

## Assembly Hall, Lambeth Town Hall SW2 1RW Tuesday 01 March 2011

**Apologies:** Stuart Horwood, Clare Moore, George Marshman, Samantha Evans (for leaving early), Nick Mason, Veronica Ledwith, Graham Nichols.

Attendance – see end of the minutes.

\* Minutes in ***bold italic*** indicate action points

### Welcome

1 The Chair, Clarence Thompson, welcomed everyone to the meeting. Jim Toohill (Honorary Comptroller) introduced and welcomed Samantha Evans, MPA Engagement Officer newly assigned to Lambeth. He drew attention to the MPA Briefing, which Ms Evans had supplied, and which was included in the CPCG Monthly Briefing (tabled).

### Minutes of the 11 January 2011 Meeting

2 The Minutes were agreed with the following amendments:

Amend [Minute 40 01/02/2011] from “The overall figures are down, the highest reduction in London” to “Total Notifiable Offences are marginally down, whilst the reduction in burglary is the highest in London” (Chief Supt Ephgrave).

### Matters Arising

3 Speaking to [Minute 3.2. 01/02/2011], itself an amendment of [Minute 9, 11/1/2011], John Howard pointed out that there had been subsequently been newspaper coverage which indicated that there had indeed been use of highly paid consultants by Lambeth Living. He was surprised that none of the Councillors present at the February meeting had contradicted his amendment. Richard Dutton pointed out that Lambeth Living was not a CPCG issue.

4 Richard Dutton and Arulini Velmurugu raised the issue of reporting of crimes with victims with disability. Chief Supt Ephgrave stated that the system used to collate the figures is time-consuming requiring a manual trawl through the data. Only a small proportion of crimes are flagged as involving disability, numerically. He

added that further analysis could be undertaken to assess the proportionality relative to the prevalence of disability in the population. Ms Velmurugu said that she understood that there was software available that could facilitate this to which Chief Supt Ephgrave responded that he would be happy to follow up any contact she had, outside the meeting.

- 5 Lee Jasper asked for an update, at some point, on numbers of unsolved significant murders on the borough (following Fernando Senior's question regarding two specific murders [Minute 37, 01/02/2011], the ethnic breakdown of the Trident Unit [Minute 32, 01/02/2011] and whether there was further information regarding the analysis of A&E statistics in respect of victims of violent crime [Minute 54, 01/02/2011].
- 6 Chief Supt Ephgrave responded that the figures for the ethnicity breakdown of Trident had been requested and would be chased and then distributed [attached]. He was happy to ask for a detailed briefing note from Trident on the unsolved murders and any other long-term outstanding issues. Regarding A&E attendances by victims of violent crime, he said that a lot of data, including London Ambulance Service data, had been collated and was being analysed and contextualised by a practitioner group. It would be made available when that had been done. Richard Moore added that the analysis needed to recognise that victims may attend hospitals out of the borough, perhaps deliberately so.
- 7 Lloyd Leon asked if there was any further information regarding the incident reported by Noel Villa of Moorlands Estate.
- 8 Chief Nick Ephgrave responded that a report of a fail to stop personal injury accident had been received but the third party had already left the scene by time of the Police arrived. Therefore it was not as straightforward as at first seem. The case was being investigated by Traffic Police and as and when there was a result it would be brought to the meeting.
- 9 With reference to [Minute 63, 01/02/2011] Pauline Bower reminded the meeting about a situation, some years previous, involving Selwyn Scott's dog which was removed and only returned after Mr Scott had died, a year later. She said that she had now heard of another dog, which had been removed by the police. She understood the dog was not badly behaved, had been chipped by a vet, and was not

considered a 'pit-bull'. The dog had now been returned, after the owner had paid a charge of £80, but had been spayed whilst being held. She asked if it was proper that someone's property should be treated this way by the police, without the owner's permission. Kelly ben Maimon added that it was on the Moorlands Estate and that the dog had been removed by TSG. She wasn't clear of under which part of the Dangerous Dogs Act the dog had been removed. She also alluded to contact she'd made with the borough commander's office and advice she received that her intervention was inappropriate,

- 10 Chief Supt Ephgrave clarified that the removal of the dog and the 'fail to stop' incident (see 7 above) were separate, unconnected incidents.
- 11 Regarding the dog, he said he understood that the police had been called to the estate following reports of a dog out of control and had sought to restrain it. He did not have further detail but would seek them and meanwhile suggested Ms Bower might wish to give details to his staff officer.

### **SCD1 Presentation – Joint Enterprise (JE)**

- 12 Detective Chief Inspector Mark Dunne, from the Homicide Command (SCD1), informed the meeting of his role and that of his team, one of a number across London. This was both the investigation of homicides but also crime prevention. As part of the latter, his team visited schools to explain the operation of the law with regard to Joint Enterprise, in respect of homicide but also eg drug offences.
- 13 Tom Guest (Lambeth Crown Prosecution Service) explained that prior to prosecuting a case, the CPS can also examine the evidence to assess whether there is anyone else who assisted in the offence, knowing that the offence is to be committed. They can also be tried for the same offence – which could be any crime, murder, robbery, theft etc., on the basis that they too have participated to achieve the same effect.
- 14 He said there were two sides to the debate – one was over what the law should be and the other about how to communicate what the law is – the purpose of the film to be shown. He felt that both aspects of the debate were important and should take place in Lambeth. He referred

to the campaign around Joint Enterprise, JENgBA (see below), two members of which were in the meeting and who identified themselves.

- 15 He explained that the criteria used by the CPS, when considering Joint Enterprise prosecutions, were not simply of association with the crime or presence at the crime scene, but knowing assistance with the offence. Having said that, he added that presence could indicate assistance if the person was clearly aware of what the outcome was likely to be. He said that the evidence was carefully examined in those terms.
- 16 There was then shown a film, used by SCD1 when visiting schools and other places where young people gathered, about Joint Enterprise.

### **Discussion of JE Film**

- 17 DCI Dunne explained that his main purpose was to ask those present to encourage their local schools to invite SCD1 to make presentations with the film, in order to make sure that young people were aware of the issues. Thus far, only one presentation had been made at a Lambeth school.
- 18 At the Chair's invitation, Gary Green (a local barrister) joined the Panel and gave his own response to the film. Mr Green said that he wanted to provide some balance to the discussion. He said he was concerned that information given to young people about JE should be accurate – he queried the representativeness of some of the role-play in the film. He added that the information should give some indication of just how often, or not, JE was used and with what success – he pointed to cases in his own experience which had resulted in acquittals and questioned the use of public money and resources. Mr Green added that there had to be objectivity in the application of JE: he referred to the death of Ian Tomlinson at the G20 protest and asked whether more than one officer should have been investigated, under the principles of JE.
- 19 During the ensuing discussion, a number of questions were raised and points put:

- 20 Lloyd Leon said he was grateful that there was finally a presentation on JE, which he had requested over several months. He referred to his own mugging, 2 months previous by a small group of youths, who nonetheless were surrounded by a group of up to 30. Mindful of his own witness of the historic operation of the 'Sus' law, he reflected on the risk of innocent young people being charged under JE, which would be wrong and would be damaging in so many ways. He said it was important that people really understood what was at issue.
- 21 Felix Ogbogoh (Streatham Wells Safer Neighbourhood Panel) commented on the requirement that a person would have to have done 'something positive' to exclude themselves from a JE charge. What might this be? What if the person had no knowledge beforehand of what was going to happen?
- 22 Neil Flanigan (West Indian Ex-Servicemen and Women's Association) felt the film was being presented to the wrong audience. He also questioned the assumption of foreknowledge of just what was going to happen.
- 23 Gill Kenealy said that she would like reassurance from Lambeth Council that they will never again deprive our young people of the services they are entitled to as they did towards the young men involved in the murder in Victoria. Two-thirds of the group were from Lambeth and the ISSP – (Intensive Supervision and Surveillance Project (juveniles) left families distraught. The ISSP options were to either stay with family away from the Borough or be under 23 hours house arrest per day. Although she understood the financial constraints the council is currently under, they did not realise the affect of such decision. She provided details of the challenges of the young men she was helping. Anne Corbett, (LBL Deputy Dir. Adult Services and Community Safety) said she was not familiar with this case but will ask for a written response.
- 24 Lee Jasper said that whilst he could conceive of cases where JE might be appropriate, he did not trust the 'quality threshold' of the CPS or the MPS – citing disproportionality in CPS charging patterns for people with similar criminal records. He and was therefore concerned about any law which could cast its net so wide. He asked about the numbers and ethnic proportionality of JE charges in London. Like others, he asked what might constitute 'positive intervention', and referred to someone of his knowledge who had intervened and almost lost his life. He also asked if a doctor, treating a wounded individual declaring that he would then go out to retaliate against his attacker, would also be liable to a JE charge.
- 25 Paul Andell cautioned against giving young people a presentation which was over-egged or exaggerated – something which, he said, they would quickly spot. He drew parallels with the drugs messages of 80's. He saw the presentation in the film as highly emotive whereas young people would be looking for something which was factual and informative.
- 26 Gloria Morrisson (of Joint Enterprise, Not Guilty by Association – JENGbA – [www.jointenterprise.co.uk](http://www.jointenterprise.co.uk)) stated that JE, a common law, is over three hundred years old. In the last 15 years it has been used sweepingly, affecting young black youths in London, white working class youth in Liverpool, Asian youth in Birmingham etc – it is the marginalised young people that are affected. She spoke of a number of JE cases which differed considerably from those depicted in the film, including some where the degree of association was established around use of a mobile phone, without the person convicted being anywhere near the crime scene. She concluded that the burden of proof seems very low and it is seen as on a par with Stop and Search. Young people do not agree with this law, and there is still a lot of ignorance about it.
- 27 Selwyn Wright referred to his own experience of working within security services for several years, he said he was aware of racism from 'his own team'. He said it was important that the CPS came with facts, not conjecture and statistics.
- 28 Richard Moore asked if there was a lesser charge (eg perverting the course of justice) and was the level of conviction using JE on a par with other areas of charge whilst commenting that disproportional action on the part of the CPS should receive as much attention as that on the part of the police.
- 29 Doye Akinlade (Brixton Society) said that whereas he might have used the term 'Joint Enterprise' to describe the police and community working together, he now feared it meant the opposite. He queried whether the

- possibility of a JE charge might not discourage witnesses from coming forward.
- 30 Pauline Bower asked where habeas corpus figured in the application of JE.
- 31 Kelly ben Maimon stated that the barrister in the presentation was stereotypical. As a former chair of Governors in Lambeth school she has seen the effects of JE – negative. She recommended a film “Waiting for Superman” a documentary about America’s failing public school system. She raised the issue of the principle of “innocent until proven guilty”
- 32 In the latter connection, John Howard recommended Michael Mansfield’s book – ‘Presumed Guilty – The British Legal System Exposed’. Mr Howard felt that that in the last 10 years one needed to prove their innocence not the other way around. He stated that the presentation showed how JE is seriously flawed He questioned why a former prominent politician’s son was not recently prosecuted.
- 33 Anna Tapsell stated that there had been numerous debates about young people and why they join gangs – in fact it’s hard for young people to *not* join gangs. She had been unaware of the nature of JE – it hadn’t been much used when she was raising her children. In the presentation the detective saying “we will get you...” was very disturbing. We are asking our young people to intervene in a way which we perceive to be foolhardy ourselves – we are advised not to ‘have a go’ - and yet if they don’t ‘act positively’ it could result in their serving life in prison. Ms Tapsell felt this was a very bad law.
- 34 By way of response from the Panel, the following answers were given and comments made:
- 35 DCI Mark Dunne agreed that the film was emotive, some would consider some of the things should not be said in the way it was said but primarily his role make sure that young people do not get into the same situation as displayed in the presentation. Simplistic scenarios were used to get the point across but effort is being put into this so that if even just one person repent it would be judged to be successful.
- 36 Tom Guest explained that *habeas corpus* is the right of every prisoner to challenge the terms of his or her incarceration in court before a judge. It does not figure in JE, which is a long-standing established legal principle. The Law of Conspiracy does still exist, but that relates to planning an offence rather than its execution. In contrast, JE may be applicable where there are a number of people involved in the action of the crime.
- 37 Mr Guest gave a number of responses to the questions about culpability and positive action. He said that where, for example, a group of people were intent on robbery and a fight ensued, their culpability lay in their meeting to rob, even though this became a fight when they were challenged. If some of them ran away, they would be likely to avoid being charged under JE for the consequences of the fight.
- 38 In some circumstances, presence alone could be sufficient for a JE charge, eg where a fight has been arranged and those attending know that that is what will ensue, even if their role is as onlookers. Positive action could mean very clearly withdrawing from the action, perhaps announcing such, or calling the police.- effectively the person’s actions had to demonstrate that they had ‘repented’ and withdrawn.
- 39 Tom Guest when on to explain that intention was important – but not necessarily of the eventual outcome. For example, a group might go out intending to cause serious harm but their actions result in a death. Although their joint intent is serious harm, they could all be liable to a JE charge of murder.
- 40 Mr Guest said that there were no generally available figures on the use of JE, but that he was happy to cooperate around the scrutiny of JE, if such a means could be found which might need to be on a case study basis which could be very detailed
- 41 Jim Toohill said that CPCG had scrutiny mechanisms (eg in relation to Stop and Search) and that the Group would be happy to see how that could be adapted to include JE, He added that any outstanding questions from the meeting, which time constrains had prevented being answered, would be collated and forwarded to Mr Guest. Answers would be circulated.
- 42 Tom Guest concluded that he was grateful for what was said and it will be passed on the

partnerships. Parliament makes the laws but it is the people who should debate what the law is.

- 43 Gary Green stated that he was proud of the meeting's responses – not satisfied in what was seen in the presentation as it was not fair or balanced. He interpreted the response of the meeting as accepting the need for a film to warn but not as a means of gaining acquiescence. JE had the potential to discourage witnesses to come forward to help the police if they felt they might be implicated, especially if their trust in the police had been damaged by eg Stop and Search.
- 44 Mr Green explained that he understood very well the issues around trust and confidence, and Stop and Search, from his own experience and from his voluntary work in the borough. He said that lack of trust resulted in young people taking up weapons instead of turning to the police.
- 45 The Chair stated that we must have laws and these laws must be explained. CPS has a duty to make sure that we know what the law is and that we understand the consequences of any breaches. He suggested that if people had concerns that had not been addressed then they could email them into the office.

### Lambeth Police Report

- 46 Chief Supt Ephgrave said that he would appreciate hearing the views of members of Operation Hannah, how members felt was progressing from their own experiences. He felt that since the launch on 14 February it has gone well. One of the goals was to ensure that successful areas, such as response times, were maintain. So far, this appeared to be the case.
- 47 Early indication is that there is an increased visibility of teams especially with the use of locally based officers for non-emergencies appears to be more efficient. It helps that the officers' whereabouts are known so that the best located officers could be specifically directed to deal with a situation. "Re-jigging" shift patterns resulted in there being more officers deployed when needed – eg on Thursday, Friday and Saturday nights.
- 48 There has been a reduction of overall reported crime numbers – there must be judiciousness, as this could be for a number of other reasons

such as criminals on holiday, bad weather etc besides the launch of Operation Hannah.

- 49 Chief Supt Ephgrave said that it was sad for him to listen to Gary Green own experiences as a youth and those of the young people whom Gary helped. Nick Ephgrave wanted good relationships forming between his Officers and the youths. He hoped that, with young people seeing the same officers regularly, trust would be built. He noted that sometimes complaints are justified but not always.
- 50 Chief Supt Ephgrave then responded to questions put to him:
- 51 Lee Jasper noted the greater visibility on the street especially during school times – this he said is welcomed. He said that police officers residing out of London had complained to him that they would be forced to sell their homes due to the change in shift pattern. He asked if it was now possible to know how many officers are on the streets for specific hours. Chief Supt Ephgrave answered that he was aware that it is disruptive for officers traveling, and some formal complaints had been made, He said that and that it was possible to tell how many officers are on the street at any particular hour. Jim Toohill added that he likewise sensed seeing more officers around Brixton.
- 52 Kelly ben Maimon stated that she had problems while attempting to contact Coldharbour Safer Neighbourhood Team and eventually her call was transferred to Norwood. She also asked if there was any explanation for the rise in homophobic offences, shown in the statistical report.
- 53 Chief Supt Ephgrave said that one of the cost compromises of Operation Hannah was to have fewer sergeants than he would have liked. The result was to have Safer Neighbourhood sergeants on each ward but with supervisory role for part of the cluster policing team - there was no conflict of interest. He was unhappy that the service she received was not as seamless as it is should be easy to be transferred. The homophobic offences were small in numbers, and subject to fluctuation, which in graph format can look to be larger rises than they are in absolute terms. These offences are usually committed around Vauxhall, associated with the gay scene there, and tend to be mainly verbal abuses.

- 54 Richard Dutton asked about proposals elsewhere in London to remove sergeants from Safer Neighbourhoods and also the controversy in the media concerning the Mayor of London's claims to be increasing police numbers. Chief Supt Ephgrave stated that he had no intentions of stripping Sergeants out of the Safer Neighbourhood Teams. He stated that he would not dare dabble in political controversy. His position is to preserve the initiatives around Operation Hannah.
- 55 Lee Jasper said that already he has seen Youth Centers and adventure playgrounds closed down with kids now hanging around – crime will increase. Already there is a rise in robbery and knife crimes. He stated that he cannot sense any urgency from the Police or the council to meet these challenges. He could foresee more parents attending A&E as a consequence of their children being victims of crimes. Chief Supt Ephgrave said that he did not want to preside over a rise in crime. Operation Hannah is an effort to make the most of the situation and it his job to ensure that people in the Borough get value. A lot has been done to protect the resources we currently have but he is unable to guarantee the future. One area that needed addressing was the numbers of Police Staff taking voluntary redundancies. To ensure front line services are supported, Police Officers may be asked to cover their roles. He did see the urgency of the challenges.

**Any Other Business**

- 56 Lee Jasper urged invitees to attend the Strategic Impact Assessment meeting on 12 March. Things such as how the Police will be working in these financial cuts will be discussed. Robbery and Knife Crime were already on the rise.
- 57 Ann Corbett said that the Strategic Assessment is published on the web. She stated that no one is complacent and the meeting is an opportunity to discuss what we are going to do with what we have.
- 58 Lloyd Leon drew attention to a forthcoming seminar, also on 12 March.
- 59 The Chair urged members to do two things, provide help and state their interest and participation. He requested that they indicated their interests proper and not just attend

meetings, make noises and go away. He appealed that they contact the office.

- 60 The chair also stated that he has invited to deliver the Martin Luther King message on 16 April 2011 and he would appreciate the support of the members.
- 61 The Chair thanked Tom Guest from the CPS, Garry Green, Detective Chief Inspector Mark Dunne, Ann Corbett and as always Supt Nick Ephgrave for helping organise this interesting and informative meeting.

**DATE OF NEXT MEETING**

**6. 00 p.m. TUESDAY, 05 April 2011**  
**Karibu Education Centre**

Lambeth Community-Police Consultative Group  
Unit 58 Euro link Business Centre, 49 Effra Road  
London SW2 1BZ,  
T: 020 7733 0878 E: [admin@lambethcpcg.org.uk](mailto:admin@lambethcpcg.org.uk)  
F: 020 7274 7623 W: [www.lambethcpcg.org.uk](http://www.lambethcpcg.org.uk)

**Attendance**  
**Signed in Members**

Doye	Akinlade	Brixton Society
Ivelaw	Bowman	
Rod	Brown	
Richard G.	Dutton	
Betty	Evans-Jacas	
Jim	Fairweather	West Indian Ex-Servicemen/Women Assoc.
Rosemarie	Falaiye	
Neil	Flanigan	West Indian Ex-Servicemen/Women Assoc.
John	Frankland	Herne Hill Society
Ros	Griffiths	Chair
Myriam	Hay	Forum for Portuguese and Spanish Speaking Communities Lambeth
Tia	Henry-Lindo	
John	Howard	
Lena	James	
Lee	Jasper	
Gill	Kenealy	
Lloyd	Leon	Brixton Domino Club
Anna	Long	Churches Together In Clapham
Brian	Mantell	South London Synagogue
Hannah	Mir	

Patricia	Moberly	
Sandra	Moodie	Cressingham Gardens T.R.A.
Richard	Moore	
Ros	Munday	Clapham Community Partnership
Felix	Ogbogoh	Streatham Wells Safer Neighbourhood Panel
Catriona	Robertson	Stockwell and Clapham Faith Forum
Cheryl	Sealey	
Fernando	Senior	
Anna	Tapsell	
Jim	Toohill	
Clarence	Thompson	Queen Mother Moore School
George	Tuson	Streatham Common Southside NW
Arulini	Velmurugu	Lambeth Towers And Lambeth Road TRA
Ann	Corbett	London Borough of Lambeth Council - Officers
Ch Supt.		
Nick	Ephgrave	MPS - Lambeth
Sgt Matt	Hinton	MPS
Samantha	Evans	Metropolitan Police Authority
Cllr Rachel	Heywood	London Borough of Lambeth Council - Members
<b>Signed in</b>		
<b>Visitors</b>		
Pauline	Bower	
Earl	Case	
Mark	Dunne	
Garry	Green	
Cheryl	Griffiths	
Norman	Grigg	
Jacques	Guerin	
Tom	Guest	CPS
P	Horgan	MPS
Elaine	Lilley	
Karen	Moore	
Simean	O'Neill	
Patrick	Sullivan	
Richard	Watson	

## Annex: Trident Diversity Data

MPS target for BME officers is to make up 9.72% of all officers (equivalent to 53 officers of a total of 351 officers in SCD8). **SCD8 currently has 36 BME officers (10.3%). That is a difference of 17 officers.**

The percentage of BME officers in SCD is 6.3%  
The percentage of BME officers in the MPS is 9.4%

MPS target for BME police staff is to make up 23.26% of all staff (equivalent to 23 staff of a total of 98 staff in SCD8). **SCD8 currently has 20 BME police staff (20.4%). That is a difference of 3 police staff.**

The actual numbers of BME police staff in SCD is 19.0%  
The percentage of BME police staff in the MPS is 23.5%

MPS target for female officers is to make up 23.71% of all officers (equivalent to 83 officers in SCD8). **SCD8 currently has 56 female officers (15.9%). That is a difference of 27 female officers.**

The actual numbers of female officers in SCD is 27.4%  
The actual numbers of female officers in the MPS is 23.2%

MPS target for female police staff is to make up 57.13% of all police staff (equivalent to 56 police staff in SCD8). **SCD8 currently has 69 female police staff (70.3%). SCD8 have exceeded this target by 13 female police staff.**

The actual numbers of female police staff in SCD is 59.0%  
The actual numbers of female police staff in the MPS is 57.6%