



College of
Policing

GDPR
New data
laws

IPCO
Bulk powers
review

£273 million
Police equipment
savings

Digest | May 2018

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



Armed Police Increase in numbers

PACE Codes consultation outcome published

Automated Driving New laws introduced

Modern Slavery Public Accounts committee report

BetterEvidence[™]
for BetterPolicing

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 subscribing to the College of Policing's Legal Digest. We hope that you find this month's edition of interest and useful to your professional practice. The biggest legislative news in May was of course, the arrival of the much anticipated General Data Protection Regulation and our own domestic legal instrument, The Data Protection Act 2018. Some of you have kindly responded to our consent notice to receive the Digest. Whilst many of the protections offered in the previous act remain, the new act is said to bolster the rights of data subjects and ensure that legal protections in the UK stay in line with the digital age. The new laws impact on law enforcement agencies and we include an article on this in this edition.

Other articles include content on: new remote control parking laws, the police pursuits bill, modern slavery and PACE code updates.

Thanks for reading,

The Legal Services team

If you missed the consent notice and would like to re-subscribe, or if you are new to the Digest and would like to be added to our circulation list, for further information or to send us ideas on what you'd like to see in upcoming editions, please contact us:

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College news

The future of the Digest

Help us shape the Digest into a publication that works for you

The Legal Services team is committed to producing a Digest that is useful to its readership and would like the publication to reflect your needs and preferences.

Are there any recommendations you would like to make about our style or format?

Are there any topics or issues you would like us to include in upcoming editions?

How often would you like to receive legal updates?

Please get involved! Email your ideas to digest@college.pnn.police.uk. We hope to send out a reader survey with an upcoming edition: take part and have your say.

Thank you

The Legal Services team



CAN YOU THINK OF A NEW NAME FOR THE DIGEST?

Send us your ideas for a chance to win!

As part of the Digest redesign, we would like to give our publication a new name and want to reach out to our readers for their ideas. As a prize and thank you to the contributor of the best idea, we will be offering a set of the Blackstone's manual (Volume 1-4) 2018 and/or a feature article in the Digest.

Email digest@college.pnn.police.uk to be in with a chance to win!

Legislation

Bills before Parliament

Assaults on emergency workers (offences) bill

The bill makes provision for offences committed against emergency workers and those assisting, to make those offences aggravated when committed against such workers in the exercise of their duty. The bill also requires suspects of the offence to provide intimate samples and creates an additional offence should they refuse. More information can be found in the [October 2017](#) edition of the Digest.

First reading took place on 30 April 2018. The date of second reading is still to be confirmed.

Find further information [here](#).

Courts and tribunals (judiciary and functions of staff) bill

The bill makes provision regarding the judiciary and the functions of courts and tribunals staff. Under the bill, qualified and experienced court staff will be able to perform some judicial functions under judicial supervision. Tasks may include the issuing of summons, taking a plea and extending the time for service of applications. The proposed restructure of duties is designed to optimise the use of judicial expertise in other areas, where they are most required.

First reading took place on 23 May 2018. The date of second reading is still to be confirmed.

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

European Union (withdrawal) bill

The bill will revoke the European Communities Act 1972 and make provisions for the UK to withdraw from the EU.

Final amendments to the bill were made on 16 May 2018 at its third reading in the House of Lords. It is now with the Commons who will consider amendments proposed by the Lords.

Find further information [here](#).

Statutory Instruments

SI 480/2018 The Data Protection (charges and information) regulations 2018

The regulations set out the circumstances in which data controllers are required to pay a charge and provide information to the Information Commissioner. Regulation 2 requires data controllers to pay an annual charge unless the data processing is exempt (e.g. staff administration). Regulation 3 defines the amount of charge per 'charge period' and will reflect

turnover and the number of staff employed by the data controller. Regulation 4 sets out requirements in respect of partnerships, regulation 5 in respect of the governing body and head-teacher at a school and regulation 6, the extent to which these regulations apply to the Crown.

The regulations came into force on [25 May 2018](#).

Find further information [here](#).

SI 521/2018 The Terrorism Act 2000 (enforcement in different parts of the United Kingdom) order 2018

The Terrorism Act 2000 facilitates court ordered investigative powers including disclosure orders, production orders, account monitoring orders, explanation orders, further information orders and financial information orders. This instrument enables these orders when made for the purposes of combating terrorist financing, to be made in one part of the UK and enforced in another. Those involved in investigations in one jurisdiction will be able to obtain information or evidence from another jurisdiction. This will be facilitated by a court order, obtained in the investigator's own jurisdiction. The order is designed to remove any inefficiencies that would arise were an order made in one jurisdiction but required court endorsement in another.

The order came into force on [1 June 2018](#).

Find further information [here](#).

SI 530/2018 The police pension schemes and additional voluntary contributions (amendment) (England and Wales) regulations 2018

The regulations puts into place three sets of changes to pensions for police officers in England and Wales: 1) allowing police officers to make extra contributions in order to buy pensionable service for unpaid periods of family leave (certain types only), 2) for voluntary exit, bringing early pension payment into line with wider public-sector changes to payments on work exit, and 3) increase the options available to members of the Additional Voluntary Contribution scheme in England and Wales on when and how benefits can be taken.

The regulations took effect on [21 May 2018](#).

Find further information [here](#).

SI 549/2018 The prison and young offender institution (amendment) rules 2018

Under these rules, governors of prisons and young offender institutions will be able to establish their local privilege policy, without requiring approval from the Secretary of State. The rules also remove tobacco as a privilege and the authority of the governor to allow it in a prison. Matches, lighters, e-cigarettes (vaping devices) are now on the list of articles which may

attract a fine if brought into prison without authorisation. The changes are designed to reinvigorate the incentives system in prisons so that they better benefit prisoners who follow the rules and wish to turn their lives around, while also being firmer against those who don't. Currently 100 prisons in the UK are smoke free. Open estate prisons however, are not smoke free. E-cigarettes/vaping devices may be supplied to prisoners in certain circumstances. Lighters and matches may only be used as items lit as part of religious worship.

The rules came into force on [22 May 2018](#).

Find further information [here](#).

SI 587/2018 The criminal legal aid (amendment) regulations 2018

These regulations expand the scope of criminal legal aid to include advice and assistance when reviewing a person's classification as a 'restricted status inmate' or 'restricted status prisoner' and as a category A inmate. Regulation 2 sets out the conditions which must be met before advice and assistance can be made available. Regulation 3 concerns eligibility given a person's financial resources.

The regulations came into force on [12 June 2018](#).

Find further information [here](#).

SI 592/2018 The road vehicles (construction and use) (amendment) regulations 2018

This instrument amends the regulations to insert an exemption to permit use of a hand-held mobile telephone or hand held device to perform a remote-control parking manoeuvre.

The regulations came into force on [11 June 2018](#).

Find further information [here](#).

SI 625/2018 The Data Protection Act 2018 (commencement no. 1 and transitional and saving provisions) regulations 2018

These regulations bring into force specified provisions in the Data Protection Act 2018 on [25 May 2018](#).

Further information can be found [here](#).

SI 652/2018 The Investigatory Powers Act 2016 (commencement no. 5 and transitional and saving provisions) regulations 2018

These regulations bring provisions in the Investigatory Powers Act 2016 into force. They will enable the Secretary of State and the Scottish ministers to issue certain warrants and judicial commissioners to approve those decisions. In respect of this, additional safeguards are put in place, including certain arrangements for the disclosure and retention of material in relation to a warrant. Following an application by, or behalf of, the head of an intelligence service or the Chief of Defence Intelligence, the relevant warrants are:

- targeted interception, targeted examination, mutual assistance
- targeted equipment interference
- bulk interception and bulk equipment interference
- combined warrants.

The regulations specify necessary provisions for such warrants to be issued and any modification, cancellation or renewal. They also set out the duty not to make any unauthorised disclosure, to exclude matters relating to interception from legal proceedings and, in respect of bulk warrants, the selection for examination safeguards.

Regulation 8 brings into force other forms of lawful interception, making it permissible in certain circumstances, e.g. consent to interception. Regulations 2 to 7 relate to privacy protections including an offence of unlawful interception. The Investigatory Powers Commissioner (IPC) will be permitted to impose monetary penalties in relation to unlawful interception. Intelligence services and the Ministry of Defence will be obliged to report errors in relation to interception or equipment interference to the IPC.

The regulations' provisions have staggered commencement dates but all will be in place by [8 August 2018](#).

Find further information [here](#).

SI 665/2018 Time off for public duties order 2018

This instrument amends the Employment Rights Act 1996 and grants unpaid time off for members of the following voluntary groups, so they can perform their public duties:

- The Lay Observers (who monitor conditions in court custody and in cellular vehicles)
- The Independent Prison Monitors (who monitor conditions in Scottish prisons)
- The Immigration Visiting Committees (who monitor conditions in Immigration Removal Centres)
- The Short Term Holding Facilities Visiting Committees (who monitor conditions at immigration facilities at ports and airports).

Employers will be obliged to grant time off but a request for leave must be reasonable. This includes paying regard to factors such as the time required to perform the particular duty, how much leave has already been taken and the circumstances of the employer's business. The aim of the instrument is to bring provisions for these groups in line with those of the Prison Independent Monitoring Boards and to improve the diversity profile of these groups.

The order will come into force on 1 October 2018.

Find further information [here](#).

Acts

Data Protection Act 2018

The Data Protection Act 2018 (DPA) received royal assent on 23 May 2018 and serves as the domestic legal instrument for the implementation of the General Data Protection Regulation (GDPR) in the UK. Both the GDPR and the DPA's main provisions came into force on 25 May 2018. The instruments will function in tandem. The DPA aims to modernise data protection laws integrating obligations for those that process data and strengthening the rights of individuals in this increasingly digital age. In accordance with GDPR, all data processing activity must have a lawful basis and adhere to the following key principles:

- lawfulness, fairness and transparency
- purpose limitation
- data minimisation
- accuracy
- storage limitation
- integrity and confidentiality
- accountability.

Chapter 3 of the DPA refers to the rights of data subjects with section 43(1) outlining:

- the duties imposed on data controllers
- a right of access to personal data
- data subject rights of rectification, erasure and processing of personal data
- the regulation of automated processing of personal data.

Whilst the DPA serves to implement GDPR standards, it should be viewed as its own complete legal system. As well as governing general data covered by GDPR, it covers all other general law enforcement and national security data. The DPA also modifies GDPR so that it can work for the benefit of the UK in areas such as academic research, financial services and child protection.

The DPA seeks to strengthen data subjects' rights without compromising the efficacy of the criminal justice system. Criminal justice agencies and other bodies can use and share personal data to prevent and investigate crime under a legal process which should withstand scrutiny and maintain public trust. The DPA will also allow criminal justice agencies to continue sharing information with partner agencies in other EU member states so that the UK remains at the forefront of the international effort to combat organised crime. In April 2016, the EU agreed that the Law Enforcement Directive (LED) would govern the personal data processing by criminal justice agencies. The LED refers to cross border processing but also includes provisions in respect of domestic processing for such purposes. As such there is a single domestic and trans-national regime for personal data processing for law enforcement purposes.

The rights in Chapter 3 are restricted where it may be necessary to do so notably (though not exclusively), to avoid prejudice of the prevention, detection, investigation or prosecution of criminal offences. Also, to maintain and promote public and national security. Restriction on rights is only permissible where necessary and proportionate.

The Information Commissioner will continue to regulate and enforce data protection laws. Higher administrative fines for the most serious data breaches (up to £17million or 4% of global turnover) act as an additional incentive for legal compliance. Criminal proceedings may be brought against data controllers or processors who alter records with the intent to prevent disclosure on receipt of a subject access request.

Find further information on the [ICO website](#) and [here](#).

Case law

Kay & Ant, R v Leeds Magistrates' Court & Anor [2018] EWHC 1233 (Admin)

This case relates to the duty of prosecutors and of candour when applying *ex parte* (whereby a judge will meet with one party) for issuing summonses in court.

Judicial review was sought in these proceedings after Leeds Magistrates' Court refused to:

- dismiss summonses for fraud offences, issued against the claimants on the basis of an information laid by Karwan, a private prosecutor
- stay the proceedings as an abuse of process - finding the Crown Court as the only appropriate venue for determining the issue.

The claimants argued that the private prosecutor had failed in breaching his duty of candour by failing to bring to the judge's attention certain factors, including:

- Karwan had entered into a 'binding settlement agreement' with the claimants confirming that he would not prosecute them for the matters relating to the summonses
- the matters had been considered twice by a Polish prosecutor and reviewed by a Polish regional court, each decision finding for no criminal activity undertaken by the claimants
- Adriana (a company of which Karwan is president) was the subject of arbitration proceedings in Poland and Karwan had only initiated proceedings in the UK after he had found the company to be at a risk of further loss. It was his intention to use criminal proceedings in this country as the basis of an application to suspend the ongoing arbitration proceedings in Poland.

The claimants argue that the district judge (DJ) had erred in her decision to dismiss the summons and her conclusion that their abuse of process application should be heard at the crown court. Their case included the following points:

- whether a case is a proper one for the issue of a summons is a matter for the magistrates' court. That court can also reconsider the decision to issue a summons and can if a summons has been issued, stay proceedings
- Additional material put before the court should have prompted a review of whether this was an appropriate case to issue summonses
- If the DJ had been the judge dealing with the initial application for summonses and had had all of the material before her, she would have been bound to review said material on deciding if summonses were appropriate. Hence, it was not lawful to refer the matter to the crown court.

Verdict

Karwan's lawyers were subject to the duty of candour. The information presented to the court failed to comply with that duty. The settlement agreement should have been disclosed to the court for them to review if the application was vexatious, an abuse of process, to consider if further enquiries were necessary, to require the claimants to be notified of the application and to hear the claimants. The case demonstrates that the granting of summons, typically conducted *ex parte*, can have far reaching consequences. The duty of candour is key to an effective system. The DJ had failed to deal with the breach of duty of candour.

The DJ's decision and the summonses are quashed.

Find the full judgment [here](#).

R v Thurlwell [2018] EWCA Crim 1215

This judgement relates to an appeal application reviewed by the court for 'summary determination' under section 20 of the Criminal Appeal Act 1968. Section 20 states that if an application does not show substantial grounds for appeal, it may be referred to the court for summary determination. If the court deems the application 'frivolous or vexatious', the appeal can be dismissed without calling anyone to a hearing.

The applicant had pleaded guilty to being in charge of a dog which, based on agreed facts, was dangerously out of control. On the day of the incident, three officers attended a property to arrest a relative of the applicant. They were refused entry into the property initially but the applicant eventually relented. The applicant had let the dog into the living area where the officers were standing. The applicant kicked the dog and said words to the effect of "it's not my fault if the dog bites you". He kicked the dog again. The dog leapt up and attempted to bite one of the officers. The applicant was told to keep the dog under control but he failed to do so. The same officer hit the dog with his asp but the dog leapt up again and bit that officer, latching onto his left forearm.

The applicant's basis of plea provided that kicking and shouting at the dog was in an attempt to stop it going to the officers and was not an attempt to goad the dog. The plea confirmed that he did not respond to a request to control the dog.

Grounds of appeal

The court had found the grounds of appeal difficult to follow. There were a number which the court determined were unfounded, but the key claim was that there had been an abuse of process, as the police were at the premises unlawfully. No explanation was given to the court however, as to why the police were there unlawfully. It would have been possible to conduct a fair trial on the matter but it was not rendered necessary due to the applicant pleading guilty. There had been no misuse of court proceedings. It was also known that the applicant had allowed the officers onto the premises. Officers had failed to record this which was a violation of the PACE codes and the court considered as an issue for another complaint; it did not remove the fact that consent for entry was given. There was no duress reported and the applicant had little choice but to agree to police powers to enter.

Verdict

The court could not establish any grounds of appeal. The application to appeal was deemed frivolous and the matter was dismissed without the need to call any other party.

Access the full judgment [here](#).

Hampshire Constabulary (police and criminal justice) [2018] UKICO fs50730734

This case relates to a decision notice issued by the Information Commissioner's Office (ICO). Under the Freedom of Information Act 2000, the complainant had requested information relating to the number of burglaries and robberies that took place in a geographical area over three days in 2017. Hampshire Constabulary would neither confirm nor deny using exemptions under section 30(3) (investigations and proceedings) and section 40(5) (personal information) of the Act. The ICO believed that these exemptions were not engaged and the constabulary have been directed to issue a fresh response.

Access the full notice [here](#).

Policing practice

Crime

Criminal justice statistics update published

The government's quarterly update on criminal justice statistics has been published and now provides information covering January to December 2017. The data gives a picture of proven offending and outcomes in England and Wales.

Key findings include the following:

- 1.64 million people were dealt with by the criminal justice system, a record low
- 1.38 million defendants were prosecuted with the magistrates' courts seeing a decline of 4% since 2016
- the conviction ratio stands at 86%
- the custody rate for indictable offences stands at 31.8% with an average custodial sentence length of 20 months
- the proportion of first time offenders has risen by 2% since 2010.

Find the full report [here](#).

Quarterly statistics from DNA database published

The National DNA database (NDNAD) holds DNA profiles for all law enforcement agencies but only those profiles collected by agencies in England and Wales are subject to the Protection of Freedoms Act 2012.

Key profile information held on NDNAD for all forces includes:

- total number of people: 5,374,062
- subject sample profiles: 6,196,278
- crime scene sample profiles retained: 590,404.

Break down of subject profiles retained on NDNAD:

- female: 1,188,148 Male: 4,973,772
- highest number of profiles under age group fell under the 25-34 age group at 1,765,384 profiles.

All of the figures, including additional profile break-downs and figures for previous quarters, can be found [here](#).

Second annual 'Summer Security' campaign launched

Counter terrorism policing will work with major events organisers again to ensure that attending staff can minimise any chance of attack and mitigate impact. The initiative is not in response to any intelligence indicating that there is an increased risk, but instead looks to ensure that the public are educated and prepared to contribute to maintaining the UK's collective security. Guidance includes reporting anyone acting suspiciously, not leaving unattended bags and the immediate reporting of unattended bags.

Access the full article [here](#).

New measures to tackle stalking and harassment

The NPCC and CPS have introduced new measures to tackling stalking and harassment. The measures are in response to HMICFRS and HMCPSI recommendations for improvements in this area, particularly around identifying patterns of behaviour rather than isolated incidents. The protocol advises that Police Information Notices are not appropriate to use in stalking cases. Other measures include:

- a CPS commitment to refreshed training to be undertaken by all prosecutors
- improved guidance on pleas of harassment after a stalking charge
- improved guidance on restraining orders to ensure appropriate use and victim consultation
- bolstering the single point of contact system
- improved processes for monitoring and reviewing
- updated guidance to be released by the College of Policing.

Access the full article [here](#).

NCA publishes 2018 NSA

The National Crime Agency (NCA) has published its 2018 National Strategic Assessment of serious and organised crime.

Key observations include:

- The scale of modern slavery and human trafficking in the UK continues to increase with a growth in the number potential victims claiming they have been exploited before arriving in the UK. This identifies developing risks in transit countries, principally in North Africa.
- There is an upward trend in criminal firearms discharges evidencing an illicit supply from UK and overseas sources.

- Potentially hundreds of billions of pounds of money laundering which impacts on the UK every year. There is a threat posed by the criminal exploitation of accounting and legal professionals involved with trust and company provision.
- The UK is a prime destination for corrupt foreign 'politically exposed persons', who come to launder the proceeds of corruption. Prime countries of origin are Russia, Nigeria and Pakistan.
- Cyber-crime in the UK continues to rise both statistically and in case complexity. Under-reporting of data breaches erodes the NCA's assessments of the scale and cost of network intrusions.

Access the full report [here](#).

Record figure of victims of sextortion gangs

Figures released by the NCA show the number of victims of sextortion has risen threefold in just two years. In 2017 alone, 1,304 cases were reported by police forces across the UK. This figure is three times higher than that from 2015.

Victims are often contacted through dating websites and made to believe they are in a genuine relationship, before being persuaded to perform sexual acts online. These are recorded and used to threaten the victim. The actual figures are believed to be much higher as many cases remain unreported. It has had a devastating impact, with at least five linked suicides. Evidence indicates that the sextortion is predominantly carried out by gangs overseas who tend to target males between the ages of 17 and 25. An increasing number of victims from British Armed Forces personnel has also been observed.

The NCA is releasing figures in a bid to raise awareness and help prevent future crime. They also want to urge victims to come forward, with the reassurance they will be taken seriously and that their case will be treated in confidence. Those using dating websites are warned to be wary of who they interact with and avoid being lured into certain situations online.

Find further information [here](#).

Police

Home Secretary speaks at POLFED conference

On 23 May 2018 the Home Secretary, Sajid Javid, gave a speech at the 2018 Police Federation (POLFED) Conference setting out his vision for the government's future relationship with the police service. The Home Secretary recognised the unique and varied role carried out by police officers and the part the service played in recent tragedies.

The speech's key points included:

- Recognition for strides made in reducing 'traditional crime'. It was also acknowledged however that there existed the counter-issue of emerging types of crime impacting on the service.
- Police funding to be prioritised in the next year's spending review.
- Consideration to be given to transforming the welfare provision for officers.
- Support for the Assaults on Emergency Workers Bill.
- New laws are to be expedited which will make it harder than ever before to buy and possess guns, knives and acid.
- Stop and search procedures should be supported and consideration to be given to 'other' powers officers need to do their job more effectively.
- A formal front-line review will be established to get direct feedback from officers which will inform what happens in future policing.
- To establish a base standard rating of 'good' across all police forces. Efficiency also needs to be reviewed given the gap between forces at the top and those at the bottom.
- An expectation that the Federation will lead by example, showing greater transparency in the publishing of accounts and expenses, and also continuing to show leadership on implementing reforms.

Find the full speech [here](#).

The response from POLFED's national chair can be found [here](#).

Revision to PACE Codes of Practice

The response to the consultation on revisions to PACE Codes C, H, E and F has been published. The revised codes were placed before Parliament on 21 May 2018. An order will bring the codes into operation 21 days after Parliamentary approval.

The main revisions to the PACE Codes concern safeguards for vulnerable suspects, voluntary interviews and the amendments to PACE introduced by the Policing and Crime Act 2017. The changes include:

- introducing a new definition of 'vulnerable' which replaces references to 'mentally vulnerable'
- for voluntary suspect interviews, establishing in full the rights, entitlements and safeguards that apply and the procedure to be followed when arranging for the interview to take place
- reflecting amendments to PACE made by the Policing and Crime Act 2017
- substantial changes to the existing approach to audio (and visual) recording of suspect interviews. This includes the need to specify and extend the types of devices to be used. While specific reference to body worn video (BWV) is not made, such devices may be

used if they comply with revised operating specifications and associated manufacturers' instructions and the interview in question is conducted in accordance with the Code.

Until the updated codes come into operation, the current codes C, H, E and F remain in force.

Find the consultation response [here](#).

Increase in armed police numbers

There has been an increase of 874 firearms officers to Home Office forces. An overall increase of 1,351 firearms officers includes the increase from non-Home Office forces e.g. British Transport Police, Civil Nuclear Constabulary. The number of armed response vehicles (ARV) has increased by more than 25%. This increase has allowed forces to respond faster and in greater numbers to major incidents. There has also been an increase of 70% in the number of the highest trained counter terrorism specialist firearms officers. These officers taken from ARV ranks and given further specialist training. An NPCC statement indicated commitment to a routinely unarmed service model of policing but that the right level of armed policing is necessary to meet potential threats to the public.

Find further information [here](#).

Further commentary and reflection on some of the challenging facing the firearms officer role can be found [here](#).

Consultation on police pursuits opens

Further to the Pursuits Bill, the government has opened a consultation on a separate test for police drivers that requires:

- an officer to drive according to the standard of a careful and competent police driver of a similar level of training and skill
- that the driving tactics used (including any exemptions from road traffic law) are authorised appropriately, necessary and proportionate.

The consultation wishes to address:

- whether any potential legislative change should only apply to pursuits or to response driving as well
- whether exemptions under current road traffic legislation ought to be made clearer and more consistent
- amending the definitions of careless and dangerous driving to include the expertise and experience of police drivers
- the clarity surrounding accountability when a pursued suspect makes the decision to drive dangerously and how any blame should not be attached to the pursuing officer.

The consultation has been welcomed with caution by POLFED who stress the government needs to act quickly to prevent further unnecessary prosecutions.

The consultation closes on [13 August 2018](#).

To contribute, access the consultation [here](#).

Find the POLFED response [here](#).

£273 million in equipment savings made by police forces

The Home Office has produced data illustrating where expenditure is made on common items, to ensure best value. Police and Crime Commissioners (PCCs) are spending almost a quarter of their overall budgets on goods and services with third party suppliers. The data published highlights the most recent prices paid for goods such as police helmets, shirts, vehicles and services like gas and face-to-face language interpretation.

Examples include Bedfordshire, Hertfordshire and Cambridgeshire collaborating on uniform purchase, halving the cost of fleeces from £32.95 to £15.95. Similarly, forces in Yorkshire have worked together to reduce prices of vehicles by up to £10,000 per unit between 2016 to 2017.

This year's figures have identified previously unrecorded items and new areas of discrepancies. This includes ranging costs from £279 to £539 for bicycles and £291 to £656 for motor cycle helmets. The data collected will be used to highlight areas where forces can find new opportunities for collaborative procurement. The figures also reveal areas which have worsened, identifying increases on credit reports and goods such as belts, batons and handcuffs. Forces have committed to achieve an additional £100 million in procurement savings over the next three years.

Find further information [here](#).

Find police force prices for goods and services [here](#).

IOPC statistics published

The Independent Office for Police Conduct has published its figures for the first quarter of 2018. 2,341 complaints have been received.

Find the figures [here](#).

Police Foundation publish report on neighbourhood policing

Thames Valley Police commissioned the Police Foundation to provide a summary of literature about neighbourhood policing. The report titled 'Neighbourhood Policing: Past, present and future' is available online and includes content on the development, main models and

effectiveness of neighbourhood policing. It also highlights good practice and reflects on possible future changes to reflect a changing society.

Find the report [here](#).

Police response to vulnerable people examined

As part of its inquiry into Policing for the Future, the Home Affairs Committee has examined evidence on the police response to vulnerable people, including individuals with mental health problems and those who go missing. Evidence was given by a number of witnesses, including Dame Vera Baird DBE QC, Chief Inspector Michael Brown OBE and Chief Constable Mike Veale.

Issues discussed included:

- police interaction with vulnerable people, including safeguarding work
- policing and mental health
- the rise in missing person reports
- the impact of police funding cuts on neighbourhood policing
- the efficacy of different neighbourhood policing models.

Find the evidence from the panel [here](#)

Welfare

Mental Health Foundation's report on stress

The Mental Health Foundation's (MHF) focus for this year's mental health awareness week (14 to 20 May) was stress. An MHF report indicated that 74% of the 4,169 adults surveyed have at some point felt so stressed that they were overwhelmed or unable to cope. The report also shows that self-reported work related stress has remained broadly stable since 2006/7 but is still persistent with around half a million people suffering from work related stress in the UK. Relevant literature outlines several models of stress in the work place with one model positing a lack of balance between effort and reward being an inducing factor. Another model highlights the imbalance between the demands of a job and the level of control given to manage tasks. In 2016/17, work related stress accounted for an average of 23.9 lost work days for each person affected. A 2017 Unison survey reported that 92% of people felt they had too much pressure at work at some point and that 67% thought that excessive work demands were the cause of their work stress. UK workers are working an average of 7.7 hours a week of unpaid overtime. The MHF estimates that 15% of people at work have a mental health condition. They also report that 300,000 people with a long term mental health problem in the UK lose their jobs each year. Figures from a 2016 survey show an increase of two thirds in the reporting of mental health problems compared to the previous year. This is twice that reported by employees in the private sector.

MHF highlights the growing body of research showing the links between stress and its effects on mental health. 51% of adults surveyed who felt stressed also reported feelings of depression. 61% reported feelings of anxiety. Of the adults who had confirmed having felt stress, 16% had self-harmed and 32% said that they had suicidal thoughts and feelings.

The report lists the following as the top 10 individual actions to help manage, reduce and/or prevent stress:

- **Realise the signs and identify the causes:** Be mindful and patient with yourself and make the connection between feeling tired or ill with the pressures you might be facing. Do not ignore physical signs: headaches, tense muscles, over-tiredness. Sort the possible reasons for your stress into categories from those which can be resolved, those which will resolve themselves in time and those that you can't do anything about.
- **Review your lifestyle:** Ask yourself if you are taking too much on, what you could let go or reprioritise?
- **Build supportive relationships and social networks:** Find close friends or family who understand and can offer help and support.
- **Eat healthily:** There is a considerable amount of research to indicate that food can affect our moods in a way that goes beyond comfort eating and being more about nutrition.
- **Be aware of nicotine, alcohol and/or caffeine intake.**
- **Exercise.**
- **Take time to relax.**
- **Be mindful:** Research indicates that mindfulness and mindful meditation can reduce the effects of stress.
- **Get some restful sleep:** This may be difficult if you are suffering from stress or anxiety but there are resources online to help, including on the MHFs own website.
- **Don't be hard on yourself:** Keep things in perspective. Look for the positives in life. Be grateful.

The report makes the following broader recommendations:

- Assessment by health and social care professionals to address psychological and other stressors experienced by those with long term physical health conditions.
- First point of contact services should offer a compassionate and trauma informed response.

- The government and the Health and Safety Executive must ensure that employers treat physical and psychological hazards in the work place equally.
- The government should introduce a minimum of two mental health days for every public sector worker.
- Mental health literacy should be a core competency in teacher training.
- A government review of welfare reform and austerity programmes on mental health should be made.
- Further research on the prevalence of stress and what initiatives can be taken to reduce stress at community and societal levels should be undertaken.

Find further information [here](#).

Criminal justice system

New online safety laws to be introduced

In response to the [Internet Safety Strategy green paper](#), the government has announced its intentions to draft new laws promoting online security. Earlier public consultation revealed that users feel powerless when addressing safety issues online and that companies operate with minimal oversight or transparency. As many as 6 in 10 people said that they had seen inappropriate or harmful material online. A white paper will be drafted in consultation with technology companies, children's charities and other stakeholders. It will set out legislation to include measures to tackle a broad range of online concerns, from trolling to child sexual exploitation. The legislation seeks to accommodate any changes put forward by the Law Commission's review of online offensive communications.

Find the full article [here](#).

Cyber and international law in the 21st century

On 23 May 2018 the Attorney General, Jeremy Wright QC MP, presented a speech at Chatham House Royal Institute for International affairs setting out the UK's position on applying international law to cyberspace. A Government Minister has never set out the national standpoint on record before.

Key points from the speech include:

- International law must be relevant to the challenges of modern conflicts if it is to be credible and effective in maintaining international order.
- The UK should be 'open and clear in setting out rules it feels bound by'. This demonstrates a commitment to international order but is also illustrative of our place at the forefront of developing the law in this field.
- All states have a responsibility to be clear about how our international law obligations bind us.
- Cyber space must not be a lawless world and the UK considers any states or individuals who engage in hostile cyber operations, as governed by law, just like activities in any other domain.

Find the full article [here](#).

IPCO invite submissions on bulk powers

The Investigatory Powers Commissioner's Office (IPCO) have invited submissions on the proportionality of the bulk acquisition of data. Provisions for this are given in the Investigatory Powers Act 2016 and includes measures for the acquisition of communications data, equipment interference, bulk interception and bulk data set retention. Further to section 2(2)(d) of the Act, IPCO have asked for views on 'any other aspects of the public interest in the protection of privacy'. Also requested are observations on identifying the broad range of factors the commissioners should consider when considering whether the conduct proposed in a bulk warrant is proportionate and whether there should be a particular approach. The request has been extended because of the regime to issue bulk warrants, which is due to commence later this year.

Find the letter of request [here](#).

Sentencing Council opens consultation on public order offences

The consultation seeks input on the following Public Order Act 1986 offences:

- Section 1: riot
- Section 2: violent disorder
- Section 3: affray
- Section 4: threatening or provocation of violence and the racially or religiously aggravated counterpart offences
- Section 4A: disorderly behaviour with intent to cause harassment, alarm or distress and the racially or religiously aggravated counterpart offences

- Section 5: disorderly behaviour causing or likely to cause harassment, alarm or distress and the racially or religiously aggravated counterpart offences
- Offences relating to stirring up racial or religious hatred and hatred based on sexual orientation.

The consultation will input into updated guidelines for the sentencing of these offences in the criminal courts and provide transparency for the public.

The consultation closes on **8 August 2018**.

Find further information [here](#).

CPS publishes outcome of sexual offences review

The CPS has published the outcome of its review of rape and serious sexual offences (RASSO) cases. This follows an announcement in January that senior prosecutors were assessing all cases in England and Wales in which someone had been charged with rape or serious sexual assault. More than 3,600 cases were looked at to ensure that disclosure was managed effectively after concerns were raised over how disclosure was handled by the CPS and the police. Specialist RASSO prosecutors assessed each case to be satisfied that the police had pursued all reasonable lines of inquiry and that a clear strategy was in place for disclosure to be carried out effectively and in a timely manner.

In total, 3,637 cases were assessed. Prosecutors identified where additional work was required, either to strengthen the prosecution case or to be satisfied that the evidence continued to support the decision to prosecute. Particular attention was paid to social media and digital communications. In many cases the police were asked to conduct further investigation. Cases stopped during the review period were subjected to further, detailed analysis to identify whether there were any concerns about how disclosure had been handled.

Forty-seven prosecutions for rape or serious sexual offences stopped during the period were found to have issues around the disclosure of unused material. Common themes identified included communications evidence such as texts, emails, and social media being examined too late in the process. Also applicable was the failure to identify and obtain material such as social services records and the emergence of new evidence after charge.

The joint [National Disclosure Improvement Plan](#) includes a range of measures that will support police and prosecutors with their disclosure duties.

Find the full review [here](#).

Evaluation of prison learning initiative released

Research specialist Ipsos MORI, consultants London Economics and Sheffield Hallam University were commissioned to undertake a process and impact review of prisoner education under the Offender Learning Skills Service in March 2015. Though the statistics could be deemed as modest, the results show some positive impacts on reducing proven reoffending and post release employment among domestic offenders. Prisoners who had undertaken a programme of education termed as OLASS3 in the survey, were approximately 7.5% less likely to reoffend after one year from release than those prisoners who had not taken the programme. OLASS3 learners were also 1.7% more likely to be in P45 employment one year from release. They were also more likely to be in receipt of out of work benefits; a trend attributed to in the report as a sign of either increased market labour engagement or a side effect of reduced reoffending. There was no increase seen in the likelihood of gaining further qualifications post-release.

Find the full report [here](#).

New drone laws to protect air passengers

Laws introduced on 30 May 2018 restrict drone flight above 400 feet and within one kilometre of airport boundaries. These legal changes, made via an amendment to the Air Navigation Order 2016, follow annual increases in drone incidents with aircraft (93 in 2017). Drone pilots who violate the boundary restrictions could be charged with recklessly or negligently acting in a manner likely to endanger aircraft. The penalty is an unlimited fine or up to five years in prison or both. Further changes are going to be implemented in November 2019 and will require owners of drones weighing over 250 grams to register with the Civil Aviation Authority and take an online safety test before use. Pilots who fail to register or sit the competency tests could be fined up to £1,000. A draft drones bill will be published later this year and looks to further tailor police powers to intervene should drones be used inappropriately.

Find further information [here](#).

New laws for remote control parking

Consultation on changes to the Highway Code and The road vehicles (construction and use) (amendment) regulation 110, received overwhelming support from manufacturers, insurance groups, haulage companies and other groups this year. The consultation has led to legal changes which will mean that drivers can now use remote control parking on British roads. Currently regulation 110 stipulates that drivers may not hold a mobile device in their hands whilst in their vehicle. However, the updates in the law will now permit a driver to use their remote control parking device as long as they are within 6 metres of their vehicle.

Automated or drive assist technologies have advanced greatly. The legal updates provide clarity for drivers about how the new technologies can be used.

The Law Commission has also been asked to undertake a review of driving laws to ensure that the UK stays at the forefront of the development, testing and use of self-drive vehicles.

Find further information [here](#).

Boost to action against knife crime funding for charities

Charities in England and Wales are now bidding for a share of a £1 million fund to help steer young people away from gangs and violent crime. Successful community groups will receive up to £30,000 each to support work educating young people about the dangers of carrying weapons. The fund will provide critical support to local communities and help them tackle knife crime.

Numerous charities have already benefited from the Community Fund, including the Coventry-based Positive Youth Foundation. CEO Rashid Bhayat said: "the funding from the Home Office provided the opportunity to have these meaningful conversations. I would encourage organisations to apply to this funding round, as it will allow for much needed support and interventions for young people most at risk."

Find further information [here](#).

CPS publishes Inclusion and Community Engagement strategy

The CPS has published a 2020 Inclusion and Community Engagement strategy, setting out its ambition to build on strong foundations and lead the way on promoting fairness, equality, diversity and inclusion across the criminal justice system. The strategy resulted from a consultation across the CPS, its stakeholders and community partners. It is hoped that the approach will strengthen partnerships with the community and improve the quality of CPS casework.

Find further information [here](#).

JUSTICE to intervene in Supreme Court case

Evidence will be provided in the case of [R \(on the application of Nealon & Hallam\) v Secretary of State of Justice](#), regarding the inadequacy of the current statutory compensation regime, to argue it has reduced the redress for wrongful conviction.

Both defendants spent significant time in prison before being released following the emergence of new evidence deeming that their convictions were unsafe. The current threshold under section 133 Criminal Justice Act 1998 requires 'beyond reasonable' doubt for statutory

compensation. Such a threshold has meant that defendants have not received compensation for time served.

Law reform and human rights organisation, JUSTICE, have launched a report highlighting the inadequacies of the support offered to individuals who have been exonerated. The report demonstrates failures and the need for development. It makes 14 recommendations for reform, including:

- better management of the transition from incarceration to release
- the need for specialist psychiatric care
- the setting up of a residential service to provide practical and welfare support for the exonerated
- an independent body to determine whether applicants are eligible for compensation
- automatic compensation for wrongful imprisonment (subject to exceptions)
- an apology and explanation of the failure that leads to a quashed conviction and, where necessary, a public inquiry.

Find further information [here](#)

Counter terrorism strategy published

The Home Secretary has launched an updated and strengthened strategy following a review of all aspects of counter-terrorism. The review found the CONTEST strategy to be well-organised and comprehensive. Also, that the approach should be updated within the tried and tested strategic framework of the four 'P' work strands, as follows:

- Prevent: to stop people becoming terrorists or supporting terrorism.
- Pursue: to stop terrorist attacks.
- Protect: to strengthen our protection against a terrorist attack.
- Prepare: to mitigate the impact of a terrorist attack.

The review concluded that a change in approach within this framework would increase the ability to counter the shift in threat. This includes a step-change in domestic investigative capabilities through implementation of the recommendations of MI5 and Counter Terrorism Policing's Operational Improvement Review.

The strategy is underpinned by new legislation which will:

- amend existing terrorism offences, updating them for the digital age so they reflect contemporary patterns of radicalisation. Also, to close gaps in their scope, including making it an offence to repeatedly view streamed video content online

- strengthen the sentencing framework for terrorism, including increasing the maximum penalty for certain offences, to ensure that the punishment properly reflects the crime and better prevent re-offending
- enable any further terrorism offences committed overseas to be prosecuted in the UK courts.

Access the full strategy [here](#).

Information note on universal jurisdiction published

On 21 May 2018 the Ministry of Justice published a universal jurisdiction information note, summarising the UK's approach to the investigation and prosecution of crimes of universal jurisdiction.

There are only a small number of offences to which universal jurisdiction applies and the note is designed to aid those in law enforcement, providing uniformity to the process. It helps ensure that those suspected or accused of such offences are investigated, and charged and tried (where appropriate) in a way that is fair and impartial from beginning to end. The UK approach to universal jurisdiction is not unique and many other countries prosecute cases under the same system. However, there are natural differences in the way such jurisdiction is exercised, as would be expected, taking into account local constitutional and legal frameworks.

The note highlights that applying universal jurisdiction in our national law in respect of certain offences is reflective of the policy's aims. It also enables us to meet our international obligations in this regard, including those under the Geneva Conventions, the UN Convention against Torture and other counter-terrorism conventions.

The information note covers the following key areas:

- concept of universal jurisdiction in UK law
- when will an investigation in England and Wales take place?
- decision to investigate
- decisions in respect of private arrest warrants
- decision to prosecute
- role of the Attorney General
- Scotland
- Northern Ireland
- immunity of state officials from criminal jurisdiction
- categories of persons enjoying personal immunity
- official act immunity.

The annex documents also provide guidance in respect of war crimes, crimes against humanity referral guidelines and how to make a request for DPP consent to an application for a private arrest warrant in accordance with Section 1(4a) of the Magistrates Courts Act 1980.

Find the information note [here](#).

Appeal from Forensic Science Regulator to maintain standards

The Forensic Science Regulator's annual conference was attended by representatives from across the criminal justice system to look at how collaborative working could ensure compliance with the Regulator's standards. However her speech emphasised the potential to go beyond just meeting standards but moving UK forensics from functional to excellent. Sir Brian Leveson spoke about how high profile media coverage of problems with specific firms which used words such as 'unreliable' and 'manipulated' made the role of the Regulator essential in ensuring trust in the evidence process. The Regulator highlighted that the UK has one of the strongest statutory frameworks for forensic science in the world.

Find the full article [here](#).

Digital evidence explored by Justice Committee

The Justice Committee held its third evidence session on the inquiry into the disclosure of evidence in criminal cases on 15 May 2018. The session heard evidence on the implications surrounding the growing use of digital evidence for disclosure.

The issues covered included:

- the growing volumes of digital information
- the technology and techniques used
- how to ensure fairness to complainants, witnesses and defendants
- the disclosure process.

The Committee also examined broader disclosure issues in an evidence session held earlier in the month. The inquiry intends to investigate the disclosure procedures to ensure that they are fit for purpose.

Issues reviewed at this evidence session included:

- perspectives from the legal profession
- the performance of the police, CPS and the defence with regard to disclosure
- factors which may have contributed to recent disclosure issues.

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

Report published on reducing modern slavery

The Public Accounts Committee has published a report based on evidence from the Home Office, the National Audit Office, the NCA and the Independent Anti-Slavery Commissioner. The report makes the following conclusions and recommendations:

- The Home Office has no means of monitoring the progress or effectiveness either in function or cost efficiency of its Modern Slavery Strategy (launched in 2014 to reduce modern slavery). The report indicates that there are no set measures or targets to illustrate what success might look like, nor was there clarification offered to organisations involved of what their roles and responsibilities ought to be. There was also no means of understanding where the money to counter modern slavery was spent across government and therefore no means to prioritise funding or understand how effective different elements of the strategy are, given the expenditure.
- There are gaps in understanding modern slavery in the UK which could impact on prevention work. While progress had been noted, there was still more to do to improve understanding particularly with Brexit changing the political landscape.
- The 'hands off' approach to ensuring business compliance with transparency in supply chains isn't working. There is a reliance on non-governmental organisations, investors and consumers to monitor compliance but this approach is insufficient. Only 30% of businesses required to publish a statement on the steps taken to ensure modern slavery does not appear in their business functions or supply chains, have done so. The report urges for proactive administration and requests confirmation of progress by April 2019.
- Reform of the National Referral Mechanism (NRM) has taken too long and the current system is insufficient. The NRM system is currently under reform. The report recommends that the reform allows for collection and analysis of data to help further understanding of modern slavery, the businesses and sectors where modern slavery is most prevalent and what happens to victims when they leave the NRM.
- Victims are waiting too long for NRM decisions. The average time in 2016 was 134 days.
- An absence of clear standards or an inspection regime means no way of knowing if victims receive adequate care. The Salvation Army are relied upon to escalate concerns. The committee found this to be insufficient assurance about the standards of care.
- Variation in referral rates between police forces suggests a difference in regional priorities. The three forces with the highest number of referrals have made more than 900 referrals since 2009. Six forces have made fewer than ten referrals in the same period. The variation in police reporting of modern slavery offences is more acute than that of other offences. Modern slavery requires better management and awareness amongst forces and stakeholders. £8.5 million has been invested into improving the police response to modern slavery but the Committee is concerned about the future given the funding expires in April 2019.

Find the full report [here](#).

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