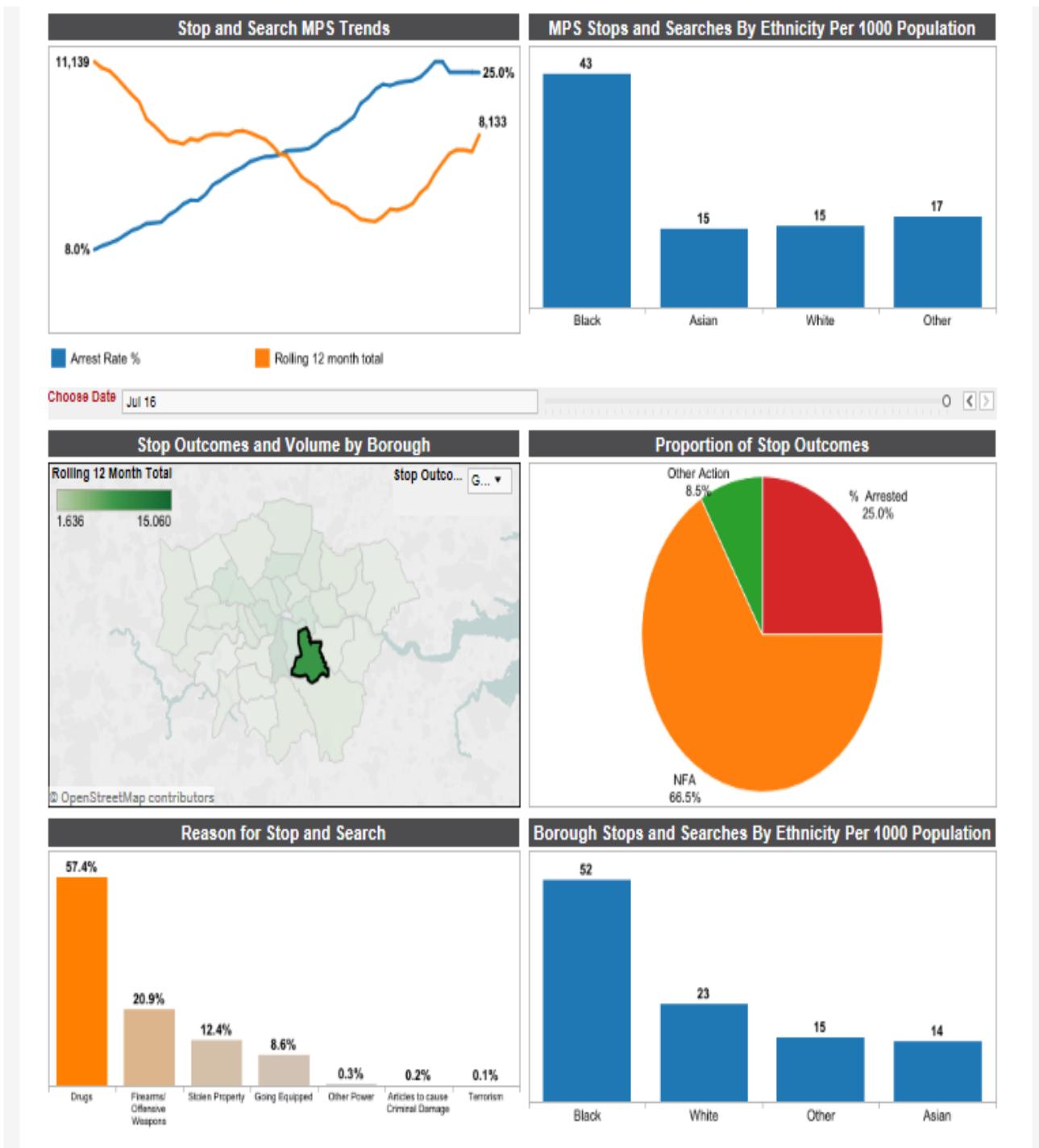
⁸ Gov.Uk Ethnicity Facts and Figures: Stop and Search

Table 1 - Stop and Searches per 1000 population in England and Wales 2016/17⁹



- 4.12 The Mayor's Office for Police and Crime produces a borough dashboard on the use of stop and search. The tables below show a snapshot of the Lewisham data based on the 12 months to July 2018. It shows that just over a third of stop and searches resulted in some further action.

⁹ <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest#>



MOPAC Intrusive Tactics Dashboard¹⁰

5. Disproportionality and Community Relations

- 5.1 Disproportionality in the criminal justice system is an area the committee has considered on a number of occasions, most recently at the meeting of 7th

¹⁰ <https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/data-and-statistics/policing/intrusive-tactics>

March 2018¹¹ when the Committee considered a report and presentation by the Council’s Head of Public Protection and Safety on disproportionality.

- 5.2 As listed in paragraph 3.4, The Safe Lewisham Plan 18/19 includes consideration on disproportionality and it is an important area of focus for the Council. Many of the concerns around Prevent and Stop and Search are related to whether they are disproportionately targeting the BAME community or whether there is a perception that they are that is causing tensions in community relations. Community cohesion and groups feeling unfairly targeted is an important area where the committee has indicated it would like to investigate further therefore looking at disproportionality across the criminal justice system may be an important area of focus.

6. Meeting the criteria for a review

- 6.1 A review into “The Impact of the Prevent strategy and “Stop and Search” policy on community relations” meets the criteria for carrying out a scrutiny review, because:
- It is a strategic and significant issue
 - It is an issue of concern to partners and the community (the Council’s “A Safe Lewisham Plan 18/19¹²” includes consideration of work on disproportionality. It also incorporates areas identified by borough partners and residents including “reducing fear, harm and revictimisation” and “improving trust, confidence and satisfaction”
 - Scrutiny can add value by reaching out to community and faith groups to better understand their experiences and make recommendations to improve their experiences in the future.
 - a scrutiny review would be timely as the Council’s is developing a new Corporate Strategy.

7. Key lines of enquiry (KLOE)

- 7.1 It is proposed that the review draws on evidence from key local partners and Council officers as well national research and experts on the Prevent Programme, Stop and Search and on disproportionality in the criminal justice system.

7.2 Prevent

1. What are the Council’s obligations under Prevent and what are the effects of Prevent on the local community?
2. Objectives of Prevent
3. Council’s and partners obligations

¹¹

<http://councilmeetings.lewisham.gov.uk/documents/s55622/09DisproportionalityintheCriminalJusticeSystemSSCSC07318.pdf>

¹² A Safe Lewisham, A plan for 2018-19, March 2018

https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/A%20Safe%20Lewisham%20-%20A%20Plan%20for%202018%2019%20%2808_05%291.pdf

4. Statistics on referrals and numbers on the channel programme – nationally and locally
5. Community and Faith groups' views.
6. Evidence nationally and locally on the effect of programme.
7. Successes/concerns/options for improvement.

7.3 Stop and Search

1. Stop and Search legislation – general; powers and section 60 powers
2. Data and Statistics nationally and locally
3. Community and Faith groups' views
4. Role of the Council
5. Successes/concerns/options for improvement.

7.4 Disproportionality and Community Relations

1. What is the national picture on disproportionality in the criminal justice system?
2. Evidence from the Ministry of Justice (e.g. the report Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales.)¹³
3. Evidence from reviews such as: The Lammy Review¹⁴; The Casey Review¹⁵; and The Young Review¹⁶.
4. Community engagement strategies.

8. Timetable

- 8.1 The Committee is asked to consider the outline timetable for the review set out below. It is suggested that two evidence sessions take place in addition to attending meetings with local partners and working with the young advisors.
- 8.2 **First evidence-taking session** – Prevent and Stop and Search – The National and Local situation and context. (5 November 2018)
 1. Receiving evidence from Council officers on Prevent and Stop and Search.
 2. Receiving evidence from the Chair Lewisham Safer Neighbourhood Board.
 3. Receiving verbal and/or written evidence from national organisations and practitioners. This could include: Local Police; Home Office; MOPAC.
 4. Questioning officers and witnesses on their evidence.
- 8.3 **Second evidence-taking session** – Community Relations in respect of stop and search and evidence on disproportionality in the criminal justice system. (19 December 2018)

¹³ Ministry of Justice: Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales

¹⁴ Lammy Review of Black, Asian and Minority Ethnic (BAME) representation in the Criminal Justice System

¹⁵ The Casey Review: a review into opportunity and integration

¹⁶ The Young Review: Improving Outcomes for Young Black and/or Muslim men in the Criminal Justice System

1. Receiving verbal and written evidence from community and faith groups.
2. Receiving evidence from local stakeholders with a strategic Lewisham view.
3. Considering evidence from national experts on stop and search; Prevent; community cohesion; and disproportionality. This could include: Dame Louise Casey; David Lammy; Baroness Young; Ministry of Justice.

8.4 Attending partnership meetings and working with Young Advisors (September – December 2018)

1. To help the Committee assess the situation from the broadest context it would be useful to attend partnership meetings such as the Safer Neighbourhood Board Stop and Search Sub-Committee on 10 October 2018 and the Safer Neighbourhood Board Hate Crime Sub-Committee (December 2018 – date to be confirmed). The Safer Lewisham Partnership Board also considers data on stop and search in Lewisham and it may be useful for the Chair or Vice-Chair to attend those meetings.
2. The Committee may find it helpful to meet with the Lewisham Interfaith Forum to hear their views and experiences.
3. The Committee may find it useful to meet members of the Borough's Prevent Delivery Group, the strategic multi-agency body set up to guide the direction of Lewisham Prevent. They may also find it useful to hear from Channel Panel members.
4. The Committee could work with Young Advisors to understand their experiences and those of some of their peers. Members of the Committee could attend the Lewisham Youth Advising Police Group (this may be subject to change due to the new tri-borough policing structure.) The review could also work with the Young Mayor's Team to create an interactive session with young people to use their ideas and experiences. This could take place in October/November 2018.
5. National Hate Crime Awareness Week will take place 13 – 20 October 2018. There will be a number of events taking place locally and nationally and members of the Committee could attend those relevant.
6. Any evidence and data from attending meetings of partner organisations will be compiled and provided to the committee as evidence at the meeting of 19 December to help shape questioning and challenge of witnesses.

8.5 Recommendations and final report (4 February 2019)

1. Considering a final report presenting all the evidence taken and agreeing recommendations for submission to Mayor and Cabinet.

9. Further implications

- 9.1** At this stage there are no specific financial, legal, environmental or equalities implications to consider. However, each will be addressed as part of the review.

Background Papers

Black, Asian and Minority Ethnic Disproportionality in the Criminal Justice System

<https://www.gov.uk/government/publications/black-asian-and-minority-ethnic-disproportionality-in-the-criminal-justice-system-in-england-and-wales>

A Safe Lewisham, A plan for 2018-19, March 2018

https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/A%20Safe%20Lewisham%20-%20A%20Plan%20for%2018%2019%2808_05%291.pdf

Contest – The UK's strategy for countering terrorism, June 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716907/140618_CCS207_CCS0218929798-1_CONTEST_3.0_WEB.pdf

Counter-Terrorism and Security Act 2015

<http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>

Channel Duty Guidance HM Government 2015

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf

Police Powers to stop and search: your rights, gov.uk <https://www.gov.uk/police-powers-to-stop-and-search-your-rights>

Criminal Justice and Public Order Act 1994

<https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest#>

<https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/data-and-statistics/policing/intrusive-tactics>

Ministry of Justice: Black, Asian and Minority Ethnic Disproportionality in the Criminal Justice System in England and Wales <https://www.gov.uk/government/publications/black-asian-and-minority-ethnic-disproportionality-in-the-criminal-justice-system-in-england-and-wales>

Lammy Review of Black, Asian and Minority Ethnic (BAME) representation in the Criminal Justice System <https://www.gov.uk/government/organisations/lammy-review>

The Casey Review: a review into opportunity and integration

<https://www.gov.uk/government/publications/the-casey-review-a-review-into-opportunity-and-integration>

The Young Review: Improving Outcomes for Young Black and/or Muslim men in the Criminal Justice System

For further information please contact Katie Wood, Scrutiny Manager on 020 8314 9446

Appendix 1

How to carry out an in-depth review

