



College of Policing

Rotherham Report published

New AG Appointment confirmed

Hammerton v UK Changes to Human Rights Act

Digest | July 2018

A digest of police law, operational policing practice and criminal justice, produced by the **Legal Services Department** at the College of Policing



The reader's survey issue

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The Digest is a primarily legal environmental scanning publication intended to capture and consolidate topical and key issues, both current and future, impacting on all areas of policing.

During the production of the Digest, information is included from governmental bodies, criminal justice organisations and research bodies. As such, the Digest should prove an invaluable guide to those responsible for strategic decision making, operational planning and police training.

The College of Policing is also responsible for Authorised Professional Practice (APP). APP is the official and most up-to-date source of policing practice and covers a range of policing activities such as: police use of firearms, treatment of people in custody, investigation of child abuse and management of intelligence. APP is available online at www.app.college.police.uk

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Introduction

Thank you for accessing the July edition of the Digest produced by the Legal Services team at the College of Policing. To those who have signed up to be subscribers in July, welcome to the Digest community.

As you may have read in previous editions, Legal Services is a busy team whose primary role is providing legal support to the College. However, producing the Digest is our way of connecting with the College's members. It's something we take real joy and pride in producing. Our sincere hope is that through the publication, we can support our members. We are also thrilled that some of our subscribers have signed up simply because they find it an interesting read! Whatever your reasons for reading the Digest are, we hope you can help us by taking part in our [reader survey](#). It takes less than 2 minutes to complete and will help us understand what your preferences are and how we can change to improve our publication for our readers. Please get involved! We really want to hear from you.

Thanks for reading,

The Legal Services team

For subscription requests, further information or to send us ideas on what you'd like to see in upcoming editions, please contact us at:

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College news

We need your help: The future of the Digest

Help us shape the Digest into something that works for you

The Legal Services team takes real pride in drafting the Digest and hope that it is of use to you in your professional practice. To make sure we're on the right track, we need your help. Please take part in our very quick [survey](#) and let us know what you think. The survey should take less than 2 minutes to complete and will help shape future editions of the publication.

If you have any other ideas on what we can do to improve the Digest, please feel free to email us at digest@college.pnn.police.uk.

Thank you

The Legal Services team

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Legislation

Bills before Parliament

Assaults on Emergency Workers (Offences) Bill

The Assaults on Emergency Workers (Offences) Bill 2017-19 passed its third reading in the House of Lords on 24 July with no amendments. It is now awaiting Royal Assent before becoming an official Act of Parliament.

The bill was introduced to elevate offences carried out against on duty emergency workers, and those assisting emergency workers, to an 'aggravated' status. The bill also makes provisions for supplying intimate samples by those suspected of such assaults.

Find further information [here](#).

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Civil Partnerships, Marriages and Deaths (Registration etc.) Bill

The Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill reached committee stage in the House of Commons on 18 July 2018.

Among other matters, the bill covers the following key topics:

- provides that opposite sex couples may enter a civil partnership
- makes provision about the registration of the names of the mother of each party to a marriage or civil partnership
- makes provision about the registration of stillborn deaths
- gives coroners the power to investigate stillborn deaths.

The bill is due to have its report stage and third reading on [26 October 2018](#).

Find further information [here](#).

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Domestic Abuse Bill progress

The Home Office is working on a Domestic Violence and Abuse Bill, a draft of which is expected in autumn. On [17 July 2018](#) the Home Affairs Committee heard contributions on what ought to be included in the bill from experts, including speakers from the Local Government Association, Women's Aid, Southall Black Sisters and the National Police Chiefs' Council among others.

Details about the ongoing consultation can be found [here](#).

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Offensive Weapon Bill

The bill provides for updates to existing legal provision regarding offensive weapons including updates to measures regarding the sale of corrosive products and bladed articles to people under 18, amendments to the definition of 'flick-knife' and having a corrosive substance in a public place.

The bill has now been passed to a Public Bill Committee where it will be scrutinised on a line-by-line basis for a planned report date of [13 September 2018](#).

Those with expertise and/or experience of a special interest in the bill can submit their views in writing to the Public Bill Committee.

Find further information [here](#).

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Crime (overseas production orders) Bill

The bill will allow law enforcement agencies to apply for a UK court order to obtain stored electronic data directly from a company or person based outside the UK. Terrorists and criminals increasingly use global communication services and applications to facilitate their activities. The data generated on these services and applications can therefore be a vital piece of evidence. As companies providing these services are typically located outside of the UK, a legal instrument which facilitates cross-border access to this information is a high priority for the government and operational law enforcement.

The main provisions of the bill set out:

- the scope and reach of an overseas production order (OPO) and who may apply for one
- the requirements needed to be met before a judge makes an OPO and what must be included in the application for an order
- the restrictions on serving an OPO, including the time period within which the data covered by the OPO must be supplied
- the additional safeguards and requirements for certain types of data
- the ways of serving an OPO.

Court orders, however, may only be granted with those countries whom the UK have an international cooperation agreement in place.

Find further information [here](#) and [here](#).

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Stalking protection bill

This bill has been drafted to provide protection for individuals from the risks associated with stalking and completed its committee stage on 9 July 2018.

At committee stage, ministers voiced their opinions on the measures put in place by the bill in its current form. Ministers also recognised the importance of legislation intended to provide policing with a tool that can both protect victims and deter perpetrators as early as possible.

Find further information [here](#).

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Voyeurism (offences) (no. 2) bill

A bill making categorised acts of voyeurism an offence had its third sitting in a House of Commons Committee debate on 12 July 2018. The bill deals with 'up-skirting' which has recently received much media attention.

Stella Creasy MP spoke of the underlying equality issues stating that these should also be explored by the government.

The bill is scheduled to be considered at its remaining stages on 5 September 2018.

Find further information [here](#).

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Statutory Instruments

SI 817/2018 The Investigatory Powers Act 2016 (commencement no. 6) regulations 2018

The regulations will enable the Secretary of State to issue combined warrants under the named act. Paragraphs 1, 2, 4, 8 to 10, 13 and 14 of Schedule 8 of the Act come into force on 6 July 2018.

Find further information [here](#).

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SI 829/2018 The Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes C, E, F and H) Order 2018

The order brings into force a number of variations to the PACE Codes of Practice. Amendments include setting out the rights, entitlements and safeguards at voluntary suspect interviews, a new definition of 'vulnerable' to describe a person who requires an appropriate adult and

audio recording of suspect interviews. Further coverage of the amendments can be found in the [May edition](#) of the Digest.

Find further information [here](#).

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SI 847/2018 The Criminal Procedure (Amendment no. 2) Rules 2018

The instrument amends existing criminal procedure rules to:

- add new rules about the procedure for criminal courts when commissioning medical reports when a defendant's mental health is under question
- add new rules about the information which needs to be given to the court on appeal
- add a new procedure in respect of changing grounds of appeal from the crown court to the Court of Appeal
- alter the rule about where to give notice of an appeal from the crown court to the Court of Appeal.

The rules come into force on the **1 October 2018**.

Find further information [here](#).

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SI 873/2018 The Investigatory Powers Act 2016 (commencement no. 7 and transitional and saving provisions) Regulations 2018

The regulations bring into force provisions in the named act relating to bulk acquisition warrants, bulk personal data sets and retention of communications data.

The provisions have staggered commencement dates but the last amendment will come into force on **1 November 2018**.

Find further information [here](#).

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SI 905/2018 The Investigatory Powers (codes of practice and miscellaneous amendments) order 2018

The order brings into force revised codes of practice issued under section 71 of the Regulation of the Investigatory Powers Act 2000. There are 3 codes in total:

- Covert Surveillance and Property Interference
- Covert Human Intelligence Sources
- Investigation of Protected Electronic Information

The order comes into force on the 23 August 2018.

Find further information [here](#).

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Acts

The Laser Misuse (Vehicles) Act 2018

New laws introducing tough penalties for people who target vehicles including trains, planes, cars and boats, with lasers. The Laser Misuse (Vehicles) Act 2018 is designed to protect air traffic controllers carrying out important flight navigation work and will mean that offenders can face up to 5 years in prison, an unlimited fine or both.

Both police and law enforcement now have more powers to catch and prosecute these offenders as there is no longer a need to prove intention. The new legislation was introduced in December and the latest figures show the number of incidents in March fell to the lowest levels since 2009.

Find further information [here](#) and [here](#).

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Case law

Davies v British Transport Police [2018] UK IPT/17/93/H

This case was heard in the Investigatory Powers Tribunal. The claimant, Davies, made a claim against British Transport Police (BTP) for their failure to obtain an authorisation for directed surveillance that he was subjected to during a train journey on 10 May 2016. The claim was made against the backdrop of various other complaints against BTP.

Davies was arrested on 10 May 2016 following a train journey and charged with five offences of sexual assault which he was later acquitted of in the crown court. The officer who subjected Davies to surveillance during his train journey made the decision to carry out this surveillance the day before it occurred. Arrangements had been made for a colleague to travel on the train that Davies was taking. This officer then observed Davies and took photographs during the journey. Davies was then publicly arrested after disembarking from the train in front of passengers he has likely been travelling with for years.

Following Davies' acquittal and his numerous complaints to the police (14 in total), a BTP Detective Inspector reported that the officer who had organised the surveillance had not done this in immediate response to an event but that the actions were pre-planned. The Inspector

concluded that a Regulation of Investigatory Powers Act 2000 (RIPA) authorisation should have been obtained.

The respondent argued that the breach of RIPA was only technical as an authorisation could have been obtained had the officer applied for it, but he was not aware that an authorisation was necessary. The BTP noted that authorisation would have been granted had it been applied for.

The tribunal rejected the respondent's argument that the breach was technical and were 'astonished' at BTP's assertion that the authorisation would have been granted. They noted that the legal requirements for such an authorisation had not come close to being met and that it was a 'disturbing' revelation for a senior officer responsible for a high-risk area of decision-making to have made.

The tribunal found that the claimant was subjected to unlawful directed surveillance, with no appropriate authorisation. This amounted to a breach of his human right to respect for private and family life under [Article 8 of the Human Rights Act 1998](#). The tribunal also found a number of consequences for Davies following the unlawful surveillance which, but for the surveillance, would not have occurred. These consequences included a premature press release from BTP which revealed Davies' name, despite this being well before the trial and not something that BTP routinely did. The claimant had an excellent record, and what the tribunal termed an 'unimpeachable character'. He had previously been a Chief Superintendent and was working in a senior position at a local authority. The offences that Davies were charged with resulted in him having to work from home for nine months as well as his resignation from two important charity posts. Davies also claimed that the nine month interruption to his normal working arrangements impacted his possibility of promotion and in turn, receipt of additional income.

The tribunal awarded £25,000 to reflect the gravity of the breach of RIPA and the negative consequences, damage and stress suffered by Davies. The tribunal noted that the award may be viewed as high in terms of the norm for Article 8 breaches, but that this was to reflect the grave nature of the breach by BTP. The tribunal did not award costs for the potential promotion as they ruled the evidence too speculative and hoped that his acquittal had accounted for this.

The tribunal did award a further £21,694 for the claimant's defence costs.

The tribunal noted the 'disturbing' lack of understanding of the RIPA requirements by almost all members of BTP involved in this case, and that this had implications for the understanding of other areas of the BTP. The judgment is therefore to be shared with the Investigatory Powers Commissioner and the Chief Constable of the BTP has been strongly advised to address these training gaps in their force.

Find the full judgement [here](#).

R v Gordon [2018] EWCA Crim 1555

The applicant, Gordon, was convicted of joint enterprise murder on 10 March 2011. The facts of the original case involved the stabbing of Nicholas Pearton, after a confrontation between two gangs known as the Sydenham group and the Lewisham group.

The two gangs had a history of confrontation. The confrontation which led to the stabbing and consequent death of Pearton arose as a result of an exchange outside a school in Lewisham between members of both gangs.

Following a confrontation between the two gangs outside of the group, they met later in Home Park, Sydenham. The Lewisham group chased the Sydenham group out of the park at which point Pearton was separated from his friends, caught by Green, a member of the Lewisham group, and stabbed in the back.

The applicant was present at the confrontation and consequently convicted of murder following evidence of his involvement in the gang, planning the attack, and consequent CCTV evidence. The CCTV evidence showed a bus journey that the Lewisham gang made immediately after the attack, where the applicant can be seen shaking Green's hand in a congratulatory manner.

This appeal was brought to present fresh expert evidence pursuant to [section 23 of the Criminal Appeal Act 1968](#) from two expert witnesses.

The first piece of fresh evidence admitted was from Dr Murphy, a chartered forensic and consultant clinical neuropsychologist. Over a number of reports, Dr Murphy reported that the applicant displayed characteristics of all autism spectrum conditions. These characteristics included difficulties with social interaction, social communication, and different dimensions of imagination. The applicant also displayed poor eye contact and a need for 'sameness', amongst other characteristics associated with autism spectrum conditions. These reports span from September 2012, when the applicant was admitted to Broadmoor, up to December 2017. Over this period, Dr Murphy reported that the applicant most likely had Asperger's Syndrome and that this diagnosis had significant implications for understanding previous offending and difficulties. Dr Murphy also mentioned that the applicant's environmental circumstances at a given time could impact the effect of an autism spectrum condition which may be why the condition worsened after his conviction.

The other piece of evidence, a report dated 14 December 2016, was from Dr Merrill. She reported that it was not obvious from initial presentations from the applicant that any difficulties were present. Dr Merrill reported that as Dr Murphy had only made the diagnosis in 2012, the nature, effect and severity of the applicant's condition at the time of the murder was not so severe that it was recognised at school or by the applicant's mother. As the applicant had reported his familiarity with the park with a view to a violent confrontation, his processing and reacting to the situation would have been easier than for someone operating under an autism spectrum condition who did not have this familiarity with the situation. Dr

Merrill described the applicant's condition which among other features includes vulnerability to exploitation from friends in an anxiety to maintain friendships, and lacking imagination regarding interpreting, likely consequences of another's behaviour.

The court accepted that the applicant suffered from an autism spectrum condition at the time of the offence and that this condition can make it difficult to appreciate and react to spontaneous events. However, the court found the applicant capable of understanding that the planned event was to take place, as the events in the park leading to the stabbing were not spontaneous but planned. The applicant had been seen brandishing a knife on a YouTube clip threatening the Sydenham group in the lead up to the attack, and had himself called to the Lewisham group for support in the attack. All of these considerations indicated the applicant's culpability and understanding of the planned event that was to take place. The court also mentioned that highly-qualified experts did not recognise any features exhibiting an autism spectrum condition closer to the time of the event. Finally, the court determined that the evidence given supported the argument that the applicant's condition had seriously deteriorated after he entered custody. This was in line with Dr Murphy's assertion that the effect of the applicant's condition was determined by environmental circumstances at a given time.

The court ruled against the applicant, refusing the application and upholding the conviction for murder. This was decided as a result of the lack of strong evidence showing that at the time of the murder, the applicant's condition was operating in a way that would have significantly impacted his behaviour.

Find the full judgement [here](#).

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Sherratt v Chief Constable of Greater Manchester Police [2018] EWHC 1746 (QB)

This case concerned an appeal by the Chief Constable following a hearing on the preliminary issue of whether a duty of care was owed by the defendant to the deceased. The claimant was the partner and father to the children of the deceased who was found dead at her home in January 2012. Although it was accepted that the deceased took her own life, there were two pleaded causes for action: common law negligence and alleged breaches of convention rights.

This case only concerned the negligence claim. It was alleged that the defendant, either by his officers, employees or agents, failed expeditiously and/or adequately to deal with, and/or respond to, the information conveyed to them concerning the deceased in a 999 call made by the deceased's mother.

In January 2012, a civilian call handler employed by Greater Manchester Police received a 999 call from the mother of the deceased, who reported grave concerns for the welfare of her daughter. The call was graded as Grade 1 (emergency attendance) and was then shortly

downgraded to Grade 2 (priority attendance). Officers attended the deceased's home but there was no response, the house was in darkness and they did not gain access. When two officers attended the following morning, they were admitted by one of the infant children and found the deceased dead in the living room.

The court concluded that it was open to the recorder to find that the police call handler gave a specific assurance to the deceased's mother; that police officers would be dispatched to the deceased's house as a priority step to check on wellbeing, and if required, a transfer of the deceased to the hospital would be arranged by the police rather than the mother.

The court also concluded that the Recorder was correct in finding that the appellant through his control room response to the 999 call made by the mother, had assumed responsibility for the welfare of the deceased, had given rise to a sufficiently close relationship of proximity between the appellant and the deceased and therefore a duty of care owed to the deceased. The police in giving the assurances they did, were focused on a particular individual and a particular individual's welfare. They were not purporting to be performing their public duty directed at investigation or prevention of crime (albeit it might be said they were, in relation to the protection of life).

The appellant had accepted a responsibility for the deceased's welfare having been told in effect that she represented a risk to her own safety due to her mental state. Such responsibility for her was accepted in circumstances where the intervention of another agency may have prevented her death. The court agreed that in such circumstances it was not necessary for the appellant to have detained the deceased, for example under the Mental Health Act 1983, for a duty of care to arise. The actions and words of the call handler were sufficient to affix the appellant with responsibility for the deceased's safety, notwithstanding the threat was from herself. This was particularly so where the mother was being told that she need do no more.

The court dismissed the appeal finding that the Recorder was not wrong in deciding that by the time the 999 call had concluded, a duty of care for her welfare was owed by the appellant to the deceased.

Find the full judgement [here](#).

Policing practice

Crime

Counter terrorism video watched more than 7 million times

A video advising holiday makers how to stay safe abroad has now been watched by more than seven million people. The video, launched by Counter Terrorism Policing in association with the Foreign and Commonwealth office, the Home Office and the travel association just over a year ago, has also been translated into 15 different languages.

The key advice is:

Run - to a place of safety. This is better than trying to surrender or negotiate.

Hide - it is better to hide than confront. Barricade yourself in, turn phones to silent and use only when it is safe to do so.

Tell - make sure you know the local emergency numbers in the country you're travelling to. For all EU countries it's 112.

Find further information [here](#).

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Report on police response to hate crime

HMICFRS (Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services) has published its findings following an inspection into the response by police forces to hate crime. The inspection, commissioned by the Home Secretary in 2016, looked at:

- how forces raise awareness of hate crime in their communities
- initial call handling
- crime and incident recording, including the use of hate crime and online flags
- how forces use problem profiles to identify trends and patterns of offending and victimisation
- the risk assessments that forces carry out to determine the response and ongoing support to the victim, and the risk management that follows
- the police response to reports of hate crime and the system for referrals to victim support services.

The inspection which took place last year, revealed that some forces:

- incorrectly flagged hate incidents and crimes
- did not gather comprehensive data about hate crime victims
- did not gather sufficient intelligence about hate crime
- did not always provide adequate information to hate crime victims
- did not consistently refer hate crime victims to support services.

The inspection also identified that police forces across the country have worked hard to raise the awareness of hate crime among staff and in their communities, and most forces have produced information on hate crime and how to report it. Additionally, there is evidence of concerted efforts by the police to work with local communities and organisations to promote reporting opportunities. Nevertheless, the report identified that a consistent level of training needs to be in place, to support police officers and staff and enable them to respond appropriately to victims.

Find further information [here](#).

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Guidance on children in custody published

A government working group established by the government to address problems in the transfer of children from police custody to local authority accommodation, has published a concordat on the issue. The group, which included representatives from across government, found that forces and local authorities often misunderstand their statutory obligations and very few have effective local collaboration in place to ensure transfers happen as they should. The concordat aims to:

- support police forces and local authorities across England in complying with their statutory responsibilities with regard to children in police custody
- bring about a decrease in the number of children held overnight in police custody.

The concordat lists principles and practice under the following headings:

- wherever possible, charged children will be released on bail
- children denied bail will be transferred whenever practicable
- secure accommodation will be requested only when necessary
- local authorities will always accept requests for non-secure accommodation
- the power to detain will be transferred to the local authority
- where a local authority fails to provide accommodation it will reimburse the police
- police forces will collect data on transfers.

Find further information [here](#).

Specialist training for call handlers to tackle hate crime

The Home Office has announced funding to offer specialist training to police call handlers on identifying if a hate crime has been committed to equip them with the skills to provide professional and empathetic responses.

The National Police Chiefs' Council and the Facing All The Facts initiative will partner to deliver the training. As well as providing this training, the government will update its Hate Crime Action Plan later in the year. The plan will be updated to include further measures that tackle race; religion; sexual orientation; disability; and transgender identities.

As part of the governments wider work around hate crime, the Home Secretary will co-chair two round-table discussions with the Secretary of State for Housing, Communities and Local Government. The discussions will examine Islamophobic and Anti-semitic hate crime specifically.

Over 80,000 hate crime offences were recorded in 2016/17.

Find further information [here](#).

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Policy

Privacy notice published for law enforcement data services

The privacy impact assessment for the Law Enforcement Data Service (LEDS) has been published. LEDS will replace the current Police National Database (PND) and the Police National Computer (PNC) and is being designed to support law enforcement and other relevant authorities with joined-up information at the point necessary to prevent crime and safeguard the public.

The main concerns identified in the assessment are listed below according to the relevant system:

Police National Database:

- inconsistent application of common retention policy for custody images at a local force level
- data held on local force systems that feed into PND varies in quality and structure and accuracy. Inconsistency in local force data quality impacts on PND data quality.

Police National Computer:

- the retention of arrest data, charging data or very minor historical conviction data can be perceived as not proportionate in data protection terms

LEDS:

- greater amounts of data are made available to the user – in both volume and type – that hinder rather than benefit users' strategic or tactical objectives due to information overload
- some users are able to access a greater than appropriate level of data for their individual role or organisation
- individuals are brought to the attention of law enforcement agencies for the wrong reasons or through inappropriate means
- quality of PNC data is adversely affected by corresponding PND data
- conflicts arise as a result of differing data management strategies in different user organisations
- retention periods vary between PND and PNC.

Suggested mitigations for each of these concerns can be found within the assessment as well as the methodology used to conduct the privacy assessment, and the recommendations on how best to develop LEDS to build in the solutions to privacy concerns.

Find further information [here](#).

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Statistics

Police funding 2015 to 2019 statistics published

The Home Office has published its official statistics on police funding figures for England and Wales spanning the last four years. The report provides a single source of information on police funding levels across the 43 police forces in England and Wales.

The report focuses on main elements of police funding as reported to Parliament annually and contrasts the funding in 2015 to 2019 with police funding before this period. Key information includes:

- an increase in funding of £468 million between 2017-18 and 2018-19
- an increase in pensions grant funding from £1,958 million in 2015-16 to £2,389 million in 2016-17
- no change to government funding to PCCs between 2017-18 and 2018-19 with the figure set at £7,685 million.

Find further information [here](#).

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Crime outcomes in England and Wales for year ending March 2018

Crime outcome statistics for the year ending March 2018 were published this month by the Home Office. The report evidences how the police forces of England and Wales deal with all crimes, including those still under investigation. Using the outcomes framework introduced in April 2014, every offence recorded by the police will receive an eventual police outcome.

The report found a two percent fall, from 11% to 9%, in the proportion of crimes resulting in a charge/summons, and an increase from 26% to 29% in the number of offences resulting in evidential difficulties. Other key findings included:

- 48% of offences dealt with were closed with no suspect identified. This was a similar figure to the previous year. The percentage varied greatly according to the offence: 75% of theft offences were closed with no suspect identified, in contrast to 7% of rape offences and only 2% of drug offences.
- the length of time taken for police to assign an outcome to a crime decreased from the previous year by two days, to six days. The figures, again, varied greatly depending on the offence with sexual offences taking the longest time (a median of 73 days) and theft and criminal damage/arson taking the least time (a median of 2 days).
- an increase of 3% in the number of fraud offences, reported to the police being given an outcome of charge summons compared with the previous year.

Find further information [here](#).

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Review of scale and nature of fraud

A report has been published by the Home Office Analysis and Insight team detailing the findings of a review into the scale and nature of fraud affecting individuals and businesses in the UK. The review's aim was to help establish the current state of the evidence base on fraud, and identify new areas for research. It acknowledges fraud's unique crime type given the overlap with so many other types of crime, and the need for collaborative, cross-agency thinking to find a resolution. Sources included data from the criminal justice system and administrative data collated from membership organisations and victim surveys. Key findings include:

- the majority of fraud incidents result in small financial losses (62%)
- 86% of bank and credit account fraud was fully reimbursed
- adults aged 25 to 54 were more likely to be a victim of fraud (7.5% higher) than 16 to 24 year olds or those aged 75 and above
- managerial/professional occupations have higher victimisation than other professions
- victimisation by gender is roughly equal.

Find further information [here](#).

Latest crime outcomes in England and Wales

The latest statistics on the outcomes of crimes recorded by police in the year ending March 2018 have been published.

KEY FINDINGS

How the police dealt with crimes recorded:

- police forces closed almost half (48%) of offences with no suspect identified, a similar proportion to last year
- the proportion of crimes which resulted in a charge/summons fell from 11% to 9%
- the proportion of offences that resulted in evidential difficulties increased from 26% to 29%.

How long it took for offences recorded to get a police outcome:

- as in previous years, outcome assignment times varied depending on the offence type and the type of outcome
- it took police forces an average of six days to assign the outcomes they recorded in the year ending March 2018, a decrease of two days compared to the previous year
- sexual offences took the longest time to assign an outcome and theft and criminal damage/arson the least
- the average length of time for investigations to be closed with no suspect identified fell from two days to one day.

How the police dealt with domestic-abuse-related offences:

- higher proportions of domestic abuse-related offences received a charge/summons than those that were not domestic abuse-related (15% and 9% respectively)
- 69% of domestic-abuse related offences ended with evidential difficulties, almost three times higher than the proportion of offences that were not domestic abuse-related (24%)
- the proportion of domestic abuse-related offences assigned a charge/summons decreased (from 18% to 15%) compared to the previous year. Conversely, the proportion of offences that resulted in the category "evidential difficulties - victim does not support action" increased (up from 41% to 48%).

Outcomes recorded for fraud offences:

- there were 638,882 fraud offences recorded and reviewed by the National Fraud Intelligence Bureau for possible investigation and enforcement action
- there is no direct correlation between offences disseminated and outcomes

- outcomes assigned during 2017/18 could be for offences disseminated prior to this year
- of fraud offences disseminated to the police there was an increase of 3% in the number given an outcome of charge summons compared with the previous year.

Find further information [here](#).

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National DNA Database Annual report published

The report includes findings from the National DNA and Fingerprint Database (NDNAD) for the first time. It contains information and figures from between 2016 and 2017 on the functioning of the databases. The government hopes that the findings will support policing and the enforcement of justice. The report cites 31,743 routine matches (including 514 homicides and 612 rapes) as testament to the continued effectiveness of the NDNAD.

Find further information [here](#).

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Statistics on the disregard and pardon of historical gay sexual convictions

Males with historical convictions for gay sex may apply to have their convictions disregarded and pardoned. The offences covered are mainly sections 12 (buggery) and 13 (gross indecency) of the Sexual Offences Act 1956, as well as corresponding offences under earlier legislation. This is inclusive of cautions, warnings and reprimands. Between October 2012 and July 2018, there were 404 cases and 587 applications.

Find further information [here](#).

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Diversity

POLFED win challenge against discriminatory pension regulations

The Police Federation (POLFED) has won a challenge that it brought in reaction to pension regulations which had potential to discriminate against some groups including fathers, same sex partners and adopting couples.

The regulations in question were the Police Pension Schemes and Additional Voluntary Contributions Amendment (England and Wales) Regulations 2018.

The previous version of the regulations allowed women to 'buy back' pension for their time on maternity leave but precluded others from being allowed to do the same for time spent on maternity support leave. The Police Federation challenged this and asserted that leave was intended to encompass care for the child rather than to specifically cover women during and after pregnancy.

The Home Office agreed with this position and proceeded to amend the regulations which resulted in the 2018 regulations. However the amendment did not allow for the individuals who had taken leave before the cut-off date of 1 September 2014 to buy back their pension. After further pressure from POLFED, this date has now been pushed back to 3 April 2011.

Applications to buy back unpaid family leave for pension purposes must be made to the Police Pension Authority in writing by [21 August 2018](#). The applicant will need to pay an amount equal to the contributions which would have been paid, had the unpaid leave not been taken.

Find further information [here](#).

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Study into rehabilitative services for BAME people published

A study has been carried out to examine existing research evidence looking at the effectiveness of rehabilitative correctional interventions in reducing reoffending or substance misuse, among Black, Asian and Minority Ethnic (BAME) people. The study also looked at factors that affect how BAME people respond to interventions in both custodial and community correctional settings. It concluded that there is still insufficient evidence to fully understand how outcomes of rehabilitative services can be improved for BAME people. Further work is required to build upon the study's initial findings but it is clear that a potential barrier to BAME individuals starting, completing or engaging treatment may be prior experience of, or fear of racism or discrimination. Another potential barrier is the perception, or possibly fact, that interventions are not culturally relevant.

Find further information [here](#).

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Police

Front line policing review

The Home Secretary has announced a review of front-line policing which is to be sponsored by the Minister of State for Police and the Fire Service. Engagement of front-line police staff will begin in 2018 and will initially be via digital channels. The review plans to engage via force communications outlets, staff associations and other partner networks. The Home Office will bring together this feedback and then hold focus groups with front line colleagues to further

explore the topics of review. It will culminate in the publication of a report in spring 2019 which will detail recommendations for both policing partners and the government.

The review will focus on front line access to support and delivery services as well as the availability of these services. The National Police Chiefs' Council and its partners are already undertaking work exploring resourcing, demand, and police pay, so these issues will not be covered by the front line policing review.

Find further information [here](#).

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Police Bravery Awards

On 12 July 2018 the 23rd Police Bravery Awards were hosted by the Police Federation in London. At the awards, there were 80 nominees across 40 forces. Eight regional awards were presented in addition to the overall national award.

The awards saw PC Keith Palmer awarded posthumously for his bravery during the 2017 Westminster attack. An award also went to PC Charlie Guenigault of the Metropolitan Police, who, while off-duty, confronted three armed terrorists during the London Bridge attack, suffering multiple stab wounds. Minister for Policing and the Fire Service Nick Hurd MP, presented a regional award to Sergeant Mark Allmond and PC Alex Quigley of Thames Valley Police. The two officers worked together to unarm and detain a man with a large carving knife who had already killed a member of the public in Oxfordshire.

Nominees were also invited to a reception at 10 Downing Street, where the minister celebrated their dedication and thanked their families for supporting their loved ones.

Find further information [here](#).

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Voluntary exit scheme for officers

Guidance on the amended compensation terms for the police officer voluntary exit scheme has been published. It advises recipients of the scheme following amendments to the regulations that came in to force on 22 May 2018: Police Pension Schemes and Additional Voluntary Contributions (Amendment) (England and Wales) Regulations 2018; and the amended, Annex DA of the determination under regulation 14A of the Police Regulations 2003.

Chief Officers and Police and Crime Commissioners will decide whether to run the scheme in their force and also to determine the appropriate criteria for eligibility to apply.

Find further information [here](#).

Police work force data tables published

A break-down of the police work force in England and Wales across force areas has been published. The report represents statistics at 31 March 2018.

Find further information [here](#).

Policing inspection programme framework for 2018/19

HMICFRS has published its programme of policing inspections up until the end of the financial year. The programme details the inspections already taking place. Proposed thematic inspections this year include hate crime; counter-terrorism; fraud (including cyber-enabled fraud); older people in the criminal justice system; cybercrime; and HMICFRS's rolling programmes concerning child protection and crime data integrity. Thematic work on county lines will begin in 2018/19.

Consultation on the inspection programme and framework took place earlier this year. The programme reflects the observations made to HMICFRS by the public, police and crime commissioners, chief constables and others.

Find further information [here](#).

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Welfare

Police wellbeing goals statement published

The Home Office has released a statement which sets out the government's goal for police wellbeing by 2021. The statement briefly sets out the goal, how to achieve it and the individuals who will be responsible for achieving it. It focuses on ensuring that the police officers and staff feel supported by their forces in a way that focuses on their physical health, mental health and wellbeing. The plan looks at organisational culture, occupational health and effective line management, as well as signposting towards charities which can provide support and treatment. Delivery will be led by chief constables embedding the statutory responsibility of those holding this office to manage the welfare of their officers and staff.

Local forces will operate within the framework of this statement. Work currently being carried out under the College of Policing's £7.5m Welfare and Wellbeing Project will help to support forces to achieve the statement's goals. Success will be measured regularly via PEEL assessments and force management statements.

Find further information [here](#).

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Criminal justice system

Geoffrey Cox QC appointed as new Attorney General

The Prime Minister appointed Geoffrey Cox QC MP as the new Attorney General on July 9 2018. He will be the government's chief legal advisor, will attend cabinet, oversee the Crown Prosecution Service and Serious Fraud Office as well as the Government Legal Department and HM Crown Prosecution Service Inspectorate.

Mr Cox replaces Jeremy Wright QC MP who is now the Secretary of State for Digital, Culture, Media and Sport.

Prior to his appointment Mr Cox co-founded Thomas More Chambers in 1992 and made Silk in 2003. He has experience in trials to appeal before the Court of Appeal, the Privy Council and the Supreme Court and has been the MP for Torridge and West Devon since 2005.

As is tradition upon assuming the role of Attorney General, Mr Cox will cease all private practice as a barrister.

Find further information [here](#).

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New fraud and cybercrime court to open in London

A new court specifically designed to tackle cybercrime, fraud and economic crime developed in partnership with the City of London Corporation and the judiciary, will be opened in London. The purpose-built court will also deal with civil cases, business and property work. It will replace the civil court, Mayor's and City of London County and City of London Magistrates' Court and will house a new City of London police station. The project is set to be completed in 2025.

Find further information [here](#).

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Online jury service confirmation now available

The 'Juror Digital' system now allows for potential jurors to confirm availability, request a different date for attendance, and authorise someone else to respond for them online. The pilot scheme for this initiative saw 19% of those surveyed respond within seven days compared to just 1% when using the old paper system. The paper form will still be made available for those who would prefer. Telephone support will be made available for those using the system.

Find further information [here](#).

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Alliance with America to tackle international crime

On 13 July 2018 the Home Office announced the introduction of a UK-US taskforce as a platform to share expertise about detecting and tackling synthetic opioids.

Synthetic opioids, including Fentanyl and its analogues (substances with similar chemical structures) have similar effects to morphine and heroin but with a substantially higher potency. While Fentanyl seizures in the UK have been of relatively small quantities, they equate to millions of lethal doses.

Oversight of the group sits jointly with the Home Secretary, Sajid Javid, and US Attorney General Jeff Sessions who will work together to reduce the harm caused by this type of crime. This includes an improved ability to pursue related assets and proceeds of crime.

The group will also seek opportunities to work with industry to develop a better understanding of the threats posed by this type of organised crime and will work with other countries on the socio-economic factors which perpetuate it.

Other measures include:

- a joint UK-US ministerial taskforce
- a joint UK-US strategic dialogue on illicit financial flows
- an informal, ad-hoc dialogue between law enforcement which will review the work already undertaken.

Find further information [here](#).

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Principles of Information Exchange

On 9 July 2018 in London, the six countries of the Western Balkans signed a declaration to improve information-sharing in a bid to fight serious and organised crime and terrorism.

The categories of information-sharing will include strategic assessments and operational and tactical intelligence. The six countries agreed that the information exchange will operate according to the following principles:

- legal exchange (i.e. in line with current national legal requirements or legal bases and, where there is an operational requirement to share the information but no mechanism for sharing exists, the country will consider developing a legal mechanism)
- timely exchange
- proactive exchange (when one country is investigating another for criminal or terrorism offences, that information will be shared proactively, even where there is no request)

- secure exchange
- high quality exchange
- efficient and effective exchange.

Progress will be driven by a steering group.

Find further information [here](#).

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Hammerton v UK judgement to lead change in law

A proposed remedial order to amend Section 9 of the Human Rights Act 1998 (HRA) has been drafted following the European Court of Human Rights judgement in Hammerton v UK (application no. 6287/10). The applicant in the case had spent extra time in prison as a consequence of administrative errors during committal proceedings. The error translates to a breach of Article 6 of the European Convention on Human Rights (fair trial) as provided in domestic law via the HRA. The applicant was unable to access any damages for the error because of an absence of provision in the HRA for awards in respect of acts done in judicial good faith. This lack of access was deemed a violation of Article 13 of ECHR (right to an effective remedy). As a consequence, the government proposes to amend section 9 of HRA to make damages available for any breach of Article 6 arising under similar circumstances to those in the Hammerton case (limitations imposed to prevent creating legal uncertainty and undermining judicial immunity).

Find further information [here](#).

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Anti-knife crime lessons launched in schools

As part of the government's serious violence strategy, almost 50,000 personal, social, health and economic, KS3 and KS4 teachers will be given lesson plans to help challenge the myths surrounding knife crime and teach the consequences of carrying a knife. Eleven to sixteen year olds across the country will receive tailored lessons. The lessons form part of the Home Office #knifefree campaign.

The lessons are an hour long and aim to give students a toolkit with which to resist peer influence, understand the impact carrying a knife might have on their future, and understand the impact of social media has on knife crime.

Find further information [here](#).

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Report on neglect of older children

A report published by HMICFRS has concluded that the neglect of some older children may be going unseen leading to a lack of appropriate support and protection. Collaborating with the Care Quality Commission and HMI Probation, HMICFRS examined the often complex issues around neglect of young people. The report highlights the need to consider underlying causes that contribute to criminal behaviour in older children such as youth and gang violence. Some areas have adopted this approach but it is not consistent across the country.

The report was the culmination of inspections of children services in six local authority areas. One case study in the report also looked at neglect happening in wealthy families. GPs in this area reported being alert to deeper issues which may be present in an older child with mental health or eating disorders.

The report makes a number of recommendations to improve the current situation:

- better training for those in services that may come into contact with children and have failed to spot the signs
- a more coordinated approach across agencies working with children and parents
- a deeper understanding of the behaviour of older children in the context of their experiences.

Find further information [here](#).

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Rotherham report published

A report has been published following an independent review into information passed to the Home Office in connection with allegations of child sexual abuse in Rotherham. The review was undertaken by Peter Wanless, the CEO of the NPCC, and Richard Whittam QC and looked at the period from 1998 to 2005. Following a review of the Rotherham Internal Review and key documents, Wanless and Whittam concluded:

- the methodology employed by the Home Office was sufficient and proportionate to answer a series of questions about what information was received, what action was taken and what the general circumstances were with regard to child sexual abuse in Rotherham
- the findings and conclusion in relation to these questions were reasonable in the light of the work that had been done.

While not strictly within the terms of reference, the report also makes a small number of important points regarding how to better meet the needs of children at risk of abuse including:

- highlighting the value of a well-publicised and accessible whistleblowing point of contact

- broadening the awareness of potential risk beyond the focus of a specific task.

Find further information [here](#).

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Modern slavery inquiry

The Home Affairs Committee is undertaking an inquiry into the progress that has been made in the three years since the Modern Slavery Act came into effect. Among other concerns, the Committee is inviting written evidence on:

- the current scale and nature of modern slavery
- the impact of the Modern Slavery Act 2015
- how to increase understanding and reporting of modern slavery offences
- the impact of 'county lines' and how this issue can be tackled
- what success in tackling modern slavery would look like and what benchmarks should be used to measure progress
- current levels of support for victims and how they can be improved
- how the police and immigration system's response to modern slavery offences could be improved
- setting the priorities for the new Independent Anti-Slavery Commissioner.

The deadline for submissions is [7 September 2018](#).

The inquiry arises from concerns surrounding the lack of progress since implementation of the legislation. Reviews completed by the National Audit Office and the Public Accounts Committee highlighted understanding the scale and scope of the crime, and management of approaches to combat it as areas for necessary improvement.

Find further information [here](#).

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Justice Committee report on disclosure

The Justice Committee has published a report on the disclosure of evidence in criminal cases. The Committee concluded that, while disclosure failures have been widely acknowledged for many years, they have gone unresolved, in part because of insufficient focus and leadership by ministers and senior officials.

The Committee did not propose any fundamental changes to the legislation, or the principles of disclosure, but found that police officers and prosecutors have failed to apply these principles. As a result, there needs to be:

- a shift in culture towards viewing disclosure as a core justice duty, and not an administrative add-on
- the right skills and technology to review the large volumes of material that the police now routinely correct
- clear guidelines on handling sensitive material.

In addition, the Committee has made a number of recommendations and stated that the government must consider whether the system's funding is sufficient to ensure a good disclosure regime. They noted that delayed and collapsed trials that result from disclosure errors only serve to put further strain on already tight resources.

Find further information [here](#).

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Judicial diversity statistics 2018 published

The judicial diversity figures as of 1 April 2018 have been published. The statistics show small improvements in female and BAME representation but there is still much room for improvement. Some headlines include:

- over half of magistrates were female (55%) which has remained the same from 2017
- 29% of court judges and 46% of tribunal judges were female, a very minor improvement in comparison with 2017 - 28% and 45% respectively
- 24% of judges in the Court of Appeal and in the High Court were female
- magistrates under age 40 remain at 4% in line with 2017
- 12% of magistrates declared themselves as BAME, a very slight improvement upon 11% in 2017.

With improvements still to be made, the Judicial Diversity Committee has set out its plan to attract new talent from a diverse pool of lawyers over the next 12 months.

Find further information [here](#).

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New sentencing guideline on intimidatory offences

The Sentencing Council, following a public consultation, has published a definitive guideline on intimidatory offences which will come into effect on **1 October 2018**. The guideline covers harassment, stalking, disclosing private sexual images, controlling or coercive behaviour and threats to kill.

Find further information [here](#).

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New sentencing guideline on robbery

The Sentencing Council has issued an update to the dwelling robbery definitive guideline to correct an error on page 17.

Find further information [here](#).

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Medicinal review of cannabis continues

The Home Secretary has commissioned the second part of a review into cannabis-related medicinal products. The announcement comes after the Chief Medical Officer concluded that there is evidence of therapeutic benefits for some conditions.

The Chief Medical Officer's report has been published and can be accessed [online](#).

The second part of the review will look to determine whether the classification of cannabis-related medicinal products as [Schedule 1](#) drugs under the Misuse of Drugs Regulations 2001 will be altered in the next three weeks. This part of the review will be carried out by the Advisory Council on the Misuse of Drugs.

The government has re-asserted that recreational use of cannabis will remain illegal.

Find further information [here](#).

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Please provide feedback to the Digest team by emailing Digest@college.pnn.police.uk