



**Metropolitan Police Authority**

**GUN CRIME SCRUTINY  
TERMS OF REFERENCE**

V3.0

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 Awaits



## GUN CRIME SCRUTINY: TERMS OF REFERENCE

### INTRODUCTION

On 7 February 2003 Co-ordination and Policing Committee agreed to undertake a scrutiny of gun crime in London.<sup>1</sup> In making this decision members noted:

- the increase in offending overall and the disproportional impact on communities;
- the relatively high level of general public dissatisfaction and interest;
- priorities and imperatives in the National Policing Plan:
  - *to deliver improved police performance and greater public reassurance with particular regard to [gun crime];*
  - *to develop accurate information / intelligence systems to identify trends in relation to illegally held firearms;*
  - *to consider running specific initiatives with community leaders and local service providers to tackle firearms-related crime;*
- objectives in the MPA/MPS strategic plan 2003 – 2005:
  - *to disrupt organised crime and criminal activity on a London-wide and inter-force basis, particularly [gun-crime];*
  - *to reduce the supply of hard drugs... particularly where there is a link to violence and gun crime (as part of the drug strategy within the overall strategic plan);*
- objective in the MPA/MPS annual plan 2003/04:
  - *to disrupt the criminal use of firearms.*

Cindy Butts was appointed chair of a scrutiny panel and other members were invited to express interest in taking part. Pending the panel's inaugural meeting COP Committee agreed that MPA officers would work with the chair, and liaise with MPS officers, to prepare draft terms of reference and an overall plan.

The work to-date has involved basic desktop research supplemented by feedback from the MPA gun crime event on 28 February 2003 plus initial discussions with:

- AC Tarique Ghaffur - Specialist Crime;
- AC Tim Godwin - Territorial Policing;
- DAC Bill Griffiths - Serious and Specialist Crime;
- Commander Alan Brown - Cross-border and Organised Crime;
- Helen McDonough - GLA Community Safety Unit; and
- Anna Bryan - GLA Community Safety Unit.

## BACKGROUND

### The problem

The MPA/MPS policing and performance plan 2002/03 included an objective to reduce violent armed criminality<sup>2</sup> plus a target to limit the number of gun related violent crimes to 3,720 in the period 1 April 2002 to 31 March 2003 (equating to 310 offences per month).<sup>3</sup>

From 1 April 2002 to 28 February 2003 some 3,240 gun related violent crimes were recorded by the MPS<sup>4</sup> which equates to an average of 295 offences per month. Assuming 480 or fewer offences will be recorded in March the 2002/03 target will be met.

In context, however, the situation in London is more complex and disturbing. The target to limit gun related violent crimes to 3,720 in 2002/03 was selected to restrict the growth in offences to just 10% compared to 2001/02. Critically, the use of a target to restrict growth (rather than a target to reduce the number of offences) was prompted by a 34% growth in offences in 2001/02 compared to 2000/01 (see Table 1).

**TABLE 1: GUN RELATED VIOLENT CRIME RECORDED BY THE MPS (1999/2000 TO 2002/03)<sup>5</sup>**

	1999/2000	2000/01	2001/02	2002/03*
Number of offences	2,623	2,577	3,450	3,550
Year on year change	n/a	-46	+873	+100
Year on year change (%)	n/a	-1.8%	+34%	+3%

\*Data from 1 April 2002 to 28 February 2003 **plus** estimate of 310 offences in March 2003

Put another way, on current estimates there will be 973 more gun related violent crimes in 2002/03 compared to 2000/01: an increase of 38% since the MPA was established. This aggregate figure under-represents the impact of gun crime on particular communities since crime levels are not uniform across London<sup>6</sup>, eg:

- 50% of firearm offences occur in ten London boroughs, six of which (in italics) are also Trident<sup>7</sup> hot spots: *Brent*, *Croydon*, *Hackney*, *Haringey*, *Lambeth*, *Lewisham*, *Newham*, *Southwark*, Tower Hamlets and Waltham Forest;
- disproportional number of victims from visible ethnic minorities (often young males);
- disproportional number of offenders from visible ethnic minorities (often young males).

Furthermore, these headline figures do not describe all aspects of the problem. For example, although the data is not yet clear, new trends seem to be emerging, eg:

- increasing use of a firearm / replica in otherwise 'less serious' offences;
- increasing frequency of possession of a firearm / replica;
- increasing availability of replicas converted into real firearms;
- increasing availability of more powerful firearms.

Last but not least guns are frequently used as 'tools of the trade' where the commodities being traded are 'Class A' drugs in general and crack cocaine in particular. The profit to be made from the illegal supply of hard drugs, combined with the lack of recourse to legal avenues of redress and a prominent 'macho' culture, has helped to create a criminal environment in which gun possession is the norm and gun use has become routine.

## The response

MPS performance with respect to gun crime is mixed. As noted above, the target for 2002/03 is likely to be met but it is a target based on restricting the rate of growth. Despite this growth the clear-up rate in 2002 for Trident related murders increased from 24% in 2001 to 70% in 2002 due largely, from the MPS perspective, to improved community support.<sup>8</sup> The MPS also reports a slight fall in the number of Trident related offences.

These are encouraging trends but neither the MPS, the government nor communities in London believe the problem will be resolved without further action. However, as there is no shortage of views on the causes and effects of gun crime there is an equally wide range of views on what to do / not to do.

The MPA, as part of its remit for consulting with Londoners, hosted a public event on 28 February 2003 at which key speakers and attendees gave their opinions on gun crime. The event - *Stand Up and Stamp Down on Murder* - was well attended and included input from Lord Falconer (Minister of State for Criminal Justice, Sentencing and Law Reform) in which he outlined plans for a national firearms amnesty.

Most attendees regarded this as a useful step in reducing the *availability* of guns and there was significant support (including from Toby Harris and Cindy Butts) for reducing availability still further. Measures discussed included banning replica firearms completely and/or ensuring they could not be mistaken for a real firearm. Reducing the availability of certain replicas was also seen to reduce the scope for conversion into real firearms.

There was also support for action to reduce the *desirability* of possessing a firearm, for example by introducing a minimum mandatory sentence for illegal possession. However, some people thought this could perversely increase levels of possession since people wanting to appear 'tough' might be encouraged by the greater degree of prohibition. The debate also covered issues such as deprivation, disaffection, education, parenting, role models, solutions funded from confiscated drug assets, under-achievement, witness protection / re-location and so on.

These differing views have been mentioned simply to set out the scope and complexity of the wider debate. The scrutiny may consider and comment on *some* of these issues but, as required by COP Committee, the primary focus of the MPA scrutiny into gun crime must concern the response of the MPS.

## MPS action

The main MPS response is set out in Special Notice 5-02: *MPS Guide to Operational Activity to Tackle Armed Criminality*. This notice was published on 17 April 2002 and give guidance on '*...the key processes that need to be followed to ensure an effective policing response to tackle the rise in violent armed criminality.*' The key processes were based on the MPS Policing Model: intelligence, investigation, forensic, targeting, problem solving and diversion. The special notice applied to all MPS staff but primarily to:

- borough and force intelligence units;
- Specialist Crime Directorate 7 - Serious and Organised Crime;
- Specialist Crime Directorate 8 - Operation Trident;
- Specialist Crime Directorate 10 - Service Intelligence Bureau;

- SO19 Force Firearms Unit;
- borough operational officers and BOCU commanders for firearm hotspots (the latter also tasked with preparing a local firearm-related problem solving strategy).

In 2002 the MPS also carried out local inspections of the Trident OCU and the Flying Squad. In each case a number of recommendations were made aimed at improving operational and/or managerial performance.

## **OBJECTIVES AND SCOPE**

The scrutiny will seek to add value to the MPS response to gun crime in London. MPA members are in a unique position to consider the approaches used / planned by the MPS and, taking account of the views of others, make appropriate recommendations.

There is a need to understand the general situation before selecting key elements for more detailed scrutiny. Initial research suggests the true level and pattern of gun crime in London is unclear, partly because crimes of violence are classified by the level of injury caused (eg murder, GBH, ABH) not by the means of injury (eg firearm, knife, fist). Also, definitions and performance measures / indicators have changed over time.

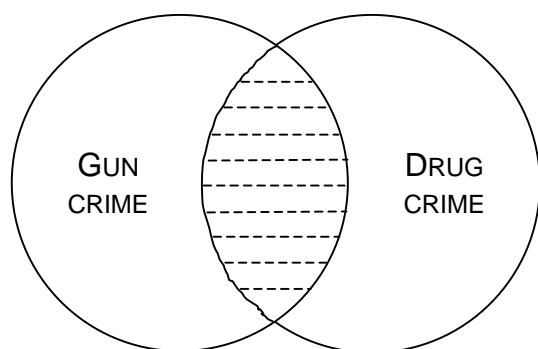
This is not to say that data on gun crime and/or replica use does not exist but strategic information on levels/trends which can be used to facilitate effective police intervention is not immediately available within the public domain. Clarity on these matters is essential to determine how and where interventions are needed and/or where current activity should continue.

In terms of specific objectives the scrutiny will:

1. clarify absolute and comparative levels and trends of gun crime in London as well as performance in subsequent criminal justice processes;
2. describe the management structures used in, and resources available to, the MPS in relation to gun crime;
3. assess the extent to which Special Notice 5-02 was implemented and, where implemented, the extent to which outputs / outcomes were cost-effective;
4. assess the extent to which recommendations from local inspections of Operation Trident and the Flying Squad have been implemented and have been cost-effective;
5. consult with key partners, communities and individuals in London to inform the approach that should be taken by the MPA and/or MPS.

## **Relationship with drug crime**

There may be a link between the possession and use of guns / replicas and the trade in hard drugs. Initial research and consultation suggests that increasing gun crime is symptomatic of increasing drug crime and, therefore, reducing drug crime will reduce consequential gun crime. In this respect the scrutiny, subject to members' views, may benefit in focusing on understanding and addressing this relationship (see Figure 1).

**FIGURE 1: POSSIBLE SCOPE BASED ON THE RELATIONSHIP BETWEEN DRUG AND GUN CRIME**

*Consideration of gun crime overall could lead to a focus, in the latter stage of the scrutiny, on the causal role played by drug crime.*

### **Key exclusions**

The scrutiny will not address the question ‘should the police be armed’ but will focus on making recommendations, which will help ensure that Service-wide arming of police officers remains unnecessary.

Further, it is intended to focus on the MPS’ strategic response to ‘*gun crime*’ rather than the immediate operational response to ‘*a gun crime*’. Much of the ACPO *Manual of Guidance on Police Use of Firearms* relates to the role and deployment of armed officers and independent reviews (eg by the PCA) have also explored this area.

### **Key interfaces**

The scrutiny will need to understand and reflect developments in related areas:

- new legislation (eg the white paper on anti-social behaviour);
- all-party back-bench committee on gun crime (instigated by Ms Diane Abbott MP)
- MPA/MPS actions in response to the National Policing Plan (eg the strategic and tactical assessments required by the National Intelligence Model);
- ‘Tackling Gun Crime in London’ research study initiated by AC Tarique Ghaffur;
- the outcome of the MPS ‘Capital Crime’ event on 3 April 2003;
- initiatives sponsored by the GLA Crime and Disorder Plus Steering Group;
- work by the Police Standards Unit / ACPO to identify and disseminate good practice in dealing with gun crime and gang culture;
- development of the national firearms database by the Forensic Science Service.

## STRUCTURE

<b>Body / Post</b>	<b>Role and responsibilities</b>	<b>Individual(s)</b>
COP Committee	To agree overall scope, expenditure, membership and timescales.	<i>Chair / Deputies of MPA and committees</i>
Scrutiny panel	To provide direction and resources for the scrutiny and to: <ul style="list-style-type: none"> <li>• approve terms of reference (ToR) and plan for submission to COP Committee;</li> <li>• undertake the scrutiny in line with agreed ToR and to approve minor amendments to the ToR;</li> <li>• approve the final report and recommendations for submission to COP Committee;</li> <li>• ensure the scrutiny reflects the overarching role and responsibilities of the MPA.</li> </ul>	<i>Cindy Butts (Chair) Jennette Arnold Reshard Auladin Richard Barnes Peter Herbert Nicholas Long R David Muir Rachel Whittaker</i>
Scrutiny Manager	Day-to-day management of the scrutiny and team members on behalf of the scrutiny panel.	<i>Sally Palmer</i>
Scrutiny Team	Undertake tasks and actions in line with agreed plan and as requested by the Scrutiny Manager.	<i>Natasha Porter (plus other support to be decided)</i>
Liaison points	Liaison points to be established as appropriate for MPS, HO, PSU, ACPO, APA, HMIC and GLA.	<i>To be decided</i>

## APPROACH

The approach will follow guidelines published by the Office of the Deputy Prime Minister.<sup>9</sup> The scrutiny is taking the form of a 'policy review' with the option of inviting witnesses from external organisations to set out their perspective.

The scrutiny will use a mix of research, written consultation and evidence hearings. Other methods may be used if considered appropriate by the panel. An integral part of the scrutiny will be to understand the response and performance of the MPS against the benchmarks and yardsticks set by the MPS.

### Consultation

ODPM guidelines and MPA experience suggests two phases should be used:

1. requests for written evidence and feedback (in parallel with basic research);
2. oral evidence focused on issues, witnesses and questions prompted by the findings and conclusions of phase 1.

Good practice also states that consultees should be given four to six weeks to respond to requests for views to increase the likelihood and quality of response.



## Self-assessment

External auditors and inspectors now use an initial period of self-assessment. A similar approach is proposed for the scrutiny which, in essence, would mean that an 'evidenced-based' assessment of progress and effectiveness is undertaken by MPS officers using questions and criteria set by the panel.

## Panel meetings and evidence hearings

Evidence hearings following research and written consultation would be used to explore key issues in depth. ODPM guidelines and MPA experience suggests that meetings and hearings should reflect a number of principles:

- meetings can be confirmed and will be quorate if either the chair or vice-chair can attend plus three other panel members;
- evidence hearings would be open to the public and press except where members decide this would be prejudicial to an effective hearing;
- evidence hearings open to the public and press would allocate and advertise a small number of places in advance and observers admitted by prior arrangement;
- consideration would be given to (eg) using a smaller panel for specific hearings if the attendance of all members would be prejudicial to an effective hearing;
- witnesses would be provided with advance sight of the main areas of questions, protocols of member behaviour plus a written briefing on what to expect;
- witnesses would be provided with a summary of the hearing to ensure accuracy.

## PLAN

A plan for the scrutiny is attached at Appendix 1. It is estimated the scrutiny will conclude in December 2003 with the panel approving the final report to be presented to COP Committee. The plan avoids any panel meetings in August and is based on:

- a monthly meeting of the scrutiny panel in May, June and July;
- a concentrated period of evidence hearings in September; then
- a monthly meeting of the panel in October, November and December.

## Deliverables

The scrutiny will deliver a written report setting out:

- what was reviewed and why;
- how the scrutiny was undertaken (including witness list);
- findings;
- conclusions;
- options (where applicable);
- recommendations for the MPS and/or others with rationale;
- next steps.

The scrutiny will also give a presentation to an informal session of COP Committee in advance of the final report being presented for ratification.

## **CONSTRAINTS, ASSUMPTIONS AND RISKS**

### **Constraints**

The scrutiny will be taking place at a time when relevant legislation is being amended / introduced. There may scope at the end of the process to provide feedback to government but, otherwise, issues subject to legislation will be excluded from detailed consideration.

The size of the panel precludes co-opting other individuals. The views of partners and/or community representatives will be obtained in writing and/or by evidence hearings.

### **Assumptions**

In addition to the general principles outlined above members will wish to appoint a vice-chair. The chair or vice-chair plus three other members will form a quorum.

COP Committee will delegate authority to the scrutiny panel to approve minor amendments to the terms of reference and plan.

Where members hold critical differences of opinion the chair's view will be decisive given that final endorsement of the scrutiny report rests with COP Committee.

### **Risks**

MPS (Specialist Crime) has recently completed a fundamental study into gun crime culminating in a 140-page report. The study has been discussed with AC Tarique Ghaffur and the implications for the scrutiny appear highly significant. Once the MPS report has been released there will be a need to assess the implications for the scrutiny.

After 1 May MPA officer support will be concentrated in one individual working almost full time on the scrutiny. Work priorities from other MPA duties may compete with those of the scrutiny and will be resolved on a case-by-case basis. There may be scope to obtain additional support from MPS Internal Consultancy Group or an academic researcher to undertake some specific elements.

## **COSTS AND BENEFITS**

### **Costs**

The cost of the scrutiny, in terms of MPA officer support, approximates to one full-time equivalent for ten months. In line with previous scrutinies it is proposed to offer reasonable travel expenses to witnesses. Other funding requests will be presented to the chair of the panel for approval and monitored.

The cost of the scrutiny, in terms of MPS input, cannot be quantified. Requests for information and the impact of the self-assessment process will need to be kept to a minimum. Where possible the scrutiny will use data that exists or can be obtained easily.

## Benefits

It is envisaged the scrutiny will directly influence MPS strategies and tactics by reconciling professional views with those from other partners and stakeholders, especially views from communities particularly affected by gun crime. The scrutiny will make recommendations on actions which should be retained, enhanced, added or abandoned by the MPS (in either the short or long term).

The scrutiny should also highlight other areas where change, although beyond the direct control of the MPA/MPS, should be made to secure improvement. In this respect the combined view of the police authority and police service for London can be used to highlight changes needed in other agencies.

Finally, the implications for failing to address gun-related crime are not lost on the MPA, the MPS or London's communities: the ultimate consequence would be the wholesale arming of police with all the adverse social and economic costs such a move would entail.

**APPENDIX 1: Scrutiny plan**

<b>Ref</b>	<b>Activity / product</b>	<b>Deadline</b>
1	a. Focus of scrutiny agreed by COP Committee.	7 February
2	a. Basic fact-finding via research and initial meetings. b. Agree general process / content issue with Chair c. Prepare draft terms of reference (ToR) and plan.	February - March 17 February 21 March
3	a. Chair approves draft ToR and plan. b. Circulate ToR to panel members and MPS officers. c. Collate MPS feedback and advise panel members.	27 March 28 March 25 April
4	a. scrutiny panel approves ToR and plan. b. COP Committee endorses ToR and plan. c. Publicise formal start of scrutiny.	1 May 19 May 19 May
5	a. Continued desktop research b. Requests for written evidence, questionnaires and MPS self-assessment. c. Collate and analyse responses. d. Propose and agree key issues / options. e. Propose and agree witness list.	end April early May   end June
6	a. Prepare questions for witnesses. b. Prepare briefing material for witnesses. c. Prepare protocols for member behaviour. d. Prepare procedures for public / press observation. e. Arrange evidence hearings and/or other scrutiny methods. a. Invite witnesses; provide briefing and questions. f. Advertise hearings and agree public / press observation	      during July
7	b. Hold evidence hearings and/or other scrutiny activity. c. Summarise evidence and report back.	during September
8	a. Prepare draft report and recommendations. b. panel approves draft report and recommendations. c. Draft report / recommendations circulated for feedback	31 October
9	a. Feedback from MPS and key partners.	30 November
10	b. Propose amendments to draft based on feedback. a. Panel approves final report and recommendations.	19 December
11	a. COP Committee endorses report / requests action plan. b. Final report / recommendations published formally.	January 2004

## APPENDIX 2: References

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- <sup>1</sup> COP Committee 7 February 2003 (item 4 report and minutes)
- <sup>2</sup> MPA/MPS Policing and Performance Plan 2002/03 (page 10)
- <sup>3</sup> MPA/MPS Policing and Performance Plan 2002/03 (page 16)
- <sup>4</sup> Data from MPS corporate performance report (February 2003)
- <sup>5</sup> Data from previous MPS corporate performance reports
- <sup>6</sup> MPS data reported to consultation event on 28 February 2003
- <sup>7</sup> 'Trident' is the term used for shootings in which the victim and offender are black
- <sup>8</sup> Data reported in MPS press release 17 February 2003
- <sup>9</sup> *The Development of Overview and Scrutiny in Local Government* (published by the Office of the Deputy Prime Minister, September 2002)