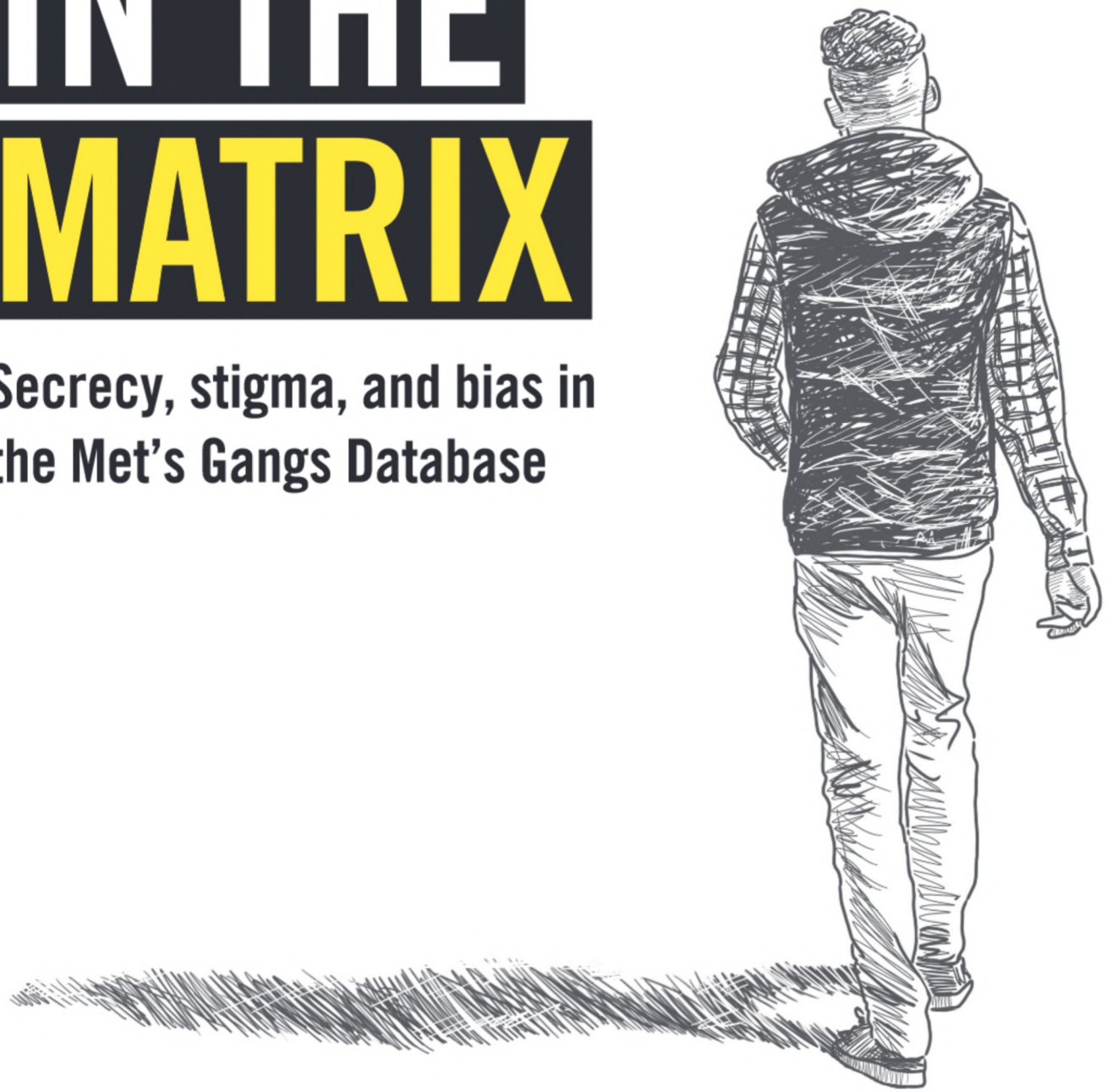
# TRAPPED IN THE MATRIX

## Secrecy, stigma, and bias in the Met's Gangs Database



AMNESTY INTERNATIONAL

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***Trapped in the Matrix: Secrecy, stigma, and bias in the Met's Gangs Database***
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# EXECUTIVE SUMMARY

Over the past decade, the concept of 'gang association' has emerged as a measure for assessing potential harm to public safety from young people. It crops up not only in police strategies to tackle violent offending, but across a range of public sector services: from local authorities to the criminal justice system, from schools to the UK Visas and Immigration authority.

Underpinning the increased use of the gang label by public agencies is a police intelligence system that purports to identify and share data about individuals who are considered to be linked to gangs. In London, this is most clearly institutionalised in the Metropolitan Police Service Gangs Violence Matrix – a database of suspected gang members in London which went into operation at the beginning of 2012.

The highly charged context for the establishment of the Gangs Matrix was the England riots of Summer 2011. In the wake of the riots Boris Johnson, then Mayor of London, was quick to conflate those arrested during the riots with 'gangs', telling the press 'this is an opportunity to deal with gang crime'. In the days immediately after the riots, Prime Minister David Cameron promised a 'concerted, all-out war on gangs and gang culture' and within six months both the Home Office and the Mayor's Office had announced flagship new anti-gang strategies, including the launch of a reconfigured Trident Gang Command in London.

Politically, the Gangs Matrix was set up to provide the government with some clarity on the extent of gang activity. At an operational level, it provided the Metropolitan Police with a risk-assessment tool to assess and rank London's suspected gang members according to their 'propensity for violence'. Individuals on the matrix are known as 'gang nominals' and each is marked in a traffic-light scoring system as red, amber or green. 'Red nominals' are those the police consider most likely to commit a violent offence; 'green nominals' pose the least risk.

In October 2017, the Metropolitan Police reported that 3,806 people were on the Gangs Matrix. Less that 5 per cent were in the 'red' category, with 64 per cent marked as 'green'.

In July 2016, a more detailed demographic breakdown of those on the matrix revealed that 87 per cent were from black, Asian and minority ethnic (BAME) backgrounds (78 per cent were black). Eighty per cent were between the ages of 12 and 24, and 15 per cent were minors (the youngest was 12 years old). Ninety nine per cent were male.

### Matrix at a glance




Amnesty International has been conducting research on the Gangs Matrix for the past year and has met with more than 30 professionals who use, or are familiar with, the Gangs Matrix. They come from the police, the voluntary sector, and local authorities in several London boroughs – including staff from three borough Gangs Units. We have also asked community members and young people affected by the Gangs Matrix to tell us their experiences.

Our research shows that the Gangs Matrix is based on a vague and ill-defined concept of 'the gang' that has little objective meaning and is applied inconsistently in different London boroughs. The Matrix itself and the process for adding individuals to it, assigning 'risk scores' and sharing data with partner agencies appears to be similarly ill-defined with few, if any, safeguards and little oversight.

Not only does this data collection amount to an interference with young people's rights, but the consequences could be serious for those labelled as 'gang nominals', more than three-quarters of whom are black boys and young men. Data sharing between the police and other government agencies means that this stigmatising 'red flag' can follow people in their interaction with service providers, from housing to education, to job centres. It is important to examine the impact this has on their rights. We believe further investigation by the appropriate authorities – the Information Commissioner's Office, the Mayor's Office for Policing and Crime, and the Metropolitan Police – is necessary to ensure the rights of these young people are respected.

Amnesty International's research shows that:

- While it purports to be a risk management tool focused on preventing serious violence, 40 per cent of people listed on the matrix have no record of involvement in any violent offence in the past two years and 35 per cent have never committed any 'serious offence'.
- The concepts of the 'gang' and 'gang member' are vague and ill-defined, and the process for adding people to the matrix or removing them from it appears to lack clear parameters, thresholds and criteria; this leads to over-broad and arbitrary identification of people as gang members.
- Many of the indicators used by the Metropolitan Police to identify 'gang members' simply reflect elements of urban youth culture and identity that have nothing to do with serious crime. This conflation of elements of urban youth culture with violent offending is heavily racialised. The result is that the matrix has taken on the form of digital profiling; 78 per cent of individuals on the Gangs Matrix are black, a number which is disproportionate both to the black population of London (13 per cent of the whole) and the percentage of black people among those identified by the police as responsible for serious youth violence in London (27 per cent). 'Youth violence' refers to violent offences against people below the age of 20.
- There are no clear processes for reviewing the matrix, or for correcting or deleting outdated information. There is no formal process to notify individuals that they are on the matrix and no official system through which they can challenge their inclusion or have their named removed.
- Data sharing between the police, housing associations, schools, job centres, the criminal justice system and the Home Office appears to lack safeguards; there is therefore a risk that these services will discriminate against already marginalised young people, with disproportionate impact on black boys and young men.

Community activists, young people and family members all told Amnesty International that they felt the Gangs Matrix unfairly profiled and stigmatised black youth, further entrenching distrust in the police and isolating at-risk individuals.

**Gang and serious youth violence cohorts by ethnicity for the London area**



Although the police may be pursuing a legitimate aim when they collect data on gang members, the Gangs Matrix is an excessive interference with the right to privacy that affects the rights of black boys and young men disproportionately. The weak data governance and lack of safeguards that characterise the database show that it was designed and put to use without sufficient regard for the rights of those listed on it.

Amnesty International believes that the Gangs Matrix is unfit for purpose: it puts rights at risk, and seems not only ineffective but also counter-productive. Systems for gathering and sharing intelligence on individuals suspected of violent crime must be fair, implemented in accordance with human rights law, and have robust oversight mechanisms. We expect the Mayor's Office and the Metropolitan Police to establish clear and transparent measures to ensure that this is the case. They must dismantle the matrix unless they can demonstrate that it has been brought into line with international human rights law, in particular the right to non-discrimination. Measures must also be taken to ensure that in future, systems that aim to gather and share intelligence on individuals suspected of violent crimes are fair and implemented in accordance with human rights law, with robust oversight mechanisms in place.

# METHODOLOGY

This report is based on interviews with more than 30 professionals who use the Gangs Matrix, or are familiar with it, working in the police, the voluntary sector, and local authorities in seven London boroughs. We talked to six current members of staff at three borough Gangs Units, and had met with senior staff of the Trident Gang Command. We also talked to community members and young people affected by the Gangs Matrix.

The majority of interviews were conducted in London between April and October 2017. In many cases, names of interview subjects, and some other identifying information, has been omitted or altered to protect the anonymity of sources who wished to speak to Amnesty 'off the record'. We have decided not to name the three London boroughs where we met with Gangs Unit staff in order to protect the identities of those individuals. In this report we refer to them as Borough Gangs Units A, B and C.

We sent summaries of our findings and concerns to the Metropolitan Police Trident Gang Command, asking for information and comment. We received written replies from the Trident Gang Command. We also sought to engage with the Metropolitan Police and discuss our concerns during our investigation. This included presenting our concerns to the Independent Digital Ethics Panel for Policing (IDEPP) in September 2017. We also met both Commander Duncan Ball and Detective Superintendent Tim Champion from the Trident Gang Command in October 2017.

# 1. INTRODUCING THE GANGS MATRIX

> **'If you fail to change, if you choose to go on making the lives of those around you a misery, embroil your neighbourhood in a culture of guns and knives and drugs, we will come down hard on you. Go straight or go straight to jail.'**
> Boris Johnson, Former Mayor of London – London Gangs Summit, 2014

## 1.1 WHERE DID THE MATRIX COME FROM?

In August 2011, riots broke out across several parts of London as well as cities and towns across the England, in what the BBC described as 'the biggest display of civil unrest in the UK for 30 years'.[1] The riots resulted in widespread looting, arson and violence and 3,000 people were arrested.[2]

In the wake of the riots Boris Johnson, then Mayor of London, was quick to link those arrested with 'gangs', telling the press:

> **There are particular issues about gang crime and what we've got to do is deal with it. A big flat rock has been flipped up and we've seen all sorts of creepy crawlies come out. I've just seen, you know, hundreds and hundreds of photo fits ... of some of the people who have been arrested. Eighty-six per cent of them currently have previous convictions. This is an opportunity to deal with gang crime.**[3]

In the days immediately after the riots, Prime Minister David Cameron promised a 'concerted, all-out war on gangs and gang culture'.[4]

While politicians were quick to draw links between individuals with previous convictions and 'gang crime', the Metropolitan Police reported that the great majority (81 per cent) of those arrested in the riots had not been identified as gang members.[5] An overview of the events linked to the England riots of summer 2011, published by the Home Office, concluded that across the UK 'most [police] forces perceived that where gang members were involved, they generally did not play a pivotal role'.[6]

Despite this, within six months of the riots both the Home Office and the Mayor of London's Office had announced flagship new anti-gang strategies.[7] A review commissioned by the Home Secretary culminated in a new national Ending Gang and Youth Violence (EGYV) strategy launched at the end of 2011. It pledged to provide £10 million in Home Office funding 'to improve the way that mainstream services identify, assess and work with the young people most at risk of serious violence' across England.[8]

Meanwhile, in London, Mayor Boris Johnson and Metropolitan Police Commissioner Bernard Hogan-Howe launched the Trident Gang Crime Command in February 2012. This specialist unit

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1 'England riots: one year on', BBC, 6 August 2012, www.bbc.co.uk/news/uk-19077349
2 'England riots: one year on', BBC, 6 August 2012, www.bbc.co.uk/news/uk-19077349
3 'Boris Johnson Calls for Action on Gangs and Illiteracy', Channel 4, August 2011, www.channel4.com/news/boris-johnson-calls-for-action-on-gangs-and-illiteracy
4 'England riots: David Cameron declares war on gangs', *The Telegraph*, 15 August 2011, www.telegraph.co.uk/news/politics/david-cameron/8701853/England-riots-David-Cameron-declares-war-on-gangs.html
5 Home Office, *An overview of recorded crimes and arrests resulting from disorder events in August 2011*, August 2011, p19, www.statewatch.org/news/2011/oct/uk-riots-ho-report.pdf
6 Home Office, *An overview of recorded crimes and arrests*, August 2011, p5.
7 'England riots: David Cameron declares war on gangs', *Telegraph*, August 2011, www.telegraph.co.uk/news/politics/david-cameron/8701853/England-riots-David-Cameron-declares-war-on-gangs.html
8 Home Office, *Ending Gang Violence and Youth Violence: Cross-Government report*, November 2011, www.gov.uk/government/publications/ending-gang-and-youth-violence-cross-government-report, p6.

in the Metropolitan Police is tasked with delivering 'more targeted enforcement against gangs'.[9] A few months later came the London-wide Partnership Anti-Gang Strategy, which led to the creation of new 'Gangs Taskforces' across London boroughs, and much closer intelligence sharing between the police and local government and voluntary agencies.[10]

The Metropolitan Police Service (also commonly known referred to as 'the Met') is the UK's largest police service, with 43,000 staff (including more than 31,000 police officers) serving more than eight million people across 32 boroughs in Greater London.

In February 2012, to support London's new gang strategy and the borough 'Gang Taskforces', the Metropolitan Police established a London-wide data collection and risk assessment tool: the Metropolitan Police Service Gangs Violence Matrix. The matrix is overseen centrally by the Trident Gang Command, but managed locally by the police and local authority in each of London's 32 boroughs. The purpose of the matrix is to track and assess the risk of violence posed by London's 'known gang members'.[11] However, it was also a direct response to a new political priority. In the words of Detective Superintendent Tim Champion from the Trident Gang Command: 'We had Boris [Johnson, Mayor of London] asking: "How many gang members have you got and can you map them?"'[12]

## 1.2 HOW DOES THE MATRIX OPERATE?

The stated purpose of the matrix is to enable the Metropolitan Police to identify and keep track of people involved in gangs. In October 2017, Commander Duncan Ball, who heads the Trident Gang Command, described the matrix as 'a way for us to order our intelligence and our information where there is corroborated intelligence that people are involved in gangs'.[13] However, he pointed out that 'it's a violence matrix as well', meaning that individuals are scored 'according to the level of violence [that they] have shown'.

Individuals recorded on the database are known as 'gang nominals' and each is assigned an automated risk score, called a 'harm score'. Scoring is based on police information about past arrests, convictions and 'intelligence related to violence/weapons access',[14] although in practice numerous sources of information are used, including that gleaned by social media monitoring.

The 'harm score' assigned to each individual on the matrix is labelled red, amber or green. 'Red nominals' are deemed most likely to commit a violent offence while 'Green nominals' are deemed to pose the least risk. As of October 2017, less than 5 per cent of individuals were in the 'red' category

9 The Trident Gang Crime Command launched in February 2012 was a reconfiguration of an earlier specialist unit within the Metropolitan Police called Operation Trident, which was established in 1998 to tackle gun crime, predominantly in London's black communities. See, Mayor of London, *Strategic Ambitions for London: Gangs and Serious Youth Violence*, p7, www.london.gov.uk/sites/default/files/gla_migrate_files_destination/Strategic%20Ambitions%20for%20London_%20Gangs%20and%20SYV%202014.pdf

10 The original 19 Trident gang boroughs were Brent, Camden, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Merton, Newham, Southwark, Tower Hamlets, Waltham Forest, and Wandsworth. See, *Tackling London's Gangs, A London Council Members Briefing*, 2012, p1, www.londoncouncils.gov.uk/node/1209

11 London Crime Reduction Board Partnership Anti-Gang Strategy, 2012, www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwib98me7dXZAhUpJsAKHYqgB9cQFggnMAA&url=https%3A%2F%2Fwww.london.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fgla_migrate_files_destination%2FLCRB%2520partnership%2520anti-gangs%2520strategy%25202012.pdf&usg=AOvVaw2as3HoxH2YVUb_oZbUYLi2

12 Amnesty International interview with Detective Superintendent Tim Champion, MPS Trident Gangs Command, October 2017.

13 Amnesty International interview with Commander Duncan Ball, MPS Trident Gangs Command, October 2017.

14 Information partially provided in Amnesty International interview with Commander Duncan Ball, MPS Trident Gangs Command, October 2017. Further clarity provided in letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.

and 64 per cent were in the 'green' category.[15] Individuals are also assigned a 'victim score' based on whether they have been the victim of violence.

While the police refer to the Gangs Matrix as 'a violence matrix' or 'the gang violence matrix',[16] in practice a large proportion of those on the database have not recently been involved in a violent or serious offence. A surprisingly high proportion (40 per cent) of people listed on the matrix have been assigned a harm score of 0, meaning they have no record of charges or police intelligence linking them to violence in the past two years.[17] This is an increase from 35 per cent of individuals scored at 0 in 2016. Commander Ball explained that 'there are currently 1,501 individuals on the matrix with zero scores. The purpose being to identify those who are are identified as being in a gang but have not been drawn into gang violence.'[18] The 2016 figures from the Mayor's Office for Policing and Crime (MOPAC) state that 35 per cent of those on the matrix have never committed a serious offence (no definition is provided on what is considered a 'serious offence').[19]

## 1.3 HOW IS THE MATRIX USED?

The Gangs Matrix is first and foremost a policing tool, ostensibly aiding the Metropolitan Police to achieve the 'consistent identification of the most harmful gang-affiliated offenders in London boroughs'.[20] It is also used to inform police decisions about where to exercise stop and search powers. With policing moving in recent years towards 'intelligence-led stop and search', police are relying more heavily on intelligence tools such as the Gangs Matrix when deciding who to target.[21] A report released by StopWatch in March 2018 reveals that, as a result, individuals on the Gangs Matrix are subject to chronic over-policing, so that police officers continually patrol the same postcodes and routinely stop and search the same individuals. Consequently, individuals on the Gangs Matrix are more likely to get picked up and charged for minor offences, dragging them deeper into the criminal justice system.

Achieving the successful prosecution of gang-related individuals is one of the Trident Gang Command's performance indicators. There is evidence to suggest that the Gangs Matrix is also used by the Crown Prosecution Service (CPS) to prosecute gang nominals. The 2012 London Crime Reduction Board's Partnership Anti-Gangs Strategy states that the CPS had introduced specialist Gang Prosecutors in priority Trident Gang Crime Command Boroughs, 'to facilitate better intelligence for prosecutors in recognising and assessing gang cases, understanding local dynamics relating to gangs and making appropriate and timely charging decisions.'[22] David Lammy MP, leading a government review of the treatment of black and ethnic minority people in the criminal justice system, observed that:

15 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.

16 Commander Jim Stokley, 'Cmdr Jim Stokley talks about managing threat of gang violence', *Metropolitan Police Blog*, 5 March 2018, http://news.met.police.uk/blog_posts/cmdr-jim-stokley-talks-about-managing-threat-of-gang-violence-69400

17 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.

18 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.

19 Mayor's Office for Policing and Crime, *MOPAC Challenge – Gangs*, Powerpoint, 2 February 2016, p14.

20 London Crime Reduction Board *Partnership Anti-Gang Strategy*, 2012, www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwib98me7dXZAhUpJsAKHYqgB9cQFggnMAA&url=https%3A%2F%2Fwww.london.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fgla_migrate_files_destination%2FLCRB%2520partnership%2520anti-gangs%2520strategy%25202012.pdf&usg=AOvVaw2as3HoxH2YVUb_oZbUYLi2

21 'StopIt' was launched by the Metropolitan Police in January 2012 as a new approach to the use of stop and search powers 'in a more intelligence-led and targeted way'. See, London Assembly Police and Crime Committee, *Stop and search: An investigation of the Met's new approach to stop and search*, February 2014, p12 www.london.gov.uk/sites/default/files/14-02-06-Stop%20and%20search%20FINAL_1.pdf

22 London Crime Reduction Board *Partnership Anti-Gang Strategy*, 2012, www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwib98me7dXZAhUpJsAKHYqgB9cQFggnMAA&url=https%3A%2F%2Fwww.london.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fgla_migrate_files_destination%2FLCRB%2520partnership%2520anti-gangs%2520strategy%25202012.pdf&usg=AOvVaw2as3HoxH2YVUb_oZbUYLi2

> **the Gangs Matrix features information provided by the police to the Crown Prosecution Service (CPS) at the point when the CPS makes charging decisions. The inclusion of this information suggests that *prosecutors regard it as pertinent to whether defendants are charged, or what they are charged with.* If cases make it as far as court, the Gangs Matrix could then be used by the prosecution in cases involving Joint Enterprise. [The matrix] is deployed to substantiate claims that individuals are part of a gang and therefore played their part in a crime.** [Emphasis added][23]

Although the matrix was developed as a law enforcement tool, it is also used by a number of local authority and voluntary sector partner agencies. It is unclear exactly which non-police agencies can use the matrix, and what matrix data they can access (for example whether they have access to risk scoring). A 2015 reply from the Metropolitan Police to a Freedom of Information request asserts that at least two non-police agencies, the National Probation Service and the Community Rehabilitation Companies, have access to the matrix.[24]

A January 2017 guidance document on the London Councils website stipulates procedures to be followed by London councils when a 'gang nominal' from the Gangs Matrix moves from one borough to another. It emphasises that 'it is important that information is not only passed between the same agencies' (police, local authority, Community Safety) counterparts but all other relevant agencies are informed for the purposes of managing risk.' The document suggests that a number of agencies, including the local authority and the Department of Work and Pensions, are kept apprised of which individuals in their borough are on the Gangs Matrix.[25]

Every borough that is a priority area under the government's Ending Gang and Youth Violence programme holds a regular multi-agency meeting between the police, the council, and a range of public agencies and civil society providers to discuss the Gangs Matrix. A youth worker who has attended these meetings in more than 10 boroughs told Amnesty International that data sharing practices varied from borough to borough. Typically, however, the police openly shared information about named individuals on the matrix with all who attended, with little clarity or safeguards around how the data should be used or shared.[26]

Indeed, the stated ambition of the London Crime Reduction Board's 2012 Partnership Anti-Gangs Strategy is that the matrix would become 'a partnership tool' to 'support a consistent and targeted approach across Criminal Justice and community safety'.[27] Some boroughs have documented how the Gangs Matrix has informed cross-agency cooperation in tackling gang-related offending. In Islington, for example, an Integrated Gangs Team, comprising gang specialists, Children's Social Care, Youth Offending Service, police, mental health, probation, and violence against women and girls specialists, has an 'overview of gangs intelligence and the individuals on the gangs matrix'.[28]

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23 David Lammy, speech to London Councils, 10 October 2016, www.gov.uk/government/speeches/review-of-bame-representation-in-the-criminal-justice-system

24 See, Metropolitan Police, Freedom of Information Request, 'Information regarding Gangs Matrix', November 2015, www.met.police.uk/globalassets/foi-media/disclosure_2015/november_2015/information-rights-unit---information-regarding-gang-matrix

25 *London Gang Member Referral Guidance*, 30 January 2017, www.londoncouncils.gov.uk/node/31169

26 Amnesty International interview with youth worker, March 2018.

27 London Crime Reduction Board, *Partnership Anti-Gang Strategy*, 2012, www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwib98me7dXZAhUpJsAKHYqgB9cQFggnMAA&url=https%3A%2F%2Fwww.london.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fgla_migrate_files_destination%2FLCRB%2520partnership%2520anti-gangs%2520strategy%25202012.pdf&usg=AOvVaw2as3HoxH2YVUb_oZbUYLi2

28 Islington Safeguarding Children Board, *Safeguarding Children Affected by Gang Activity and/or Gang-Related Serious Youth Violence – Multi-agency Protocol and Practical Guidance*, June 2017, www.islingtonscb.org.uk/key-practice-guidance/Pages/Gangs-and-Serious-Youth-Violence.aspx

# 2. GETTING ON THE MATRIX

> **'Gangs are, for the most part, a complete red herring... fixation with the term is unhelpful at every level. A huge amount of time, effort and energy has been wasted on trying to define what a gang is when it wasn't necessarily relevant to what we're seeing on the streets.'**
> Senior member of the Metropolitan Police Service, October 2017.

## 2.1 WHAT IS A GANG?

The problems with the Gangs Matrix begin with a lack of clarity or consistent agreement about what a gang actually is, and thus who is or is not a gang member. The legal definition of gang-related violence contains different elements from the definition of gang used by the Trident Gang Command:

- **The Policing and Crime Act 2009 (updated by the Serious Crime Act 2015) definition**
  Gang-related violence is: 'Violence or a threat of violence which occurs in the course of, or is otherwise related to, the activities of a group that: a) consists of at least three people; and, b) has one or more characteristics that enable its members to be identified by others as a group.'[29]
- **Trident Gang Command definition, taken from the 2009 Centre for Social Justice Report, *Dying to Belong: An In-depth Review of Street Gangs in Britain***
  A gang is: 'A relatively durable, predominantly street-based group of young people who (1) see themselves (and are seen by others) as a discernible group, (2) engage in a range of criminal activity and violence, (3) identify with or lay claim over territory, (4) have some form of identifying structural feature, and (5) are in conflict with other, similar, gangs.'[30]

Most of the professionals Amnesty spoke to for this research agreed that in practice defining a gang member was difficult. In the words of an official at Borough Gangs Unit A: 'The indicators of gang involvement are now not so helpful because it's a youth thing. Anyone can be a gang member. All the kids use the words or sing the songs. It's a youth thing. The girls are singing trap songs.'[31]

This chimes with the words of a young person from the borough of Haringey: 'They say to be a gang member you need to belong to a group of three. But gang culture now is a show. If everybody wants to do it, you gonna have everyone on the matrix?'[32]

Both police and young people we spoke to agreed that, in reality, young people's identity affiliations with the 'gang' were porous, fluid and often 'for show'; they did not necessarily correspond with criminal activity. This makes recording gangs and gang membership difficult for the police and local services.

In January 2016 the Home Office released a report on *Local Perspectives in Ending Gang and Youth Violence Areas*, based on perceptions from 290 survey respondents involved in multi-agency work with gangs.[33] The report found that '(g)ang membership was reported by practitioners and gang associates to be a highly fluid concept. Gang members were said to shift allegiances between

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29 See, Policing and Crime Act 2009, p 30, www.legislation.gov.uk/ukpga/2009/26/pdfs/ukpga_20090026_en.pdf

30 See, Centre for Social Justice, *Dying to Belong: An In-depth Review of Street Gangs in Britain*, 2009, p21 www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/DyingtoBelongFullReport.pdf

31 Amnesty International interview with two officials at Borough Gangs Unit A, October 2017.

32 Comment from young participant at seminar attended by Amnesty International on the MPS Gangs Matrix, September 2017.

33 See, Home Office, *Local perspectives in Ending Gang and Youth Violence Areas Perceptions of the nature of urban street gangs*, January 2016, www.gov.uk/government/uploads/system/uploads/attachment_data/file/491802/horr88.pdf Survey respondents included 'Local Authority – Community safety / Local Authority – Adult services / Local Authority – Children's services / Youth Offending Service / Police / Education / Health / Job Centre Plus / Employment services / Voluntary and community sector / Probation / Housing'.

gangs and have links to more than one gang. Gangs were also reported to take on a more solid form at certain points in time, and to split and/or fragment to form new gangs.' Consequently, 'All of these factors pose challenges for counting gangs and gang members'.[34]

Survey respondents were asked to estimate gang membership in their area and comment on how this was changing. The report found 'an even split between those who thought that the number had increased, decreased and stayed the same' and 'considerable variation in responses from practitioners in the same area'. For example, in one London area responses to a question about the number of gangs operating locally ranged from '3-5' to '12+'. Police and youth offending team respondents were more likely than others to say that there were '12+' gangs in their area.[35]

Thus the various agencies that can propose adding a person to the matrix have diverse views on the number of gangs operating in their area. That indicates a high risk of subjectivity when the gang label is applied in practice.

## 2.2 WHO CAN ADD INDIVIDUALS TO THE MATRIX?

The Metropolitan Police does not make public any clear information about the standards and processes applied to ensure accuracy when adding individuals ('gang nominals') to the Gangs Matrix.

The matrix is centrally overseen by the Trident Gang Command but managed at the borough level by officers in the local area command or the Gangs Unit.[36] Officers at Gangs Unit A told us they have access only to their 'borough file' within the central Gangs Violence Matrix database.[37]

Detective Superintendent Champion from the Trident Gang Command told Amnesty International that borough Gangs Units and partner agencies are given a standard operating model document explaining the matrix, and an accompanying Q&A document.[38] While the Metropolitan Police declined to show us these documents, Detective Superintendent Champion told us some of the questions on the Q&A for boroughs. They included, for example: How do I access the matrix? Is the matrix the only Metropolitan Police database focused on gang criminality? Who owns the matrix? Is it important to regularly review the matrix?[39]

Practices for adding individuals to the matrix or removing them from it differ widely from borough to borough. Detective Superintendent Champion himself expressed concern that this leads to inconsistency: 'Each borough effectively has its local matrix. There are challenges around how we get that consistency… You've got 30,000 cops and as least that number within local authorities across 32 boroughs so yes, you've got variations across that.'[40]

Officers and other designated staff in the borough police local area command or the borough Gangs Unit can add individuals to the matrix.[41] Partner agencies – including housing associations, job centres and youth services at borough level – can also put forward names to be added. It is unclear how many individuals at the borough level have permission to directly add or remove names.

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34 Home Office, *Local perspectives in Ending Gang and Youth Violence*, p4.

35 Home Office, *Local perspectives in Ending Gang and Youth Violence*, p13.

36 Amnesty International interview with Commander Duncan Ball, MPS Trident Gangs Command, October 2017.

37 Amnesty International interview with two officials at Borough Gangs Unit A, October 2017.

38 Amnesty International interview with Detective Superintendent Tim Champion, MPS Trident Gangs Command, October 2017.

39 Amnesty International interview with Detective Superintendent Tim Champion, MPS Trident Gangs Command, October 2017.

40 Amnesty International interview with Detective Superintendent Tim Champion, MPS Trident Gangs Command, October 2017.

41 Amnesty International interview with Commander Duncan Ball, MPS Trident Gangs Command, October 2017; Metropolitan Police, Freedom of Information Request, Information regarding Gangs Matrix, November 2015, www.met.police.uk/globalassets/foi-media/disclosure_2015/november_2015/information-rights-unit---information-regarding-gang-matrix

## 2.3 CORROBORATED AND UNCORROBORATED INTELLIGENCE

According to Commander Ball from the Trident Gang Command, for a name to be added to the matrix information about gang association 'must be backed up', with two sources corroborating that the individual is in a 'gang'.[42] A 2017 report by Her Majesty's Inspectorate of Constabulary confirms that for an entry on the local Gangs Matrix, two corroborated pieces of intelligence that the individual is in a gang are required.[43]

Amnesty International spoke to a mix of staff in three London borough Gangs Units and found that the process for adding people to the matrix was different in each. In all three, past offences were taken into account, as was intelligence about a person's associations. Rather than police applying a strict standard of double-sourcing an individual's gang membership before entering them into the matrix, police in these boroughs appear to draw on a wide range of corroborated and uncorroborated intelligence. Examples given in interviews with the three Gangs Units include:

- Was the individual stopped and searched with someone else on the matrix?
- Did vehicle number plate records show the individual travelling in convoy with other 'gang nominals'?
- What were their family relationships?

Gangs Unit officials themselves expressed concern about the lack of clear process, governance and criteria surrounding how the police determine 'gang membership'. In the words of officials from Borough Gangs Unit A, 'In the majority of boroughs in London, the police don't know who the gang members are. A lot of people are labelled as gang members who are not.'[44]

The same official explained that a police crime report might casually name 'so-and-so from X gang' without providing any further information to substantiate the claim. 'Another police officer will look at that crime report later. Because one police officer put it on there, it will be taken as fact…' This official said they had sometimes changed reports on the crime records system because they believed an individual had been erroneously flagged as a gang member.[45]

It is therefore quite possible that an inference of 'gang association' made by one police officer in a stop and search report could be used by another police officer to support adding an individual to the matrix.

In a written response to Amnesty International in October 2017, Commander Ball declined to provide any further information 'about the guidance in relation to reliance on intelligence, or about the review and removal criteria', stating that this might undermine the effectiveness of operational policing. He did, however, say that 'verifiable intelligence may include police, partner agencies or community intelligence'.

> **'We are not dealing with fact, it's feeling, it's "I don't like what's happening here".'**
> Official, Borough Gangs Unit A, April 2017

## 2.4 LOOKING FOR GANG NOMINALS ONLINE

Our interviews with Gangs Unit staff in three London boroughs revealed that in some cases the police draw on social media to identify suspected gang members. If a person shares content on social media that refers to a gang name, or to certain colours, flags or attire linked to a gang, they may end up added to the matrix. A Metropolitan Police response to a Freedom of Information request in November 2016 confirms that sources such as 'You Tube (sic) Videos' and 'Other Social

42 Amnesty International interview with Commander Duncan Ball, MPS Trident Gangs Command, October 2017.

43 Her Majesty's Inspectorate of Constabulary, 'PEEL: Police effectiveness 2016', March 2017, p54, www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-effectiveness-2016-metropolitan.pdf

44 Amnesty International interview with two officials at Borough Gangs Unit A, October 2017.

45 Amnesty International interview with two officials at Borough Gangs Unit A, October 2017.

Media activity' constitute criteria for adding names to the Gangs Matrix.[46]

Social media monitoring is reportedly used widely across London boroughs to inform both the matrix and other lists and systems used by police and local authorities to keep track of 'gang associated individuals'. For example, officials at Borough Gangs Unit B reported keeping a separate list of gang affiliation, which captured individuals at risk of acquisitive offending such as shoplifting, burglary, theft, and robbery, in addition to the matrix, which focuses more narrowly on violent offending.[47] Officials at Borough Gangs Unit A also told Amnesty they kept a separate list of individuals associated with gangs. This list was based on intelligence about gangs compiled from police crime reports, including stop and search reports, information provided by local partner organisations, such as schools and youth clubs, and Open Source Intelligence (OSINT) data. In the words of one official:

> **Every crime report, any name I get, I first look at the young person's background, any concerns there, and then I look at social media, I go into schools and say 'we're noticing this' and see what they say.**[48]

OSINT data includes information gleaned from individuals' Facebook accounts, Twitter accounts and YouTube, particularly grime music videos that contain gang names or gang signs. Internal Metropolitan Police guidelines from 2014 state that 'Increasingly there is a legitimate business need for officers and staff to access social media websites in the course of crime investigations and for intelligence research/evidence gathering purposes.' According to the guidance, police may monitor 'various social media sites' both overtly and covertly; that is, 'police can set up and use "false personas" on the internet/social media for a covert purpose' provided they have authorisation to do so.[49]

Lists maintained by Gangs Units outside of the matrix include both 'confirmed gang members' and a wider cohort who they consider to be 'of concern'. As one official explained, it may be the case that comments on an individual's Facebook pictures from friends raise some kind of red flag: 'We are not dealing with fact, it's feeling, it's "I don't like what's happening here."'[50]

Officials at all three borough Gangs Units told us that police officers and other staff were only able to access publicly available information on Facebook profiles and YouTube, Instagram and Snapchat accounts. Accessing information covertly, by setting-up fake accounts or profiles to 'follow' or 'befriend' a person of interest on social media, would require a warrant under the Regulation of Investigatory Powers Act (RIPA). However, the official we spoke to in Borough Gangs Unit C told us that in practice, officers have sometimes set up fake accounts without obtaining a RIPA warrant:

> **I know officers in the past have created their own accounts and taken stuff on gang members... I've heard of people doing it. And it does work because you do get stuff... if you can create an account fake name and follow them. You've got to be really careful in how you use it. If you use it for everything, you dilute its power and you probably get into human rights issues and covert surveillance and stuff. I think there are occasions when its justified.... From my point of view they are on a public platform, they accept friend requests, they can't be too surprised if people are telling police or if police are picking it up themselves.... The alternative is RIPA**

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46 Freedom of Information Application response, November 2016, www.met.police.uk/globalassets/foi-media/disclosure_2016/november_2016/information-rights-unit---data-kept-on-the-mpss-gang-matrix-database-for-the-last-three-financial-years.

47 Amnesty International interview with two officials at Borough Gangs Unit B, September 2017.

48 Amnesty International interview with two officials at Borough Gangs Unit A, October 2017.

49 Internet and Social Media Use in the MPS: Guidance document Version 1.6, Met HQ Information Assurance Unit, 2014, www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=7&ved=0ahUKEwi-wfTCx9fZAhUBJ8AKHaW_BQgQFghKMAY&url=https%3A%2F%2Fwww.met.police.uk%2Fglobalassets%2Ffoi-media%2Fdisclosure_2017%2Fseptember_2017%2Finformation-rights-unit---updatedadditional-guidance-and-policy-on-the-use-of-open-source-intelligence-andor-social-media-monitoringintelligence&usg=AOvVaw1r08BWYirsWdt_bx_pBYnh

50 Amnesty International interview with two officials at Borough Gangs Unit A, October 2017.

**authorisation. You might not get RIPA authority for it – it's so much harder to get. It's reserved for really serious crimes. And it's time consuming.... Otherwise it's old school out on the street getting in people's faces.**[51]

One official in Borough Gangs Unit B believed that a covert surveillance authorisation under RIPA was not required for the kind of social media monitoring practised by the Unit: 'Because a profile I've created is attributed to a modem that is linked to the Council I am being overt about who I am.' They felt this would not necessarily count as 'covert surveillance' requiring RIPA authorisation.

In any case, the official in Borough B did not feel OSINT data was particularly useful, except to work out the names that people go by on the street. This was because, according to the official, what young people say and do on social media is not necessarily an indicator of actual criminal behaviour: 'You can find some information online and it can set a whole train of events and it was just someone sounding off, a complete waste of time.'[52]

## 2.5 HOW ARE INDIVIDUALS ON THE MATRIX RANKED?

Commander Ball explained to Amnesty International that there are two features that the matrix captures: 'Firstly, are you a member of the gang?... Secondly, are you violent? You'll get a score. If you commit a lot of violence and you do it regularly, you will get to top of matrix. You won't score at all if you're not involved in violent offences.'[53]

The Metropolitan Police refused to divulge information about the precise criteria used to assign automated 'harm scores' to individuals on the matrix. From our discussions with them, we understand that the automated allocation of 'harm scores' relies on an algorithm developed by the Metropolitan Police, which does not employ any third-party software for this purpose.[54]

Some insight into the criteria used to score individuals on the Gangs Matrix can be gleaned from the *2012 Ending Gang and Youth Violence Strategy* for the London borough of Tower Hamlets. The Strategy states that each gang member is scored according to how many crimes they have been involved in over the past three years, weighted according to the seriousness of the crime and how recently it was committed.[55] The strategy states: 'intelligence from the last six months is also used to weight the score for each nominal. These weighted scores then add up to an overall harm score, which is used to rank each of the gang members within each borough.'

Commander Ball of the Trident Gang Command broadly corroborated this, telling us in an interview in October 2017 that 'certain offences attract certain scores, and the more violent, the more recent, the higher the score is.'[56] Commander Ball provided no details about the intelligence the police rely on, apart from that it is 'intelligence related to violence/weapons access'.[57]

According to an official at Borough Gangs Unit C, interviewed by Amnesty International, the harm score is used to provide a daily list of the 'top 10 red band nominals' so the police can prioritise enforcement on those individuals.[58] He pointed out that in practice:

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51 Amnesty International interview with Official at Borough Gangs Unit C, September 2017.
52 Amnesty International interview with official at Borough Gangs Unit B, September 2017.
53 Amnesty International interview with Commander Duncan Ball, MPS Trident Gangs Command, October 2017.
54 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.
55 See, *Tower Hamlets, Ending Groups, Gangs and Serious Youth Violence Strategy April 2015 – 2018*, April 2015, http://democracy.towerhamlets.gov.uk/mgConvert2PDF.aspx?ID=74658, p24.
56 Amnesty International interview with Commander Duncan Ball, MPS Trident Gangs Command, October 2017.
57 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.
58 Amnesty International interview with official at Borough Gangs Unit C, September 2017.

> **The risk scoring can sometimes be skewed. You know that person hasn't done anything for two years but he is still there right at the top. There was a period 18 months ago when our top 10 were simply not on our radar. No one had been seeing them around, no one had stopped any of them for ages, but we were meant to be monitoring them and enforce stuff on them, which is incredibly hard to do if you can't even see them or catch them doing anything wrong.**[59]

This suggests a problem with automated harm scoring. It is unclear how harm scores are maintained and processed consistently in the database, and how this relates to any subsequent enforcement action. This could be for a number of reasons. For example: a faulty computation of the data in the matrix; the data itself being insufficiently up-to-date; or how it is assessed and reassessed in relation to a person's changing circumstances.

### Matrix at a glance




59 Amnesty International interview with official at Borough Gangs Unit C, September 2017.

# 3. WHO IS ON THE MATRIX?

> **'The Matrix is not fit for purpose, never has been, never will. It feeds an industry based on violence reduction...distorted to fit a narrative: All knife crime is committed by young Black men in gangs.'**
> Martin Griffiths, Trauma Surgeon at Royal London Hospital and Advocate for Violence Reduction

## 3.1 THE DEMOGRAPHICS OF THE MATRIX

The Metropolitan Police have disclosed very little information about the makeup of the Gangs Matrix. In reply to our written queries, the police explained that providing their scoring methodology would hinder suppression of crime.[60] Most of what Amnesty International knows about the Gangs Matrix comes from a series of requests made under the Freedom of Information Act (FOIA) since 2015 by a number of different individuals and organisations, including Amnesty, and figures released by MOPAC in February 2016.

As of October 2017, the Metropolitan Police reported there were 3,806 people on the Gangs Matrix.[61] In July 2016, a more detailed breakdown of those listed on the matrix revealed that:

- 87 per cent were from black, Asian and minority ethnic (BAME) backgrounds, and 78 per cent were black.[62]
- 80 per cent were between the ages of 12 and 24.
- 15 per cent were minors; the youngest was 12 years old.
- 99 per cent were male.[63]

The MOPAC figures state that 35 per cent of those on the matrix have never committed a serious offence (no definition is provided of 'serious offence').[64] According to Detective Superintendent Champion of the Trident Gang Command, 75 per cent of those on the matrix have previously been the victim of a violent offence themselves.[65]

## 3.2 THE OVER-IDENTIFICATION OF BAME PEOPLE AS GANG MEMBERS

There are serious questions about racial bias in the way that police officers, and potentially other services, use and attach the 'gang' label. One way to measure this racial bias is to compare demographic analyses of people deemed responsible for gang violence with those of people deemed responsible for serious youth violence. Serious youth violence is violence against the person, sexual offences, robbery, or gun or knife crime perpetrated against individuals below the age of 20. Figures for 2016 released by MOPAC[66] demonstrate that only a small percentage of serious youth violence is classified as gang violence. However, whereas a minority of serious youth violence incidents are committed by black individuals, an overwhelming majority of those deemed responsible for incidents of gang violence were black. This led academics at Manchester Metropolitan University to conclude that the 'gang label is disproportionately attributed to BAME people... the gang construct is racialised to Black and Brown men... [I]t is BAME people who are overwhelmingly identified and

60 Letter from Commander Duncan Ball, May 2018.
61 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.
62 MPS Information Rights Unit, Individuals on the MPS Gangs Matrix Database 2014---2016, (response to Freedom of Information Act request), www.met.police.uk/globalassets/foi-media/disclosure_2016/march_2016/information-rights-unit---individuals-on-the-mpss-gangs-matrix-database-from-2014---2016
63 *MOPAC Challenge: Gangs*, 2 February 2016, www.london.gov.uk/sites/default/files/mopac_challenge_gangs_2_february_2016_-_presentation.pdf, p14.
64 Mayor's Office for Policing and Crime, *MOPAC Challenge - Gangs*, Powerpoint, 2 February 2016, p14.
65 Amnesty International interview with Detective Superintendent Tim Champion, MPS Trident Gangs Command, October 2017.
66 *MOPAC Challenge - Gangs*, Powerpoint, 2 February 2016.

registered to 'gangs' lists, although they make up much smaller proportions of those perpetuating [sic] youth violence'.[67]

**Gang and serious youth violence cohorts by ethnicity for the London area – 'Black' only and 'All non-black' groupings**




**The chart above shows that 72 per cent of those identified as responsible for 'gang flagged violence' in London are black, whereas only 27 per cent of those responsible for serious youth violence (defined as the victim being under 20) in London are black.**[68]

In September 2017 David Lammy, MP for Tottenham, published his independent review into racial bias in the criminal justice system, which had been commissioned by former Prime Minister David Cameron. Lammy revealed that the proportion of youth prisoners who are BAME people had risen from 25 to 41 per cent in the decade 2006-2016, and that BAME individuals 'face bias, including overt discrimination' in parts of the justice system. While policing was largely beyond the scope of his review, Lammy did express concern that 'gangs are, by their very nature, hard to pin down – and "gang offending" even more so'. He urged the Mayor's office to ensure its review of the Gangs Matrix 'examines the way information is gathered, verified, stored and shared, with specific reference to BAME disproportionality'.[69]

Lammy also emphasised that 'if [criminal justice] agencies cannot provide an evidence-based explanation for apparent disparities between ethnic groups then reforms should be introduced to address those disparities.' This principle of 'explain or reform' should apply equally to the police when it comes to racial disparities such as those evident in the Gangs Matrix.

Elsewhere, Lammy has noted that the gang label is more frequently assigned to black boys and men, even where an individual's offending profile is otherwise the same as that of a white individual. He cited the case of a parent who adopted one black and one white child. While both got into trouble and became involved in the criminal justice system, 'it was the black child who had wrongly been tagged with the label of "gang member" and the label had stuck', according to the MP.[70]

This is borne out by a comparison of two boroughs with similar profiles in terms of serious youth violence, one a majority BAME borough and one a majority white borough. Just over a third (36 per cent) of respondents to the 2011 census in the London borough of Hackney described themselves as white British compared to more than three quarters (77.4 per cent) in the London borough of Bromley.[71] In August 2017, registered incidents of serious youth violence were about

67 Centre for Crime and Justice Studies, *Dangerous Associations: Joint Enterprise, Gangs and Racism*, January 2016, www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Dangerous%20assocations%20Joint%20Enterprise%20gangs%20and%20racism.pdf, p11.

68 Graph originally in Centre for Crime and Justice Studies, *Dangerous Associations*, January 2016, p11.

69 *The Lammy Review*, September 2017, p19.

70 See, The Guardian, *Met 'may be overly targeting BAME youths as gang members'*, 19 July 2016, www.theguardian.com/uk-news/2016/jul/19/metropolitan-police-may-be-overly-targeting-bame-youths-as-gang-members

71 London borough of Hackney, *Census* 2011, https://hackney.gov.uk/census-2011; London Borough of Bromley, Census 2011 - key findings, www.bromley.gov.uk/info/200088/statistics_and_census_information/322/census/10

the same in both (254 in Hackney compared to 264 in Bromley). However, in the same month, Hackney recorded 285 gang-flagged crimes, and Bromley only 12.[72]

The policing of 'gangs' and the use of distinct operational tools and strategies such as the Matrix cannot be divorced from the historical over-policing of specific communities along racial lines.[73] The policing of 'gangs' is not new, with some Gang Units and their lists predating the national EGYV policy of 2011/12.[74] In fact, the existence of Gangs Units and lists arguably enabled the police and government to (incorrectly) conflate 'gangs' with both the summer 2011 riots in England and wider issues of serious youth violence.[75]

The fact that black boys and men are disproportionately targeted by the police is widely acknowledged and clearly established in data. The recent Race Disparity Audit published by the UK government showed that in 2016 black people were more than six times as likely to be stopped and searched and three times as likely to be arrested as white people.[76] Often, stop and search is linked to suspicions of gang offending, including drug dealing – with black boys more than 10 times as likely as white boys to be arrested for drug offences.[77] As the Lammy Review observed, 'This links together two prominent narratives about urban crime: that the war on drugs must be won and that gangs cannot be allowed to terrorise communities.'[78]

The racial bias that has been widely established in police use of stop and search powers bleeds over into the pinning of the gang label on young black men. For example, borough Gangs Units focus policing and intelligence gathering efforts at young people who live on specific council estates that the police identify as gang territories. The official we spoke to at Borough Gangs Unit C said explicitly that the unit focused on gangs associated with three local estates.[79] In the words of Stafford Scott of the Monitoring Group[80] in Tottenham, 'If you're black and born on an estate, nowadays the system automatically sees you as being in a gang.'[81]

## VIEWS FROM HACKNEY

Amnesty spoke to six young people who form part of Hackney's Stop and Search Monitoring Group, an independent group of young people that holds the Met to account on stop and search practice in Hackney. Their view was that young Black boys growing up together on the same estates start to be painted with the 'gang' brush at around age 12 or 13. Reflecting on the gang label, one person asked, 'You are a group of friends and there is some beef, are you a gang now?' A second person commented that 'They don't really determine what a gang is. What if we're a group chilling on a day like this?'

72 Mayor of London, *Gang Crime and Serious Youth Violence Dashboard*, https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/data-and-statistics/crime%20/gangs-dashboard.

73 See Institute of Race Relations, *Policing Against Black People* (1987); Bowling, Ben and Phillips, Coretta, Submission to the House of Commons Home Affairs Committee Inquiry October 2006, *Young black people and the criminal justice system* (2006); Release, *The numbers in black and white: ethnic disparities in the policing and prosecution of drug offences in England and Wales* (2013); Centre for Crime and Justice Studies, *Dangerous Associations* (2016).

74 The first co-located Integrated Gangs Unit (IGU) in the UK was formed in Hackney in the summer of 2010. See, *London Gang Member Referral Guide*, January 2017, www.londoncouncils.gov.uk/node/31170

75 The MPS were seemingly collecting data on individuals linked to gangs prior to the roll out of the Gangs Matrix in early 2012 as they were able to provide the Home Office with data about arrests linked to gang association during the London riots. The Home Office report on recorded crimes and arrests resulting from disorder events in August 2011 explicitly says that '(f)orces were asked to supply data that were readily available to them; they were not asked to collect new data'. See, Home Office, *An overview of recorded crimes and arrests*, August 2011, p6.

76 See, Cabinet Office, *Race Disparity Audit*, October 2017, www.gov.uk/government/publications/race-disparity-audit, p37.

77 *The Lammy Review*, September 2017, p19.

78 *The Lammy Review*, September 2017, p19.

79 Amnesty International interview with official at Borough Gangs Unit C, September 2017.

80 http://www.tmg-uk.org/

81 Amnesty International interview with Stafford Scott, the Monitoring Group, June 2017.

Those we spoke to were aged between 17 and 24. All had routine experiences of being stopped and searched by the police and saw the Matrix as just the latest in a line of police strategies that stigmatise black boys and men by associating them with criminal behaviour: 'Of course we're gonna be angry because of how we have been treated over the years. If there was better relationship with the community, there could be real progress. Kids who are having real issues at home. They're just gonna arrest the kids.'

The coordinator of the Stop and Search Monitoring Group, an employee of Hackney Council, had a particularly striking example of a heavy-handed stop by police while he was transporting three young people on a community mentorship programme: 'We were stopped and 20 officers jumped out of a bully van all because they couldn't see who was in the back. That was their excuse anyway, because the Ford focus I was driving had tinted windows. We were four young Black men in a car, stopped by 20 officers. Four black men. What you trying to say, we got super powers?'

Certainly, there was a strong perception among the young people that the police kept an eye on them. One of the group recounted being stopped and searched with a friend and being surprised that the police officer knew both of their names. 'I was a bit surprised. That's mad. You don't know my name. He was like, wait, wait hold on. You're Jordan Williams [name changed]. I was like, OK then. That's a bit scary. That's rattling stuff. I was 16. They know everyone's name. But they don't use it to help you. Police communication skills is poor.'

The youngest member of the group, a 17-year-old grime artist who puts his music on YouTube, was worried about police monitoring his social media: 'The idea that I am in a music video and because of that I am affiliated with a gang, that is ludicrous.' Asked whether it affected how he used social media, he said, 'Yeah, because it'll make you think if I post something, I will think police are watching me.'

Another member of the group said: 'What if you are a fan of that music? What if you are supporting someone from the community, one of your friends? That's not a gang. It's culture. That is a company that has artists. My friend, you know, he's an artist… it's about motivation, it's about hustle. Everyone in there is artists, good with cameras, promoting stuff. They're entrepreneurs! That would be called a gang to the public. It's an enterprise.'

When asked whether he felt his race played a role in how he was perceived by the police, the response was: 'Of course, most definitely, that's 100 per cent, you don't even have to ask that question. You talk a certain way on top of that.'.

## 3.3 SHOULD THEY EVEN BE ON THE MATRIX?

Amnesty International obtained a selection of 2016 Gangs Matrix data for the borough of Haringey, which includes the Tottenham area where the 2011 London riots began. This portion of the Matrix contained the names of 99 people associated with Haringey gangs, 85 of whom had been assigned a 'Matrix Harm Score' and colour-band category (the colour band was missing for 14 individuals).[82] Of the 85 individuals with a harm score, seven (8 per cent) were in the red band, 28 (33 per cent) were in the amber band and 50 (59 per cent) were in the green band. The majority of those in the green band (36 of the 50) had been assigned a harm score of 0, meaning the police had no record of their being involved in violent offending. Essentially, 42 per cent of the 85 scored individuals on this portion of the Matrix had no history of involvement in violence. Statistics provided by the Metropolitan Police in October 2017 put the number of green-scored individuals in the whole Matrix even higher, at 64 per cent.[83]

82 Gangs Matrix data for Haringey on file with Amnesty International.
83 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.

The entries of a number of the green-band individuals included comments such as 'No intel last six months' or 'Appears to be complying'. Next to one person, the comment simply said 'very little intel, only two arrests, last in 2011'. In another two boxes, the comment stated 'Obtained employment'. Fifty-nine per cent of green-band individuals had no comments next to their name.[84]

The Metropolitan Police told us that it is important for them to identify individuals 'on the periphery of gangs, who are typically green nominals', as this 'enables the MPS [Metropolitan Police Service] to work with partner organisations to prevent gang involvement by diverting people away from membership.'[85] Identifying individuals who have been a victim of a 'gang crime' also 'reduces the need to rely on reactive enforcement' and enables action 'to prevent repeat gang victims from subsequently becoming drawn in to involvement in serious crime.'[86]

However, the figures provided by the Trident Gangs Command for the entire matrix and the Haringey list both raise questions about the matrix as an overbroad suspects list that routinely includes individuals who have never been involved in violent crime. Even being a victim of a crime that the police link to a gang is viewed by the Metropolitan Police as an indicator that the person may subsequently be 'drawn in to involvement in serious crime' and may therefore lead to people being added to the matrix.[87]

Once on the matrix, they become *de facto* 'gang nominals', a label which carries the stigma and suspicion of involvement in violent crime. One youth worker told us she had witnessed practitioners and service providers – including hospital staff and social workers – fundamentally changing their response to an individual upon learning that they are on the matrix. In particular, the person is often automatically treated as someone who poses a risk of violence – even if they should not be on the matrix, or are on the matrix only because they have been a victim of violence.[88]

84 2016 Gangs Matrix data for Haringey on file with Amnesty International.
85 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.
86 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.
87 Amnesty International interview with two officials at Borough Gangs Unit A, May 2017.
88 Amnesty Intenrational interview with youth worker, March 2018.

# 4. WHAT IS THE IMPACT OF BEING ON THE MATRIX?

> **'You put that child on the matrix, you wrote that child's future. There are no second chances in this society for poor Black kids.'**
> Martin Griffiths, trauma surgeon at Royal London Hospital and violence reduction advocate

## 4.1 MORE THAN JUST A POLICING TOOL

Although the matrix is owned and operated by the Trident Gang Command, it was designed to act as more than a tool for policing and prosecuting crimes. Rather, it is designed to serve 'as a partnership tool', according to the London Crime Reduction Board's Partnership Anti Gangs Strategy of 2012, noting the 'broad support across agencies for a fully consolidated partnership model for recognising and assessing risk associated with London's most harmful gang members.' Accordingly, a range of non-police agencies may have access to the matrix or its data, with implications for the 'gang nominals' identified by it.

A number of non-police agencies can contribute data and intelligence to identify 'gang nominals' for inclusion in the matrix. Borough Gangs Units enable the 'co-location' and cooperation of a number of agencies. Although the composition differs across the three boroughs whose staff we interviewed, Gangs Units generally included a mix of police officers, intelligence analysts, a Job Centre Plus adviser[89], staff from the local Youth Offending Team (YOT) and one or two staff from voluntary organisations who focus on 'gang exit' service provision and mentorship. In addition, each borough holds a regular meeting, called the Gangs Multi Agency Partnership (GMAP) meeting, which brings together the police and partners from the council, social workers, representatives from housing associations, and other agencies. In response to a 2015 Freedom of Information request, the Metropolitan Police explained that a wide range of partner agencies can put names forward for the matrix at these regular 'partner meetings':

> **Every Ending Gang and Youth Violence (EGYV) Borough[90] should hold a regular meeting with partners to discuss their gangs and gang members. These partners will include Youth Offending Service, Probation, Local authority, Housing, Local youth workers, Department of Work and Pensions – Pupil Referral units, Looked after children, and some other local groups. At these meetings partners can highlight any individuals they think should be added to the matrix or has recently come to notice. The [Gangs Matrix] chair can decide whether the person is added and scored accordingly.**[91]

89 JobCentre Plus helps people to get either jobs, or benefits, or both. It is overseen by the the Department for Work and Pensions (DWP), the UK government agency responsible for welfare, pensions and child maintenance policy. See, www.gov.uk/government/organisations/department-for-work-pensions/about

90 This was originally 29 priority areas: Barking and Dagenham, Birmingham, Brent, Camden, Croydon, Derby, Ealing, Enfield, Greenwich, Hackney, Haringey, Islington, Knowsley, Lambeth, Lewisham, Liverpool, Manchester, Newham, Nottingham, Oldham, Salford, Sandwell, Sheffield, Southwark, Tower Hamlets, Waltham Forest, Wandsworth, Westminster and Wolverhampton. Home Office (2013) *Ending Gang and Youth Violence Review 2012-13*, www.gov.uk/governm ent/upl oads /s ys tem /uploads /attac hm ent_data/file /265463 /E nding_ gang_ you th_violence_12-13__3_.pdf. Another 10 were added in 2014: Barnet; Bromley; Havering; Hillingdon; Kensington and Chelsea; Luton; Ipswich; Thanet; Stoke-on-Trent; and Tendring. Home Office (2014a) 'Ending Gang and Youth Violence: government programme expanded', press release. www.gov.uk/government/news/ending-gang-and-youth-violence- government-programme-expanded.

91 See, Metropolitan Police, Freedom of Information Request, Information regarding Gangs Matrix, November 2015, www.met.police.uk/globalassets/foi-media/disclosure_2015/november_2015/information-rights-unit---information-regarding-gang-matrix

In addition to the wide range of agencies and actors who can put names forward for inclusion on the matrix, a range of agencies have access to the data. According to a Metropolitan Police reply to a 2017 Freedom of Information request, there is no definitive list of all the agencies that have access to the data on the Gangs Matrix because data sharing (including of matrix data) is governed by general Information Sharing Agreements (ISAs) at the borough level.[92] The Metropolitan Police declined to provide details of any information sharing arrangements, saying that this would exceed the cost threshold for a Freedom of Information response. However, their reply confirmed that there is no central list of people that Gangs Matrix data is shared with, and that each borough has responsibility for deciding what information is placed on the borough Gangs Matrix and which organisations and agencies it is shared with. The centralised Met Intelligence Unit maintained that it was not the data controller for the Gangs Matrix, which is managed at the borough level.[93]

Amnesty International spoke to a case worker from a youth charity who, between 2014 and 2017, regularly participated in GMAP meetings in five boroughs, and attended such meetings in 15 boroughs in total.[94] The youth worker confirmed that a wide range of agencies attended the meetings, including not only jobcentre and housing workers, but sometimes head teachers from local schools and representatives from local hospitals. Although information sharing practices varied between boroughs, the police would usually provide all those attending with a list of 15 or so individuals ranked on the matrix as highest risk in that area, to be discussed during the meeting. Often, this list would be sent to participants before the meeting as an email attachment. We saw one such document which includes the individuals' names, addresses, and other personal details, as well as the risk score assigned to them.[95] In some boroughs, the list was shown only during the meeting. In one EGYV borough a practitioner who regularly attended the GMAP meetings confirmed that the police would put the list of names on a screen together with their risk score, but would not circulate copies.[96]

According to the youth worker, the police never explained why the individual was on the list or why they were deemed to be high risk – nor even, whether they were a perpetrator or a victim of crime. Also, in contrast to other types of other police-led multi-agency meetings with which she was familiar, she noted that during GMAP meetings, it was never clearly agreed how data from the meetings could be shared afterwards.[97]

It is clear that 2011/12 national EGYV strategy encourages partner agencies to share data with each other. The illustration below shows the wide range of agencies and services that the government views as dealing with a 'gang member and their family' – across health, education, local government, employment and the criminal justice system. The strategy states: 'Only by encouraging every agency to join up and share information, resources and accountability for outcomes for families like these can these problems be solved.'[98]

92 See, Metropolitan Police, Freedom of Information Request, Gang databases – information sharing agreements, June 2017, www.whatdotheyknow.com/request/gang_databases_information_shari#incoming-1025274

93 See, Metropolitan Police, Freedom of Information Request, Gang databases – information sharing agreements, June 2017, www.whatdotheyknow.com/request/gang_databases_information_shari#incoming-1025274

94 Amnesty International interviews with youth worker, March 2018.

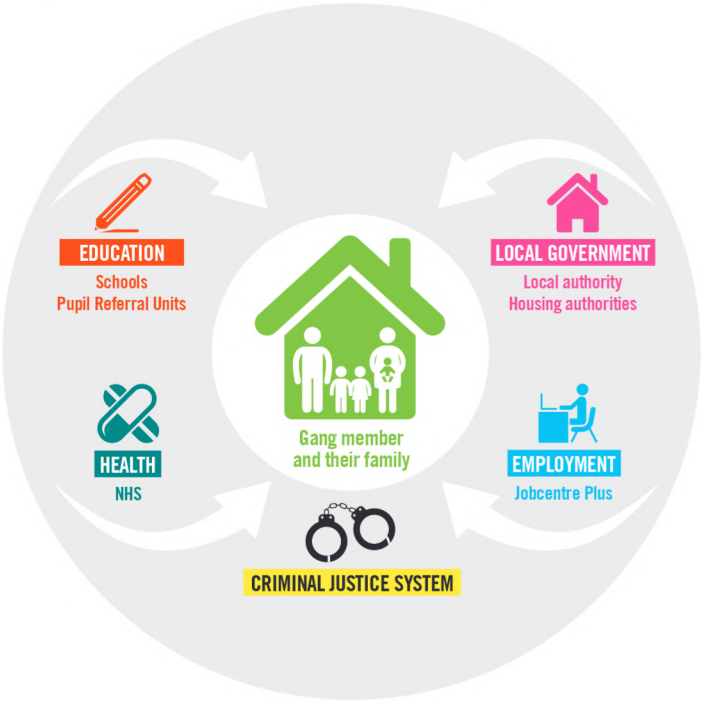
95 Amnesty International interviews with youth worker, March 2018.

96 Amnesty International interview with practitioner, March 2018.

97 Amnesty International interview with youth worker, March 2018.

98 Home Office, *Ending Gang Violence and Youth Violence*, p14.

**Range of agencies involved with a typical gang member and their family**




The experiences and anecdotal examples we compiled during our research supports the conclusion that the Gangs Matrix is shared with a wide range of local authority services and agencies. Although part of the rationale for sharing information from the matrix is to enable the diversion of 'gang nominals' from gang activity, information sharing can lead to greater disadvantage and discrimination for the people on the database.

Below, we outline some examples of how data from the Matrix is shared, possibly on a widespread basis. We do not allege that specific human rights violations are occurring in the realms of immigration, housing, education or employment – which is beyond the scope of this research. Rather, we point to the risk that, given the uncertain veracity and accuracy of the matrix data, not to mention its racially biased nature, sharing that data could harm people's human rights.

## 4.2 IMMIGRATION

Among the government departments and agencies with which the Metropolitan Police shares data is UK Visas and Immigration (UKVI), the part of the Home Office responsible for immigration functions. These functions were formerly carried out by the UK Border Agency (UKBA).

When, in November 2012, Assistant Commissioner Mark Rowley announced Operation Nexus, a collaboration between the Metropolitan Police and the UKBA, he said the collaboration was 'about focusing on preventing risk on our streets for all of us, now and in the future. It is about operating quicker, smarter, with the best possible intelligence and practice.'[99] He said that Nexus would enable the police to share 'all available intelligence' with UKBA to identify 'high harm individuals to make sure they cannot get British citizenship while there are cases against them' and to give UKBA 'a complete picture of how dangerous and harmful individuals are'. The intelligence shared would include 'an important list of gang or violent offender associations'. March 2017 Home Office guidance on Operation Nexus confirms that intelligence provided by the Metropolitan Police could lead to both administrative removal and intelligence-led deportation. [100]

99 The announcement is referred to (at footnote 9) in *Strategic Legal Fund – Operation Nexus: Briefing Paper www.luqmanithompson.com/wp-content/uploads/Operation-Nexus-Briefing-Paper.pdf* and a copy of the MPS website report can be found at www.infologue.com/news/operation-nexus-launches/

100 See www.gov.uk/government/publications/operation-nexus-high-harm

Leading judicial rulings on Operation Nexus suggest that the Metropolitan Police have provided intelligence about gang affiliation to the immigration authorities, resulting in deportation orders. In a briefing on Nexus, immigration lawyers Luqmani Thompson & Partners observe that 'The leading authorities to date are V; Bah; and Farquharson. All three cases involved appeals against orders made by the [Home Secretary] to deport on the basis of suspected criminality. In the cases of V and Bah, this included allegations of gang membership and associated crimes.'[101] In the case of Mohammed Bah,[102] a 25-year-old Sierra Leonean national with only minor convictions, alleged membership of a prominent London gang was one of the primary bases for the decision to deport. Three police officers gave evidence in deportation hearings but refused to disclose the names of their sources.

Given the weaknesses in the way data on the matrix is determined and managed, and the disproportionate representation of BAME individuals, it is of grave concern that individuals may be subjected to administrative removal or deportation on the basis of information from the matrix.

## 4.3 **HOUSING**

It appears from public records that data about an individual's gang association is shared between local authorities and housing associations and borough Gangs Units. For example, the London Gang Member Referral Guidance published by the London Councils in January 2017[103] states that when 'gang nominals' who are identified on the Gangs Matrix move between boroughs, temporary housing arrangements should be managed and financed by the referring borough. The receiving borough should '[a]ppoint a lead to oversee all of the housing issues such as housing benefit, council tax and application for permanent housing.' The document notes that it is not only the police who should have oversight over the movement of members of the Gangs Matrix, but 'all other relevant agencies'.

A former employee of a major London housing relocation programme told Amnesty International that, in practice, such information sharing rarely worked in young people's favour:

> **... information sharing sounds good. But in practice it is not good. It's the perception of those young people – there is so much about how police manage risk in relation to gang offending – it's not scrutinised, it's vague – it's just not in young people's best interests. They are always looking at young people through the lens of 'they are risky', not that 'they are at risk'. There is a propensity to share information that restricts young people's options, not expands them...Landlords don't want to take them on as tenants.**[104]

This former housing relocation officer told Amnesty they had seen the police resort to an escalating range of measures designed to put pressure on a young person by targeting their family and housing situation. This happened when the police believed that young people on the Matrix were offending but could not find evidence to secure a conviction:

> **In those cases, I have seen police going after parents or families and to try and get prosecutions for things like not having a TV licence. Generally, this would not be high-level policing priority but it's used as a tool to put pressure on the young person that is their actual target but they don't have intelligence or evidence to pursue it.**[105]

Staff at Borough Gangs Unit A corroborated this, saying that the Metropolitan Police referred to this approach as 'Achilles heel tactics'. The same term is used in the Gang and Knife Crime

101 www.luqmanithompson.com/wp-content/uploads/Operation-Nexus-Briefing-Paper.pdf
102 Bah (EO (Turkey)) – liability to deport) [2012] UKUT 00196 (IAC).
103 *London Gang Member Referral Guidance*, 30 January 2017, www.londoncouncils.gov.uk/node/1344
104 Amnesty International interview with former employee of major housing relocation programme, September 2017.
105 Amnesty International interview with former employee of major housing relocation programme, September 2017.

Action Plan of the East Area Basic Command Unit (which includes the boroughs of Barking and Dagenham, Redbridge and Havering), where there are 209 gang nominals on the Gangs Matrix.[106] The action plan describes a four-pronged strategy: Pursue, Prevent, Protect and Prepare:

- The Pursue element of the strategy explicitly includes 'utilis[ing] Achilles heel tactics';
- The Prevent prong calls for a target hardening (the strengthening of the security of a building or location) in which a '[m]ulti-agency approach [is] to be utilised', including 'civil injunctions, eviction notices and licensing'.
- In the Protect element, the strategy notes the need to 'Safeguard repeat victims and 'Consider use of target hardening and special schemes.' It adds: 'Liaison with housing authority may be required.'

Anecdotal evidence supports the suggestion that police escalation of pressure on a gang nominal's family includes issuing eviction threats. Local staff and the young people Amnesty spoke to both said that the Trident Gang Command sometimes sends letters to the families of individuals on the Matrix urging changes in behaviour, and threatening eviction for failure to comply. In the words of a staff member at Borough Gangs Unit A, eviction threats were one of the 'three most celebrated tactics' used by the Metropolitan Police against gangs; the other two were imprisonment and deportation.

Amnesty International has not been able to confirm the extent to which evictions threats have been sent because of an individual's presence on the Matrix, or whether any evictions have been carried out on that basis, but the sharing of data from the Matrix with local authorities and housing associations is a cause for concern given the potential for its use to violate human rights and the problematic ways in which people are identified for inclusion on the Matrix.

## 4.4 EDUCATION

The London Gang Member Referral Guidance suggests that schools are recipients of Gangs Matrix data, or are at least informed when a student is a 'gang nominal'. It recommends that the Local Authority 'ensure all relevant organisations are informed of [a gang nominal's] move to another borough: eg school and voluntary organisations.'[107]

Officers at Borough Gangs Unit A told Amnesty International that working with local schools had become an increasing priority for Gangs Units, with information being shared both ways. However, the same Unit reported that some schools push back and refuse to accept intelligence on their pupils, on the grounds that school policy may then force them to exclude the young person in question: 'Some schools are great, they say come in and do some work. Others are the opposite and say "If you give us this we are going to have to expel them".'[108]

Exclusions in the UK already disproportionately affect black young people with black Caribbean pupils being three times as likely to be permanently excluded as white British pupils.[109] We have not confirmed whether information from the Matrix has been used by schools to make decisions to expel pupils. However, given concerns with the accuracy of the information on the Matrix, there is a risk that police intelligence-sharing with schools focused on 'gang association' could lead to those children being treated differently without good cause, and perhaps even being excluded unnecessarily from education.

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106 *EA BCU Gangs and Knife Crime Action Plan*, prepared since January 2017 (when the EA BCU was established), www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwicnOW9rPjZAhUJKMAKHfEGC6UQFggsMAE&url=https%3A%2F%2Fmodgov.lbbd.gov.uk%2Finternet%2Fdocuments%2Fs118025%2FItem%25208a.%2520Gangs%2520and%2520Knife%2520Crime%2520Action%2520Plan.pdf&usg=AOvVaw2KIi4mt_U2dIZZoOjmqwhe

107 *London Gang Member Referral Guidance*, 30 January 2017, www.londoncouncils.gov.uk/node/1344

108 Amnesty International interview with officials at Borough Gangs Unit A, October 2017.

109 Race Disparity Audit, 10 October 2017, www.gov.uk/government/publications/race-disparity-audit

## 4.5 EMPLOYMENT

Police data on gangs is also shared with Jobcentres Plus across London. In a reply to a Freedom of Information request in July 2015, the Department of Work and Pensions revealed that the 'latest cumulative figures, February 2012 to May 2015, for London, show 3725 gang involved, or at risk of being gang involved, individuals have been worked with since the programme began.' In Lambeth the local council has confirmed that Jobcentre Plus has a dedicated worker to deal with individuals on the Gangs Matrix.[110] The London Gang Member Referral Guidance also stipulates that the local gangs Single Point of Contact should inform the relevant colleague in the Department of Work and Pensions in the receiving borough within 24 hours, 'to ensure continuity of benefits'.[111]

Amnesty International has not corroborated how information sharing from the matrix affects people in their interactions with job centres and employers, but anecdotal evidence indicates that there is a risk of stigmatisation. We interviewed a Jobcentre Plus Gang Adviser who is permanently based with Borough Gangs Unit A. We asked whether being included in the Jobcentre Plus gang caseload might attach additional stigma to the young people in question and present an additional barrier to their access to employment opportunities. The adviser replied that having a criminal record was a far bigger barrier. However, they also emphasised that the Gang Adviser title had recently been changed to 'Community Engagement Adviser' in part because of stigma among employers when it came to 'the G-word'.

### CASE STUDY

**'We have the power to evict you from your house'**

Omar had recently graduated from a part time post graduate course in sustainable leadership in Business at Cambridge University in early 2012 when his mother received a threatening letter from the Metropolitan Police.

'It was one of those template letters,' Omar explains. 'The [police] send them round. It said something like "your son is involved in gang activity and if he continues we have the power to evict you from your house."'

Omar was no longer living at home. In fact, both he and his family had moved away from Wandsworth borough, where he grew up. He had been convicted in 2008 for possession with intent to supply class A drugs, and spent two years in prison. But since coming out, he had moved on with his life. By now he was 22 and was living half the year in Maddingly College for his studies in Cambridge, while working to set up a social enterprise that aimed to reduce reoffending and inspire young people in inner city London. His family had relocated to Wimbledon, where they rented a house privately, and he lived there when not in Cambridge.

But the Metropolitan Police still had Omar listed as belonging to a gang in Wandsworth and had his family's new address on file. He told his mentor and employer about the letter:

> **My employer at the time contacted them saying how dare they send the letter. He pointed out I was doing charitable work, enrolled in a postgraduate course at Cambridge. The police responded that 'your name is in the system and it was sent out automatically' and they apologised.**

It was not the first time his alleged 'gang status' had intruded on his fresh start. One year earlier, his family's home had been raided by the police as part of a gang enforcement operation led by Wandsworth Borough. The police handcuffed his mother, father and younger sister (Omar was not living at home) and tried to 'recall' him to prison, something they could do given that

110 *Safer Lambeth Partnership – Appendix 1 & 2*, available at moderngov.lambeth.gov.uk
111 *London Gang Member Referral Guidance*, 30 January 2017, www.londoncouncils.gov.uk/node/1344

he was still on licence for his previous offence. However, his probation officer opposed recall, explaining that there was no evidence to indicate he was involved in any criminal behaviour. He was required to sign in at the Wandsworth police station every day, meaning he could no longer live in college.

> **They ordered me to sign in at the police station every day in Wandsworth, so I used to have to drive every day at 6am to get to Cambridge for my lectures because I couldn't stay in the college. The crazy thing is I was not even associated with the area in any way, shape or form. I had completely moved away. If they were doing their job properly, they would have found out there was no way this is the right thing to do. Even my probation officer fought my corner and said I was complying with all the terms of my licence. After three months, they simply said no further action was required.**

Omar's is just one such story we have heard in recent months while researching the Gangs Matrix. In another case, a young man lost his collegel place after the college authorities found out the police had him listed as involved in a gang. In a particularly harrowing example, a family received a letter threatening eviction from their home unless their son ceased his involvement with gangs; their son had been dead for more than a year.

# 5. GETTING OFF THE MATRIX

> **'We know there is movement – people being taken on and off – because we can see it. Should there be more movement? Yes. Could it be a scrutinized process? Yes.'**
> Detective Superintendent Tim Champion, Trident Gang Command, MPS, October 2017

Mirroring the lack of a consistent approach to adding individuals to the matrix is the stark absence of clear protocols or agreed practice for review and for removing individuals from it. In a written response to Amnesty International in October 2017, Commander Ball stated 'all persons on the Matrix… are regularly reviewed and removed if appropriate.'[112] However, in practice, the decision to take individuals off the matrix appears to be discretionary and decided on an *ad hoc* basis by police officers at the borough level with little guidance.

For example, in an interview, Commander Ball told Amnesty he believed the review was between six months and a year.[113] He later clarified that the recommended period for review was at least every quarter.[114] Detective Superintendent Champion from Trident told us there was no set review period.[115] None of the officials we spoke to in the three borough Gangs Units could definitively say how frequently review of the matrix takes place or the criteria for removing someone's name. In Borough Gangs Unit A, officials said that there was a general pressure from the police in the Gangs Unit to 'keep people on' in case they later went on to commit a violent offence.[116] In Borough Gangs Unit B, an official commented, 'we don't review it as often as we should.'[117] In Borough Gangs Unit C the approach is 'to take them off if there is no direct evidence they are involved [in crime], usually over the period of three years. We will start looking at whether we keep them on.'[118] In the data Amnesty was able to review for the 2016 Gang Matrix in Haringey, at least one individual remained on the database despite comments that there was 'very little intel' and a previous conviction over four years old.

According to a former member of staff in the Westminster Integrated Gangs Unit, that borough had adopted a local policy to review the matrix list every six months and to remove individuals from the matrix if there had been no charges or 'they had not come to notice' during the previous year.[119] It is not clear whether this was a written policy or discretionary best practice.

The only sign of written guidance provided by the Metropolitan Police is a question in the Q&A document provided to staff and officers at the borough level by the Trident Gang Command: 'Is it important to regularly review the Matrix?' Detective Superintendent Champion from the Trident Gang Command told Amnesty that the answer is essentially, 'Yes, it is extremely important.' He elaborated: 'We know there is movement – people being taken on and off – because we can see it. Should there be more movement? Yes. Could it be a scrutinised process? Yes.'[120] In a letter to Amnesty International in October 2017, Commander Ball from the Trident Gang Command stated that over 4,000 people had been removed from the Matrix since its inception in 2012.[121] This is almost the same number of names listed in the Matrix as at October 2017. Commander Ball

112 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.
113 Amnesty International interview with Commander Duncan Ball, Trident Gang Command, October 2017.
114 Letter to Amnesty International from Commander Duncan Ball, May 2018.
115 Amnesty International interview with Detective Superintendent Tim Champion, Trident Gang Command, MPS, October 2017.
116 Amnesty International interview with two officials at Borough Gangs Unit A, October 2017.
117 Amnesty International interview with two officials at Borough Gangs Unit B, September 2017.
118 Amnesty International interview with official at Borough Gangs Unit C, September 2017.
119 Amnesty International interview with a former staff member of the Westminster Integrated Gangs Unit, October 2017.
120 Amnesty International interview with Detective Superintendent Tim Champion, Trident Gang Command, MPS, October 2017.
121 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.

wrote to us later that this high 'churn' showed that a process for adding people to the matrix and removing them from it did exist, and that it was being used.[122]

## CASE STUDY

### 'At what point do they take you off, when you're dead?'[123]

Paul knows well how difficult it is to get off the Gangs Matrix. He cannot even obtain any information about him that he is on the matrix. All he knows is that he is on it. Paul grew up on an estate in a London borough where the Metropolitan Police has a dedicated gangs taskforce. When he was a teenager, he was involved with gangs, although he questions the loose definition of the term. 'I lived in a certain area, had certain friends, went to a certain school. Does that make me in a gang?'

However, he is now 21, and for the past five years has had a very different role – on a youth group that works to help reduce youth violence in the area.

In this role, Paul was recruited as a Youth Ambassador for the borough's Gang Prevention Programme. He has given workshops to young people in schools in London and other parts of the UK, and advised local authorities, specialised services, government and the police.

The group has won numerous awards for its efforts, and Paul himself has won an individual award recognising how he has turned his life around. He has met and spoken with many dignitaries in his role, including the Home Secretary and the Mayor of London.

It was only through his work with the council that Paul learned of the existence of the Gangs Matrix – and was informed by a council official that he was on it. The police never told him.

Various professionals tried to have Paul taken off the matrix, based on his positive contribution to their gang prevention work. Eventually, in 2013 the police told Paul he had been taken off. But more recently, in a written response, the police confirmed that in fact, he was still on the matrix.

Paul still has no idea exactly why he is on the Gangs Matrix. He thinks it could be because of minor offences he committed when he was much younger. But for his job he recently did an enhanced Disclosure and Barring Service (DBS) background check, which outlines the subject's criminal record history. Nothing came up except for driving offences, and an incident when he was 12.

Paul wonders, 'Why are you still on to me? Just let me live my life. If I was a white guy from Essex this wouldn't be happening.' He thinks the real reason that he is on the matrix is probably because of the estate he grew up in, or through association with friends and family members. 'Will they put on my whole family, friends, someone I shook hands with – until everyone is on the matrix? At what point do they take you off, when you're dead?'

With the help of a solicitor, Paul submitted a formal request to receive all the information about him held on the matrix, including when he was put on it, why, and how he could appeal. The police refused, saying that they were not required to give the information because under the Data Protection Act it falls under the exemptions for data processing for purposes including the prevention or detection of crime.

Paul thinks people should have access to this information, because 'You can't defend yourself if you don't even know about it.' But to this day, because of his current work, he is the only one of his friendship group who even knows that the matrix exists.

122 Letter to Amnesty International from Commander Duncan Ball, May 2018.
123 Amnesty international interview, March 2018. Paul's name has been changed to protect his identity.

# 6. IS THE GANGS MATRIX EFFECTIVE?

**'Gangs are, for the most part, a complete red herring... fixation with the term is unhelpful at every level.'**
Senior officer of the Metropolitan Police

## 6.1 COUNTER-PRODUCTIVE DISCRIMINATION: UNDERMINING TRUST IN POLICE

The 2017-21 Police and Crime Plan points out that BAME Londoners hold less confidence than white Londoners in the police.[124] This is also reflected nationally. The UK government's recent Race Disparity Audit shows that confidence in the police is lower among young black adults than in any other ethnic demographic: only about three out of five black people aged 16 to 24 reported that they had confidence in the police.[125]

Stafford Scott, from the the Monitoring Group, argues that the Gangs Matrix may become counterproductive and further erode trust in and legitimacy of the police:

> **Our community needs a police service to stop the murders but the community won't engage with the police if they're forever coming up with oppressive forms. The matrix reaffirms to the community that there is an institutionalised racist way of policing. So the community is more likely to protect the kids than hand them over to the police... It doesn't work, it just further marginalises this group of kids. The impact is felt years and year and years later.**[126]

The Metropolitan Police also acknowledge that community trust is vital for dealing with serious youth violence and offending. In the words of Detective Superintendent Tim Champion from the Trident Gang Command, '[the matrix is] counterproductive now. Without a doubt, from the community perspective... Every example of someone who should not be on the Gang Matrix is not at all helpful. Every incident that happens sets us back.'[127]

Martin Griffiths, a trauma surgeon at the Royal London Hospital who deals with hundreds of cases of stabbings each year, and who works with schools and young people to reduce violence, told Amnesty that in his view:

> **We struggle with effective policing for lots of reason. Police have a very difficult job to do in a community they have lost contact with. Community policing is failing in the areas where they need to be strongest.**[128]

For him, tools like the Gangs Matrix were 'entirely unhelpful' and used to 'keep spinning wheels rather than resolving the issues'. He concluded that:

> **The Matrix is not fit for purpose, never has been, never will. It feeds an industry based on violence reduction...distorted to fit a narrative: All knife crime is committed by young Black men in gangs.**[129]

All available evidence indicates that the vagueness of the gang label and the degree of discretion officers have to assign it mean that it is assigned haphazardly. In practice, it is disproportionately assigned to BAME people, reflecting a historic pattern of over-policing of BAME communities.

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124 www.london.gov.uk/sites/default/files/mopac_police_and_crime_plan_2017-2021.pdf
125 Cabinet Office, *Race Disparity Audit*, October 2017, p36.
126 Amnesty International interview with Stafford Scott, the Monitoring Group, June 2017.
127 Amnesty International interview with Detective Superintendent Tim Champion, Trident Gang Command, MPS, October 2017.
128 Amnesty International interview with Martin Griffiths, Royal London Hospital, August 2017.
129 Amnesty International interview with Martin Griffiths, Royal London Hospital, August 2017.

Moreover, the conflation of certain elements of urban youth culture with violent offending is heavily racialised and reinforces a perception of black boys and young men, in particular, as a risk to public safety.

## 6.2 OBSCURING UNDERSTANDINGS OF VIOLENCE AND CRIME

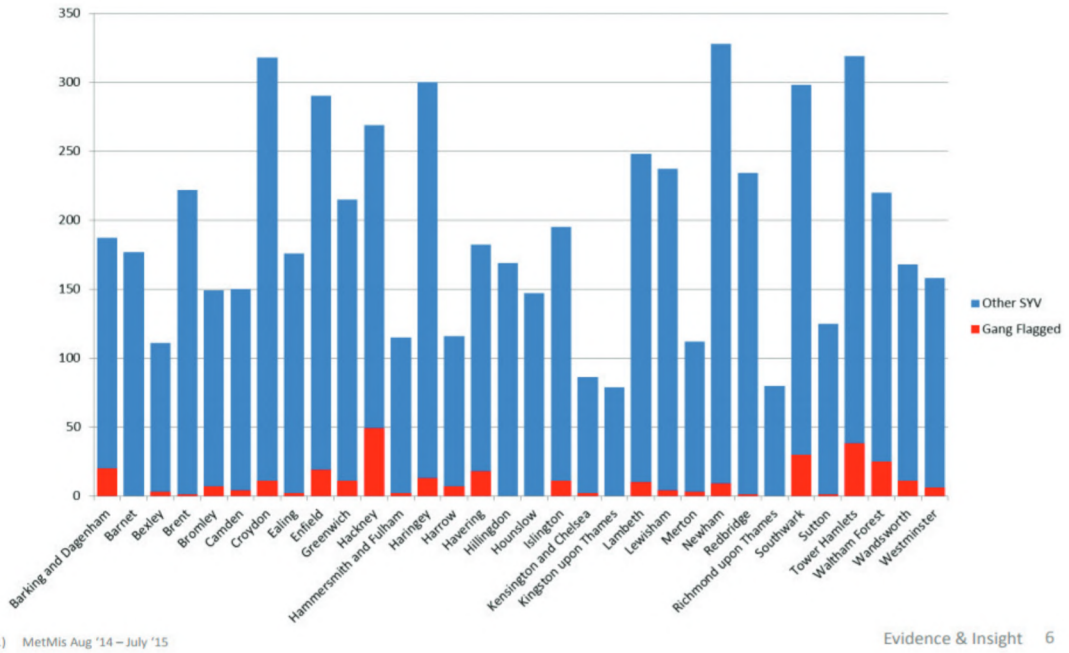
The Gangs Matrix is part of a broader approach in which the Metropolitan Police 'gang-flag' crimes, in an attempt to identify what proportion of them are committed by gangs. This means that when entering a crime report on the Crime Recording Intelligence System (CRIS), the Met's London-wide crime database, officers have the option to tick a box if they believe the crime was committed by a gang member. It is unclear to what extent 'gang-flagged' crimes are limited to crimes committed by individuals on the matrix, or whether gang-flagging takes place independently of the matrix.

In 2016, in a publicly recorded meeting focused on MOPAC's gang strategy, Commander Ball from the Trident Gang Command replied to a question about the definition of a gang-flagged crime by stating, 'we have a very broad definition in terms of what we see as a gang-flagged crime, which effectively is if anybody thinks it is, and then flag it as a gang-flagged crime.'[130]

In addition to 'gang-flagging', the Metropolitan Police also track a number of types of crime that they consider to be proxies for gang crime – so called 'gang indicators'. Two of these gang indicators are serious youth violence (defined as a victim being under 20) and knife crime with injury unrelated to domestic violence and where the victim is under 25. The rationale underpinning the launch of the Trident Gang Command and national EGYV policy in 2011/12 was that these types of crime could be tackled by identifying and focusing law enforcement at 'gang' members.

However, MOPAC data suggests that in reality, it is wrong to conflate 'gang crime' with these indices of serious violent crime. In February 2016, MOPAC presented data showing that gang-flagged violence is only a small percentage of serious youth violence cases in London. In the words of Graeme Gordon from MOPAC, who presented the chart below:

**Gang crime is a small percentage of serious youth violence**




1) MetMis Aug '14 – July '15

Evidence & Insight 6

130 See, Mayor's Office for Policing and Crime, *MOPAC Challenge – Gangs*, Transcript, 2 February 2016, www.london.gov.uk/sites/default/files/mopac_challenge_gangs_2_february_2016_-_transcript.pdf, p10.

**What this slide shows is that gang-flagged crime, which is indicated in red on this slide, is only a small percentage of the total serious youth violence, which are the blue bars on this chart. So in other words, serious youth violence does not equal gang crime. Although the number of victims of serious youth violence is used as a proxy for gang crime, this stacked bar chart shows that the number of offences marked as 'Gang related' is pretty low across the board.**[131]

Gordon also presented MOPAC data on knife crime and injury in London, including the revelation that more than 80 per cent of all knife-crime incidents resulting in injury to a victim under 25 in London were deemed *not* to be gang related. In other words, while the Metropolitan Police consider serious youth violence and knife crime with a victim under 25 as key 'gang indicators',[132] only a relatively small proportion of these crimes are actually committed by someone the police associate with a gang.

The problem is that while crime types such as knife crime and serious youth violence can be clearly described and measured, 'gang-flagged crime' has no consistent, objective meaning. Aside from the concerns this raises about arbitrary application of the gang label, it underscores how potentially ineffective that label is in providing the police with meaningful intelligence to tackle violent offending.

A senior officer of the Metropolitan Police with decades of experience working on serious youth violence privately told Amnesty International in September 2017 that in his opinion:

**Gangs are, for the most part, a complete red herring... fixation with the term is unhelpful at every level. A huge amount of time, effort and energy has been wasted on trying to define what a gang is when it wasn't necessarily relevant to what we're seeing on the streets.**[133]

Since early 2016, when MOPAC released new data, the Mayor's office has begun to back away from the problematic conflation of gangs with serious youth violence and knife crime. Mayor Sadiq Khan's June 2017 Knife Crime strategy took a markedly different tone, stating that 'it is important to understand that knife crime is much more than just gang related activity; focusing exclusively on gangs is not going to solve or adequately impact on our knife crime challenges in London.' The strategy also emphasised that 'the majority of knife crime is not gang-related', with gang-flagged crime accounting for just 5 per cent of all knife crime with injury in 2016.[134] The Mayor's office is currently undertaking a review of the Metropolitan Police approach to gang crime, including the Gangs Matrix, as part of the London Knife Crime Strategy 2017.[135]

## STREET 'GANGS' VS 'ORGANISED CRIME'

The Metropolitan Police have an obligation to protect people in London from serious crime. Given that both serious youth violence and knife crime are on the rise, tackling violence should be a clear policing priority.

Serious youth violence – any violent act with injury to a person under the age of 20 – often has a group or peer dimension to it. This may or may not be formalised by groups of young people who self-identify as belonging to an urban street 'gang'. Where such groups are routinely involved in serious criminal or violent acts, the police clearly have a mandate to pursue effective intelligence and law enforcement approaches. At the moment, individuals who are suspected of involvement in urban street 'gangs' are added to the Gangs Matrix. This includes both individuals who have been involved in violence and those who, because of their suspected 'gang association', are perceived as being at risk of committing violence.

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131 *MOPAC Challenge – Gangs*, Transcript, 2 February 2016, p3.

132 *MOPAC Challenge - Gangs*, Powerpoint, 2 February 2016, p3.

133 Amnesty International meeting with senior member of the MPS, September 2017.

134 See, Mayor of London, *London Knife Crime Strategy*, June 2017, www.london.gov.uk/sites/default/files/mopac_knife_crime_strategy_june_2017.pdf, p8.

135 Mayor of London, *London Knife Crime Strategy*, June 2017, p41.

At the sharper end of the spectrum are organised criminal networks operating across London who are involved in serious and highly structured criminal offending. This includes drug dealing inside and outside London, trafficking of weapons, and child sexual exploitation. These networks may sometimes be referred to as 'gangs' by police and other agencies but in practice the Metropolitan Police have a separate database for tracking what they view as 'organised crime', the Organised Crime Group Mapping (OCGM) database.

Commander Ball of the Trident Gang Command told Amnesty International in October 2017:

> **Where gangs become more organised they would hit the OCGM. It is a database of more serious organised crime looking at things like county lines activity, drugs and exploitation of vulnerable kids. This is essentially criminal business. The nature of street gangs is they are more fluid, more chaotic.**

# 7. IS THE GANGS MATRIX LAWFUL?

Amnesty International does not dispute that the police need to be able to gather data and intelligence to combat serious crime and protect the public. However, in doing so they must respect human rights and stay within the clearly defined limits of the law.

## 7.1 INTERNATIONAL HUMAN RIGHTS LAW

Article 17 of the International Covenant on Civil and Political Rights (ICCPR), to which the United Kingdom is a state party, provides that 'No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence', and that 'Everyone has the right to the protection of the law against such interference or attacks.'[136] As the UN High Commissioner on Human Rights has emphasised, 'other rights may be affected by … the collection of personal data … includ(ing) the rights to freedom of opinion and expression, and to seek, receive and impart information; to freedom of peaceful assembly and association; and to family life.'[137]

The UN High Commissioner on Human Rights has also emphasised the importance of the right to non-discrimination in the application of the right to privacy. Article 26 of the ICCPR provides that 'All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.' It adds:

> **In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.**[138]

The UN Human Rights Committee's General Comment 18 on Non-Discrimination also makes clear that 'non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights.'

The right to privacy is also guaranteed by Article 8 of the European Convention on Human Rights, which is incorporated into UK domestic law through the Human Rights Act 1998. Article 8 confers on everyone a right to 'respect for his private and family life, his home and his correspondence'. A 2009 judgement by the European Court of Human Rights in *Bouchacourt v France* ruled that '(t)he mere storing of data relating to the private life of an individual amounts to an interference within the meaning of Article 8.'[139] This was echoed by the UK Supreme Court in *R (Catt) v Commissioner of Police of the Metropolis* in a 2015 judgement, in which Lord Sumption stated, 'it is clear that the state's systematic collection and storage in retrievable form even of public information about an individual is an interference with private life.'[140]

The right to privacy under Article 8 may be lawfully limited in some situations. However, any limitation must be 'in accordance with the law', pursue one of the legitimate aims foreseen in Article 8.2, and must be 'necessary in a democratic society'. The European Court has held that the notion

136 International Covenant on Civil and Political Rights, 16 December 1966, www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx

137 See, United Nations High Commissioner for Human Rights, *The right to privacy in the digital age*, June 2014, www.ohchr.org/Documents/Issues/DigitalAge/A-HRC-27-37_en.doc, p5.

138 United Nations High Commissioner for Human Rights, *The right to privacy in the digital age*, June 2014, www.ohchr.org/Documents/Issues/DigitalAge/A-HRC-27-37_en.doc, p12.

139 See, European Court of Human Rights, *Personal data protection*, www.echr.coe.int/Documents/FS_Data_ENG.pdf, p1.

140 See, Supreme Court, *R (Catt) v Commissioner of Police of the Metropolis (Judgement)*, www.supremecourt.uk/cases/docs/uksc-2013-0112-judgment.pdf, p5.

of necessity implies that 'an interference corresponds to a pressing social need and, in particular, that it is proportionate to the legitimate aim pursued'.[141]

Article 14 of the European Convention on Human Rights, as incorporated in the Human Rights Act 1998, also protects individuals from discrimination 'on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status' in the enjoyment of the rest of rights incorporated in the convention.[142]

## 7.2 IN ACCORDANCE WITH THE LAW?

In the UK, the police possess various powers to obtain and store personal information for the purposes of fighting crime. As the Supreme Court stated in *R (Catt) v Commissioner of Police of the Metropolis*, in March 2015 'At common law the police have the power to obtain and store information for policing purposes, i.e. broadly speaking for the maintenance of public order and the prevention and detection of crime.'[143] Similarly, the police and local authorities believe they have implied power to share data, as part of their statutory duty under section 6 of the Crime and Disorder Act 1998 to formulate and implement strategies to reduce crime in their area, although presumably this is for that purpose only.[144]

These powers are, however, conditional and several safeguards must be in place to prevent misuse of this data. Under UK law, a number of statutory provisions explicitly limit the use of the Gangs Matrix by the Metropolitan Police. Specifically, the Data Protection Act (DPA) and associated instruments, and the Regulation of Investigatory Powers Act (RIPA) contain provisions that directly address the acquisition and processing of personal data used for the Gangs Matrix.

### 7.2.1 COMPLIANCE WITH THE DATA PROTECTION ACT 1998

The DPA controls the power of the police to collect and retain data. It is about to be updated by the EU General Data Protection Regulation (GDPR) which comes into force in May 2018. The DPA was established to ensure a 'high level of protection' aimed at satisfying (among other standards) article 8 of the European Convention on Human Rights. In policing, the DPA itself is supplemented by a Code of Practice and accompanying Guidance for data protection issued under the Police Act 1996.[145] As of May 2018, a Data Protection bill was making its way through the UK Parliament. The bill is intended to incorporate the requirements of both the GDPR and the Law Enforcement Directive (Directive 2016/680) which regulates the processing of personal data for the prevention, investigation and prosecution of criminal offences.

The DPA, the GDPR and the Data Protection bill share a number of fundamental principles pertaining to data collection by any agency in the UK. These principles are designed to guard against potential abuse, misuse or adverse consequences for the individuals whose data is held.[146] And the Metropolitan Police, in their capacity as data controllers, must comply with them unless an exemption applies. The principles are supplemented by the Management of Police Information (MoPI) Code of Practice (2005) and accompanying guidance.[147] The data protection principles in the DPA that are relevant to the Gangs Matrix are:

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141 See, European Court of Human Rights, Olsson v. Sweden (1988) at para. 67, www.bailii.org/eu/cases/ECHR/1988/2.html

142 European Convention on Human Rights, www.echr.coe.int/Documents/Convention_ENG.pdf

143 *R (Catt) v Commissioner of Police*, p5.

144 R (Ellis) v Chief Constable of Essex Police [2003] EWHC 1321 (Admin) at [32]. See, Criminal Justice System, *Publicising Sentencing Outcomes*, December 2009, www.cjp.org.uk/EasysiteWeb/getresource.axd?AssetID=5097, p7.

145 See, National Centre for Policing Excellence, *Code of practice on the management of police information*, July 2005, library.college.police.uk/docs/APPref/Management-of-Police-Information.pdf.

146 See, The Data Protection Act 1998, www.legislation.gov.uk/ukpga/1998/29/pdfs/ukpga_19980029_en.pdf.

147 *Code of practice on the management of police information*, July 2005 and College of Policing, *Management of Police Information*, www.app.college.police.uk/app-content/information-management/management-of-police-information

- **Principle One**
  **Personal data must be processed fairly and lawfully.** This is the first and most significant data protection principle. A higher standard is applied if the personal data being held or processed is sensitive personal data, which includes, for example, information on ethnicity and race or information related to the commission or alleged commission of any offence.[148] According to the guidance issued by the UK's independent oversight body on data protection, the Information Commissioners Office (ICO), 'the presumption is that, because information about these matters could be used in a discriminatory way, and is likely to be of a private nature, it needs to be treated with greater care than other personal data.'[149] In order to be considered lawful, the data processing (which includes collection and analysis as well as sharing) must be necessary for the purposes of legitimate interests pursued by the police, third parties or parties to whom the data is disclosed. For sensitive data, the police must be able to justify the data collection by citing at least one of the reasons outlined in Schedule Three of the DPA. The processing must also be proportionate to the aim pursued.
- **Principle Two**
  **Personal data should not be processed in any manner incompatible with the specified and lawful purpose for which it was obtained.** Sharing of information with another agency for a purpose other than the prevention and detection of crime must be compatible with that purpose. According to police guidance, it should take place under the auspices of an information sharing agreement.
- **Principle Three**
  **Anyone recording personal data must ensure that it is adequate, unambiguous and appropriately worded.** Police guidance states that 'this includes ensuring that personal data is clear in meaning and sufficient for others to understand at all times, taking particular care to ensure that records of investigations are recorded such that subsequent enquirers can understand the context, rationale and outcome of what took place. There must be measures to ensure that opinions are distinguishable from matters of fact.'
- **Principle Four**
  **Personal data must be accurate and kept up to date.** According to police guidance, 'Forces should maintain accuracy standards by implementing protection compliance audits, inspections and monitoring. Where there are inaccuracies, forces must take steps to lessen the damage or distress caused to the data subject or any other person.'
- **Principle Five**
  **Personal data processed for any purpose must not be kept for longer than necessary.** Police guidance stipulates that 'Forces should regularly review personal data to establish whether it is still required, and dispose of it as necessary and warns that 'If personal data is kept for longer than necessary then it is likely to be both irrelevant and excessive.' Precise retention protocols are left to the discretion of individual police forces.
- **Principle Six**
  **Rights of data subjects must be respected.** This includes guaranteeing people (a) rights of access to a copy of the information held on them (subject access), (b) rights related to processing likely to cause damage or distress, (c) rights to correct inaccurate personal data, and (d) the right to compensation. The Law Enforcement Directive and Data Protection bill (which implements the directive) also include a new right to erasure or restriction of processing in certain circumstances.

There are, of course, provisions in both existing and proposed law which exempt police and other government agencies from some requirements in certain circumstances. For example, Section 29 of the DPA is particularly relevant to police databases: it creates exemptions to certain principles where data is shared for the purposes of:

- prevention or detection of crime
- apprehension or prosecution of offenders
- assessment or collection of any tax or duty.

148 Data Protection Act 1998.

149 See, Information Commissioner's Office, *Key definitions of the Data Protection Act*, https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/

These exemptions apply when adhering to certain data protection principles – notably the requirement for consent, issuing fair notice or responding to a subject access request – would be 'likely to prejudice' any of these purposes. The DPA does not explain 'likely to prejudice'. However, the ICO's view is that 'for these exemptions to apply, there would have to be a substantial chance (rather than a mere risk) that complying with the provision would **noticeably damage** one or more of the crime and taxation purposes.'[150] The ICO is explicit that exemptions must be applied on a case by case basis and that 'exemptions only permit you to depart from the Act's general requirements to the minimum extent necessary to protect the particular functions or activities the exemptions concern.'[151]

A similar provision exists in Schedule 3, section 2 of the Data Protection bill. The GDPR provisions in the bill do not apply to personal data processed for, among other things, the prevention or detection of crime if the application of those provision would be 'likely to prejudice' the relevant purposes. However, unlike the DPA, the Data Protection bill contains a separate regime applicable to law enforcement which is not subject to vast exemptions (although under section 79 some requirements can be restricted if the relevant minister issues a national security certificate). The law enforcement regime is more permissive than the GDPR provisions; for example, a subject access request can be refused or restricted on a number of broad bases (section 45(4)).

Amnesty International is concerned that the deployment of the Gangs Matrix by the Metropolitan Police, and the potentially broad sharing of the matrix with partner agencies, could lead to a number of conflicts with the Data Protection Act and accompanying Code of Conduct and guidance. These conflicts include:

- The reliability and accuracy of the information on the matrix is undermined by the ad hoc and inconsistent standards and procedures for adding individuals to it. The police cannot guarantee the adequacy or unambiguity of the data, or ensure that opinions are distinguishable from matters of fact, in contravention of Principle Three. The evident lack of ongoing audits or reviews of the Gangs Matrix raises the question whether the data contained is accurate and up to date (Principle Four).
- It is likely that personal data remains on the Gangs Matrix longer than necessary because there is no standardised approach to reviewing and removing individuals from the Matrix at regular intervals (Principle Five).
- The sharing of matrix information with partner agencies, apparently on a widespread basis, raises concerns about compliance with a number of data protection principles, including whether the purposes for which partner agencies use the matrix data are compatible with the purposes for which the data was added to the matrix.
- Given the lack of clear criteria for adding individuals to the matrix, and the largely discretionary and ad-hoc approaches to review and removal of names, we are concerned that decisions about inclusion and removal are largely arbitrary. There are too few safeguards to prevent inaccurate or out-of-date information about an individual's 'gang associations' being shared with other agencies. This could lead to young people being profiled and then having their status on the Gangs Matrix shared across multiple agencies, without any practical means to challenge the accuracy of the inference being made.
- The Metropolitan Police state that they believe 'there is no legal requirement under the Data Protection Act 1998 for individual officers to conduct privacy impact assessments before sharing data about individuals with partner agencies.'[152] This is a major weakness in the safeguards contained in the DPA. Because data sharing between police and partner agencies has increased dramatically in the past decade, there is a clear need for greater scrutiny of how the status of individuals on the matrix may be used and shared in ways that could severely interfere with their right to privacy. The Law Enforcement Directive and Data Protection bill contain a

150 See, Information Commissioner's Office, *Guide to Data Protection*, https://ico.org.uk/for-organisations/guide-to-data-protection/exemptions/

151 Information Commissioner's Office, *Guide to Data Protection*.

152 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.

requirement that, in the context of law enforcement processing, agencies must undertake a data protection impact assessment '[w]here a type of processing is likely to result in a high risk to the rights and freedoms of individuals'.

- The Data Protection bill bestows on individuals a right not to be subject to a significant decision based solely on automated processing, unless that decision is required or authorised by law. We believe that assigning an automated risk score to a 'gang nominal' on the matrix may be such a decision. And in the bill, that sort of decision triggers a requirement to notify the data subject in writing and give them the right to request reconsideration of the decision.[153]

### 7.2.2 COMPLIANCE WITH THE REGULATION OF INVESTIGATORY POWERS ACT

In his 2014-2015 annual report, the Chief Surveillance Commissioner, Sir Christopher Rose, addressed the issue of social media monitoring and open source intelligence gathering (OSINT). He said:

> **Perhaps more than ever, public authorities now make use of the wide availability of details about individuals, groups or locations that are provided on social networking sites and a myriad of other means of open communication between people using the Internet and their mobile communication devices. *I repeat my view that just because this material is out in the open, does not render it fair game.* The Surveillance Commissioners have provided guidance that certain activities will require authorisation under RIPA or RIP(S)A and this includes repetitive viewing of what are deemed to be 'open source' sites for the purpose of intelligence gathering and data collation.** [Emphasis added][154]

This statement built on the conclusion in the 2013-14 Annual Report that:

> **In cash-strapped public authorities, it might be tempting to conduct on line investigations from a desktop, as this saves time and money, and often provides far more detail about someone's personal lifestyle, employment, associates, etc. But just because one can, does not mean one should. The same considerations of privacy, and especially collateral intrusion against innocent parties, must be applied regardless of the technological advances.** [Emphasis added][155]

There are two types of authorisation that may be required for social media monitoring under British law. Section 26 of RIPA requires law enforcement officers to obtain authorisation for directed and intrusive surveillance, and the conduct and use of covert human intelligence sources (CHIS).

- **Direct surveillance** includes covert surveillance undertaken 'in such a manner as is likely to result in the obtaining of private information about a person'.[156] It may only be authorised when it is necessary for, among other things, the purpose of preventing or detecting crime or disorder, and when it is proportionate.
- An officer uses a covert human intelligence source if that person 'establishes or maintains a personal or other relationship with a person' and 'uses such a relationship to obtain information'.[157]

Amnesty believes that, in the case of police officers 'friending' or otherwise forming an online relationship with a person of potential interest, an authorisation for covert human intelligence

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153 Section 50 of the Draft Data Protection Bill, version of January 2018.

154 Para 5.24, Annual report of the Chief Surveillance Commissioner, 2015. The report is no longer available online because of the Office of the Surveillance Commissioners has been amalgamated into the new Investigatory Powers Commisioner's Office. A summary of the 2015 report can be found here: https://actnowtraining.wordpress.com/2015/08/21/office-of-surveillance-commissioners-osc-annual-ripa-report-2015-key-points/

155 Para 5.31, Annual report of the Chief Surveillance Commissioner, 2014. The report is no longer available online because of the Office of the Surveillance Commissioners has been amalgamated into the new Investigatory Powers Commisioner's Office. A summary of the 2014 report can be found here: https://actnowtraining.wordpress.com/2015/09/10/facebook-social-networks-and-the-need-for-ripa-authorisations/

156 Section 26(2)(b) Regulation of Investigatory Powers Act 2000.

157 Section 26(8) Regulation of Investigatory Powers Act 2000.

source authorisation is required. This conclusion is supported by the 2011 guidance issued by the Chief Surveillance Commissioner:

> **308.2 [...]An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site's content).**
>
> **308.3 It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws.**
>
> **308.4 A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).**[158]

Amnesty International rejects the interpretation adopted by the Association of Chief Police Officers in their September 2013 document *Online Research and Investigation* that:

> **The initial interaction involved in the act of bypassing privacy controls (the sending and acceptance of a friends request) may be minimal. In many cases it is considered unlikely that this, by itself, will meet the RIPA definition of a 'relationship' and will not require authorisation as a Covert Human Intelligence Source (CHIS).**

When police view 'public' profiles and access open source material, the situation is more complicated. The 2011 guidance of the Chief Surveillance Commissioner concludes that 'Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required.' However, his more recent annual reports suggest a changing stance on the legitimacy of using open source intelligence without an authorisation. Amnesty firmly believes that, given the implications for individuals subjected to such directed surveillance (namely, the potential identification as a gang nominal and classification on the Gangs Matrix) no social media monitoring should take place to inform the Gangs Matrix without appropriate authorisation.

The use of OSINT information – including grime videos on YouTube and Facebook – to identify and map potential 'gang members' is of particular concern. There are many young people who are not involved in criminal wrongdoing but are at risk of being profiled and monitored by police Gangs Units simply because of the subculture to which they belong and the people with whom they associate online. As a Gangs Unit official in Borough B told us, what young people express on social media is not a reliable indicator of actual criminal behaviour. Yet interviews with Gangs Units A and C suggest that it is relied upon as an important source of intelligence on 'gang association' that can be used to justify someone being added to the Gangs Matrix.

Some officers may be circumventing the legal safeguards by setting up fake profiles and befriending or following young people's private accounts on social media without seeking a RIPA warrant, as they are legally required to do. This interferes with individuals' privacy and flouts the human rights protections enshrined in UK law.

## 7.3 NECESSARY AND PROPORTIONATE?

Can the Gangs Matrix and other collection and sharing of data on alleged gang members by the

158 Extract from OSC 2011 guidance, available in Association of Chief Police Officers, *Online Research and Investigation*, 26 September 2013.

Metropolitan Police be considered 'necessary and proportionate to meet a legitimate aim', in line with Article 8 of the Human Rights Act 1998 and international human rights law?

While collecting information on suspected gang members might serve the legitimate purpose of detecting and combatting serious crime, such measures must still be tested for 'necessity'. The European Court of Human Right has judged that 'necessity' implies two things: (1) that an interference corresponds to a pressing social need; (2) that it is proportionate to the legitimate interest pursued.

This requires an assessment of the police's need to maintain the Gangs Matrix in order to combat crime, balanced against the impact on the rights of the individuals whose data the matrix holds.

### 7.3.1 DO THE POLICE NEED THE GANGS MATRIX?

The Gangs Matrix was initially set up by the Mayor and police to respond to what they saw at the time as the pressing social need to tackle gang crime and serious youth violence. A former member of staff in the Westminster Integrated Gangs Unit, believes the Gangs Matrix filled an important gap. Before adopting the matrix in 2012, Westminster had a 'gangs multi-agency partnership' meeting where partners could nominate individuals involved in youth violence to discuss support interventions and enforcement.

> **How do you decide who in the borough gets those resources? The matrix helped to prioritise partner resources. How do you capture violence? Why has a young person jumped 30 places? There is a need to share information regularly on people to understand and manage escalating risk of violence; the matrix formalised that.**[159]

Commander Ball from the Trident Gang Command emphasised that the Gangs Matrix 'is important for us to ensure that we can effectively tackle the most violent offenders, yet also seek to divert away those who are at risk of being drawn into gang violence.'[160]

However, it appears that individuals who use the Gangs Matrix operationally do not necessarily agree that it has been effective in tackling violent crime. In Borough Gangs Unit A, officials commented that the matrix could be disbanded tomorrow and it would make little difference to the crime levels in the borough.[161] Another senior individual in the Metropolitan Police told Amnesty that 'gangs are, for the most part, a complete red herring' and that the matrix had prompted an 'entirely unhelpful' debate that did not correspond to what officers were seeing on the streets.[162] Even Detective Superintendent Tim Champion from the Met commented that 'the gang has had its day' and said that an alternative approach could be to re-focus the matrix on individuals involved with violent offending, without the distraction of the 'gang' label. (He emphasised, however, that it would still need to capture group dynamics in violent offending.)[163]

At the same time, the police have other means by which to track organised crime. Individuals who are currently on the Matrix that are of legitimate interest to the police because they are engaged in organised and violent offending are flagged separately in the Organised Crime Group Mapping (OCGM) database. As Commander Ball of the Trident Gang Command told Amnesty International in October 2017, the OCGM 'is a database of more serious organised crime … essentially criminal business. The nature of street gangs is they are more fluid, more chaotic'.

Police intelligence gathering on the 'more fluid, more chaotic' urban street gangs may be particularly prone to arbitrariness, given the hazy definition of the term 'gang' and the constantly changing

159 Amnesty International interview with former member of staff in the Westminster Integrated Gangs Unit, October 2017.

160 Letter to Amnesty International from Commander Duncan Ball, Trident Gang Command, October 2017.

161 Amnesty International interview with two officials at Borough Gangs Unit A, May 2017.

162 Amnesty International meeting with senior member of the MPS, September 2017.

163 Amnesty International interview with Detective Superintendent Tim Champion, Trident Gang Command, MPS, October 2017.

ways in which young people engage with group identities. And these group identities may or may not be linked to either 'gangs' or serious offending.

The Metropolitan Police argue that it is helpful to keep track of individuals on the 'periphery of violence', even if they have not been involved in serious offences, in order to divert them away from crime. However, people we spoke to who had direct experience supporting young people to reduce offending and encourage so-called 'gang exit' emphasised that law enforcement approaches had a limited impact on 'gang diversion'. In some cases, they were counterproductive because young people felt they could not trust the services offered: the perception was that these services were continually sharing data with the police.[164]

Moreover, the perception among communities that the Metropolitan Police hold a database that is 78 per cent composed of black boys and men, and that many of the individuals on it are not involved in serious offending, fuels anger and mistrust of the police. Detective Superintendent Champion said that the Metropolitan Police were working hard to build relationships with the community, because this was key to tackling violent crime. The Metropolitan Police have said they would look closely at any findings or recommendations from the MOPAC and Lammy reviews. Unfortunately, the matrix as it currently operates may be undermining these efforts.

### 7.3.2 IS THE GANGS MATRIX PROPORTIONATE?

Setting the need for the Gangs Matrix against the extent of invasion of privacy involved in its collection and sharing of data, and its disproportionate impact on black men and boys, we believe that the Gangs Matrix is currently a disproportionate tool.

The right to privacy is an important right in itself, and is also critical to the exercise of other rights, including the rights to freedom of opinion and expression; to seek, receive and impart information; and to freedom of peaceful assembly and association. The UN Special Rapporteur on Privacy considers that the right to privacy is essential 'to dignity and the free and unhindered development of one's personality' while the UN Special Rapporteur on Freedom of Expression has underscored that the ability to create 'a zone of privacy' online is key to protecting opinion and belief.[165]

In other words, privacy provides people with a space to form their identity without judgement, allows them to explore and develop their opinions and beliefs, and enables them to choose how they express themselves to the world. As ever more data is monitored and captured by public agencies such as the police, it is vital that stronger safeguards are put in place to protect the right to privacy. And individuals must be made aware of how their lives are being scrutinised and interfered with, how information about them is captured and retained, and how the inferences made can harm them in unexpected ways.

The type of data collection that underpins the Gangs Matrix focuses law enforcement efforts disproportionately on black boys and young men. It erodes their right to privacy based on what may be nothing more than their associates in the area they grow up and how they express their subculture in music videos and social media posts. Officials in borough Gangs Units monitor the social media pages and online interactions of people they consider to be 'at risk' of gang involvement, interfering with the privacy of a much larger group of people than those involved in any kind of wrongdoing.

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164 Amnesty International interviews with officials in Borough Gangs Unit A, May and November 2017; Amnesty International interview with Jonathon Toy, former Head of Community Safety and Enforcement at Southwark Council, September 2017; Amnesty International interview with former employee of major gang housing relocation programme, September 2017; Amnesty International meeting with youth worker in Wandsworth Borough, September 2017; Amnesty International interview with gang mentor and school Head of Year, August 2017; Amnesty International interview with Martin Griffiths, trauma surgeon and violence reduction advocate, Royal London Hospital, August 2017.

165 See, Human Rights Council, Statement by Mr Joseph A. Cannataci, Special Rapporteur on the right to privacy, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21248&LangID=E; and, Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye*, May 2015, www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A.HRC.29.32_AEV.doc, p5.

Given the failure to define who is a gang member and what is a gang, it is hard to see this data capture as anything other than profiling of black boys and young men. At the same time, it denies to black boys and young men the ability to express themselves, and explore and form their identities, without the constant scrutiny and judgement of the police and other public authorities. Such practices risk violating the right to non-discrimination under Article 14 of the Human Rights Act.

Moreover, the number of additional agencies who may access information on the database raises concerns as to the proportionality of the interference with the rights of the people concerned. This is before any potential further discrimination or other harm is considered.

In *Catt*, when the Supreme Court assessed the proportionality in relation to an interference with the right to privacy, the majority of the court saw it as relevant to establish whether the information retained carried 'any stigma of suspicion or guilt'.[166] It also considered it relevant to establish whether the material was useable or disclosable for any purpose 'other than police purposes', such as 'to potential employers or other outside interests'. Finally, the level of safeguards, including those relating to retention and deletion of data, were considered relevant in the assessment of proportionality.

On each of these points, the Gangs Matrix pose significant problems. First, inclusion on the matrix carries great 'stigma of suspicion or guilt' for many individuals who have no record of involvement in 'serious' or 'violent' offences (35 per cent and 40 per cent respectively) and yet are labelled as 'gang nominals' on the Gangs Matrix. The 'gang nominal' label becomes more than the sum of its parts, given the low threshold for getting added to the Matrix (two pieces of 'verifiable intelligence'), the absence of clear guidance or criteria, and the wide discretion given to police and partner agencies.

Next, this stigma of suspicion or guilt can follow individuals through their interaction with a wide range of local services, including Jobcentres, housing associations and schools. These services may not have enough context to judge the original intelligence, or the degree of a young person's alleged 'gang association'. Instead, inclusion on the matrix may be read as evidence of 'gang membership'. In this way the fine line between intelligence about a person's associations and evidence about their actions is easily erased.

In addition to this, the data sharing may also lead to negative outcomes in other areas of people's lives, such as in their access to housing. Again, this will have disproportionate impact upon BAME people. This affects not only those on the matrix but also, in the case of housing, their siblings and other family members. Because the human rights risks are so serious, we would expect to see the police holding and sharing such data only in the most limited manner possible, to meet a clearly defined and 'pressing social need'. Unfortunately, given the lack of clarity and safeguards and the competing priorities of the various agencies using the data, this is not currently the case.

We also found that sensitive data on individuals' alleged 'gang status' may be shared even if it is inaccurate and out of date, with adverse consequences for the individuals concerned. At the same time, processes for review and retention are largely discretionary, and are decided on an ad-hoc basis by police officers at borough level Given the sensitivity of the data held, some of it on children as young as 12, we would expect to see extremely rigorous, transparent and well-defined processes for review and removal from the Gangs Matrix.

We also doubt whether current practices provide sufficient routes for young people and their families to seek redress when inaccurate information about them is shared to the detriment of their rights. While complaints may be pursued in the courts or through a complaint to the Information Commissioner, the opaqueness surrounding the database means that most people will be unaware of the inferences being made about them or being shared with key services. Thus young people have no way to correct inaccurate information or otherwise challenge their inclusion on the matrix.

166 Supreme Court, *R (Catt) v Commissioner of Police of the Metropolis*, p16.

The police may have started to collect data on gang members in the pursuit of a legitimate aim. However, the Gangs Matrix raises serious questions over excessive interference with the right to privacy of individuals not involved in violent offending. And this interference disproportionately affects the rights of black boys and young men. The weak data governance and lack of safeguards that characterise the database show that it was designed and rolled out without sufficient regard for the rights of those included on it. In this light, the Gangs Matrix requires immediate and wholesale review.

# 8. CONCLUSION

> **'The gang has had its day'**
> Detective Superintendent Tim Champion, Trident Gang Command, Metropolitan Police Service.

This report provides a case study of how a politicised 'war against the gang' has become the crucial lens through which the Metropolitan Police and other government services view and attempt to address serious interpersonal youth violence, gun and knife crime in London.

In reality, as the Metropolitan Police point out, being in a gang or gang video is not in itself a crime. Many of the signs used to identify 'gang members' reflect elements of urban youth culture and identity that have nothing to do with serious offending.

This conflation of certain elements of urban youth culture with violent offending is heavily racialised. Indeed, the numbers speak for themselves: 87 per cent of those on the Gangs Matrix are BAME. Seventy-eight per cent are black, which is disproportionate, both compared to the number of black people in London (44 per cent) and to the number of black people responsible for serious youth violence in London (27 per cent).

At the same time, while it purports to be a risk management tool focused on combatting serious violence, a large proportion of people on the matrix have never been convicted of a serious or violent offence (35 per cent and 40 per cent respectively).

If the purpose of the matrix is to combat violence, what is the utility of such an overbroad database? 'The gang' is shown by MOPAC's own data to be a relatively ineffectual proxy for serious youth violence and knife crime among young people in London.

We are encouraged that both MOPAC and the Metropolitan Police seem to be aware of the human rights risks that stem from such inconsistent and overbroad application of the gang label across London boroughs. Detective Superintendent Champion from Trident acknowledged that 'the gang has had its day' in a meeting with Amnesty International in October 2017; he said the police did not look at gangs in isolation, but were considering wider violence and other criminal networks.

MOPAC's ongoing review into policing of gangs in London must include an increased focus on police intelligence on violent offending or organised crime – rather than ill-defined, subjective and probably racialised concepts of 'urban street gangs'. If MOPAC cannot demonstrate that the Metropolitan Police Gangs Violence Matrix has been brought into line with international human rights law, then the matrix should be dismantled and any future similar system must comply with these standards.

There are examples outside the UK of the gang database being dropped altogether. In September 2017, the police bureau in the US city of Portland, Oregon, decided to scrap their citywide gang database. Their statement acknowledged that 'As times have changed, the Police Bureau in partnership with community members have realised being labelled a "gang member" can have a negative impact on the person who may be making attempts to overcome the life challenges they face.'[167]

However, it will take more than cosmetic changes to right the wrongs inherent in the past decade of racialised policing of 'the gang'. The gang label is now employed widely outside the Gangs Matrix. Many services have case workers housed in Integrated Gangs Units across London boroughs. Some

167 See, Portland Tribune, *Police to stop designating gang members*, 8 September 2017, http://portlandtribune.com/pt/9-news/371649-255429-police-to-stop-designating-gang-members

boroughs keep their own separate gang lists, while Jobcentre Plus employs 'gang advisers' who are based in borough Gangs Units. Gang association is also flagged in other police databases, including the Automatic Number Plate Recognition (ANPR) database and the general police crime reporting database.

Casual, daily use of the 'gang' label by public authorities poses a risk to the rights of individuals who may be discriminated against by local services because they are perceived as 'gang nominals'. A thorough review by the appropriate public authorities of the issues raised in this report is needed to ensure the problems posed by the matrix are adequately understood across the various intersecting agencies and tackled appropriately to ensure human rights are protected. Public authorities, including the Information Commissioner, the Children's Commissioner and the Mayor's Office, should review and investigate data collection and sharing on alleged gang association.

There is, too, a pressing need for parliamentary scrutiny of the use of police gangs databases in other cities across the UK. We understand that Nottingham, Manchester and Birmingham all have multi-agency gangs strategies that involve collection and sharing of police data on 'gang association'. For this reason, we would ask that the Home Affairs Committee consider commencing an inquiry into police gangs databases with a view to examining the need for more extensive reform nationally.

## 8.1 RECOMMENDATIONS

On the basis of the evidence presented in this report, Amnesty International concludes that the Metropolitan Police Service Gangs Violence Matrix is not compliant with international human rights law. We therefore urge the relevant authorities to take the following steps:

### To the Mayor's Office of Policing and Crime, and the Metropolitan Police:

- Dismantle the Metropolitan Police Service Gangs Violence Matrix, unless MOPAC can demonstrate that it has been brought in line with international human rights law, in particular the right to non-discrimination.
- Ensure that MOPAC's ongoing review investigates the extent to which the Gangs Matrix complies with the rights to non-discrimination, privacy and family life, as contained in international human rights law. This should include:
  - The disproportionate representation of BAME individuals on the Gangs matrix, and the proportion of people on the matrix who have never been convicted of a serious or violent offence;
  - the use of 'Achilles' heel' tactics in enforcement action that has been informed by an Individual being on the matrix and score;
  - data sharing agreements with other agencies and voluntary organisations and subsequent discriminatory outcomes and stigmatisation;
  - and the processing and maintenance of data, particularly in the light of impending legislation to strengthen data protection rules.
- Introduce robust and standardised processes for data retention and review across any police databases that are shared widely with local authorities and government agencies; and introduce standardised mechanisms through which individuals can challenge and correct inaccurate information.
- Issue clear guidance to ensure that intelligence about alleged 'gang association' is not unduly equated with hard evidence of wrongdoing by public authorities, including in the areas of housing, citizenship, immigration, access to housing, education, eligibility for welfare or sentencing.

### To the Information Commissioner's Office:

- Open a full, public investigation into the use of gangs databases and matrices (including those used by London's Metropolitan Police, Manchester Metropolitan Police, and West Midlands Police) in order to:

- Consider whether gangs databases are in breach of basic data processing principles and violate privacy and non-discrimination rights.
- Issue recommendations for safeguards to prevent human rights abuses arising from the collection and sharing of sensitive data.

- Clarify and issue guidance on how the GDPR and the Data Protection bill will alter information management processes, particularly:
  - the use of automated processing in significant decision making and
  - police requirements for data protection impact assessments.

## To the Investigatory Powers Commissioner's Office:

- Open a full, public investigation into the use of social media intelligence gathering (SOCMINT) by law enforcement agencies in relation to gangs databases, including the Gangs Matrix, and issue guidance for applying RIPA and other laws.

## To the Home Affairs Committee:

- Commence an inquiry into all police gangs databases ,with a view to examining the need for more extensive reform at national level. Consider:
  - whether the MPS Gangs Violence Matrix, and other similar gangs databases used by forces across the country, are really an effective policing tool helping to deal with gang, gun, knife, and serious violent crime;
  - whether they operate in full compliance with human rights and data protection legislation, including any data sharing agreements;
  - whether they are influenced by racial bias and lead to discriminatory outcomes.

# GLOSSARY

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| ANPR | Automatic number plate recognition |
| BAME | Black, Asian and minority ethnic |
| CHIS | Covert human intelligence sources |
| CPS | Crown Prosecution Service |
| CRIS | Crime Recording Intelligence System |
| DBS | Disclosure and Barring Service |
| DPA | Data Protection Act |
| EGYV | Ending Gang and Youth Violence |
| FOIA | Freedom of Information Act |
| GDPR | EU General Data Protection Regulation |
| GMAP | Gangs Multi-Agency Partnership |
| ICCPR | International Covenant on Civil and Political Rights |
| ICO | Information Commissioner's Office |
| IDEPP | Independent Digital Ethics Panel for Policing |
| IGU | Integrated Gangs Unit |
| ISA | Information Sharing Agreement |
| OCGM | Organised crime and group mapping |
| OSINT | Open source intelligence |
| MOPAC | Mayor's Office for Policing and Crime |
| MOPI | Management of Police Information |
| MPS | Metropolitan Police Service |
| RIPA | Regulation of Investigatory Powers Act |
| SOCMINT | Social media intelligence gathering |
| UKBA | UK Border Agency |
| UKVI | UK Visas and Immigration |
| YOT | Youth Offending Team |

Launched by the Metropolitan Police in 2012, the Gangs Matrix is a database of suspected gang members in London. It purports to be a risk-management tool focused on preventing serious violence. But in practice it is a racially discriminatory system that stigmatises young black men.

This report raises serious concerns about how people are placed on the database, how information is shared with other agencies, and the adverse impact on the young black males who are disproportionately represented on it. As of October 2017, 3,806 people were on the Matrix. More than three-quarters (78 per cent) of them are black, a disproportionate number given the Met's own figures show that only 27 per cent of those responsible for serious youth violence are black.

Tackling serious violence and knife crime should be a clear priority for the Met, requiring both effective intelligence gathering and law enforcement tactics. But the Gangs Matrix targets a much wider group of people than those actually involved in serious or violent offending. The Met's policy may not be intentionally racist, but it nevertheless discriminates against people because of their race, identity and socio-economic background.

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