



College of  
Policing

Hate Crime  
Statistics

BTP  
Gang-related  
arrests

Detention  
Mental Health  
Act

# Digest | October 2018

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



**Lord Ferrers Award** Volunteer Policing

**IOPC** Guidance on police processes after death

**Crack down** Illegal wildlife trade

**Financial Crimes Unit** Tackle prison gangs

**BetterEvidence**™  
for **BetterPolicing**

# Contents

---

## 2 Introduction

## 2 College Membership

### Legislation<sup>3</sup>

## 3 Bills before Parliament

## 3 Mental Capacity (Amendment) Bill

## 3 Statutory Instruments

## 3 SI 1042/2018

## 3 SI 1072/2018

## 4 Acts

## 4 FGM guidance updated

### Case law

## 4 R (on the application of T) v Ministry of Justice EWHC 2615 (Admin)

## 5 Gray, R v [2018] EWCA Crim 2083

### Policing practice

#### Crime

## 7 Drug-dealer jailed under modern slavery laws

## 7 #Metoo campaign makes reporting more likely for young men

## 8 Hate crime

## 8 Hate crime stats

## 9 Crack down on gangs driving illegal wildlife trade

#### Operational

## 9 Guidance on safeguarding body worn video data

## 9 Independent Office for Police Conduct (IOPC) publishes draft guidance on police processes after a death

#### Diversity

## 10 Equality and Human Rights Commission (EHRC) research highlights inconsistent attitudes towards equality

## 11 Progress made in rights for disabled people

#### Police

## 12 Lord Ferrers Awards

## 13 British Transport Police (BTP) make gang-related arrests during county lines week

## 13 Financial crime unit to tackle prison gangs

#### Welfare

## 13 Loneliness Strategy launched

### Criminal justice system

## 14 Hate crime plan refreshed

## 14 Tougher hate crime sentences at record levels

## 15 Initiatives against hate crime in North West produce results

## 15 HMICFRS report improved access to justice for disabled people

## 16 Home Office provides £2m to stem human trafficking in Albania

## 17 Pregabalin and Gabapentin to be controlled as class C drugs

## 17 Detention under the Mental Health Act (MHA) statistics released

## 18 Home Office action against serious violence

## 18 Project on algorithms in policing

## 18 National DNA Database (NDNAD) statistics

## 19 Response to Investigatory Powers Tribunal Consultation

# Introduction

---

Dear readers,

Thank you for accessing the October 2018 edition of the Digest produced by the Legal Services team at the College of Policing.

This month's edition features several articles on hate crime, including reports presenting the latest hate crime statistics and sentencings, research being conducted by the Her Majesty's Inspectorate of Constabulary Fire and Rescue Service (HMICFRS) to better understand the experiences of victims of hate crime. There are also articles examining attitudes towards equality within Britain, rights for disabled people in the UK and the use of algorithms within policing to assess individuals' predisposition for future crime.

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:  
[DigestRegistration@college.pnn.police.uk](mailto:DigestRegistration@college.pnn.police.uk)  
[Digest@college.pnn.police.uk](mailto:Digest@college.pnn.police.uk)

# College Membership

---



 College of Policing  
Membership

**BetterProfessionals**  
for **BetterPolicing**™

Become a member today! Visit [college.police.uk/membership](http://college.police.uk/membership) to sign up for free

Enjoy **exclusive membership benefits** including:

- **Your membership profile:** A secure place to record your training, CPD and experience
- **Development support:** Career support, CPD opportunities, mentoring service and easy access to College training
- **Jobs Board:** Access to the only place to find all policing vacancies nationwide
- **Policing news:** Direct to your inbox every fortnight to keep you informed
- **Knowledge sharing:** Networking opportunities across all forces and over 26,000 fellow members

C91110418

# Legislation

---

## Bills before Parliament

### Mental Capacity (Amendment) Bill

The bill will amend measures in the Mental Capacity Act 2005 in relation to procedures for depriving a person of their liberty for care and treatment, or for life sustaining treatment, if the person being detained lacks the capacity to consent.

A line-by-line review of the draft bill took place on 15 October. Committee stage is scheduled for 22 October.

The full publication can be accessed [here](#).

[Back to contents](#)

---

## Statutory Instruments

### SI 1042/2018

The Firearms (Amendment) Rules 2018 came into force on 16 October 2018.

The instrument makes amendments to the Firearms Rules 1998 in relation to the conditions imposed on granting or renewing a firearm or shotgun certificate. It requires that as soon as practicable, but within seven days, the theft, loss or destruction of a certificate or any firearm, shotgun or ammunition to which the certificate relates to in Great Britain, must be reported to the chief officer of police by whom the certificate was granted.

More information can be accessed [here](#).

[Back to contents](#)

---

### SI 1072/2018

The Police, Fire and Crime Commissioner for Northamptonshire (Fire and Rescue Authority) Order 2018 will come into force on 1 January 2019.

This instrument transfers the responsibility for the governance of fire and rescue services, which currently rests with the Northamptonshire County Council, over to the Police and Crime Commissioner for Northamptonshire as of 1 January 2019. Following the commencement of this instrument, the current Police and Crime Commissioner will be known as the Police, Fire and Crime Commissioner for Northamptonshire.

More information can be accessed [here](#).

[Back to contents](#)

## Acts

### FGM guidance updated

The multi-agency statutory guidance on female genital mutilation has been updated. The guidance, issued under the Female Genital Mutilation Act 2003, should be read and followed by all persons and bodies in England and Wales who are under a statutory duty to make arrangements to discard their functions having regard to the need to safeguard and promote the welfare of children and vulnerable adults. The guidance has three key functions:

- to provide information on FGM, including the law on FGM in England and Wales
- to provide strategic guidance on FGM for chief executives, directors and senior managers of persons and bodies, or for third parties exercising public protection functions on their behalf
- to provide advice and support to front-line professionals who have responsibilities to safeguard and support women and girls affected by FGM, in particular to assist them in:
  - identifying when a girl or young woman may be at risk of FGM and responding appropriately
  - identifying when a girl or woman has had FGM and responding appropriately
  - implementing measures that can prevent and ultimately help end the practice of FGM.

The updated guidance, which replaces earlier guidance published in 2016, can be accessed in full [here](#).

[Back to contents](#)

## Case law

---

### R (on the application of T) v Ministry of Justice

#### EWHC 2615 (Admin)

The case relates to a judicial review with an application for permission to appeal for a certificate allowing 'leap-frogging' the matter direct to the Supreme Court. This is following leave to appeal to the Supreme Court for a case concerning similar issues.

The claimant in this case suffers from Multiple Systems Atrophy, a debilitating neurological disorder which leaves him bed-bound and requiring 24-hour care. The claimant has expressed his desire to die but is unlikely to do so from his condition for some time. An emotive extract

of his witness statement iterating his need for 'help to end [his] life safely and painlessly and with dignity', can be read [here](#).

The claimant submitted an application for judicial review for a declaration under section 4(2) Human Rights Act 1998 positing that section 2(1) of the Suicide Act 1961 is incompatible with Article 8 (respect for private and family life). Former judgements in the cases of *Pretty v UK* (2003) 35 EHRR 1 and *Nicklinson v UK* (2015) 610 EHHR SE7 confirm that this is a matter for domestic law as the current ban on assisted suicide is deemed to fall within the wide margin of appreciation granted to member states for interpretation.

The Court discussed what was termed as 'the preliminary issue'. This was the earlier case of *T v Secretary of State for Justice* [2017] EWHC 3181 (Admin) which discussed whether it would be appropriate and necessary to hear first-hand evidence with cross examination as part of the review of the salient issues. Parties did not reach an agreement and following a leave of appeal to the Supreme Court for a case which touched on similar issues, (*R (Conway) v Secretary of State for Justice and Others* [2018] EWCA Civ 1431), the applicant argued to 'leap-frog' his case to the Supreme Court.

The court acknowledged that any further decisions on the matter would incorporate 'ethical, moral and social policy issues'. Quoting *Conway*, discussion of such issues would include 'balancing the principles of sanctity of life and the right of personal autonomy'. Review of whether it would be appropriate to allow the claimant's application involved assessment of the permissibility of cross examination in other cases involving euthanasia. It was determined the applications that the claimant submitted were premature, coming before any outcome from the 'preliminary issue'. There was no guarantee of the judicial review's failure. The applicant was invited whether to pursue the judicial review further and that any question of interlocutory appeal and certification could be addressed after. The Court offered to do what it could to facilitate speedy hearings once further applications had been laid.

Following distribution of the judgement, the sad news of the claimants death was communicated to the court. The claimant had travelled to Switzerland and had, with assistance, taken his own life.

The full judgement can be accessed [here](#).

[Back to contents](#)

---

## Gray, R v [2018] EWCA Crim 2083

Antoin Gray, Jeramiah Johnson and Codie Goodensimms were convicted of the murder of Tobi Animashaun on 10 May 2017. All three men were sentenced to life imprisonment for the minimum term of 17 years under section 269 of the Criminal Justice Act 2003.

The murder took place on 11 September 2016. Three cars waited outside Mr Animashaun's place of work at Sainsbury's depot in Charlton, London. As Mr Animashaun left work, a young man from one of the vehicles confronted him, joined by other young men who were armed

with machetes, knives and baseball bats. The victim was attacked until he collapsed and suffered numerous serious injuries including two fatal stab wounds.

Prosecution did not suggest that the appellant and his co-defendants were principles in the attack but made the case that they were at the scene encouraging it.

This appeal was made by the appellant on the grounds that 'the learned judge erred in refusing a submission of no case; he erred in failing to appreciate that the quality of the single identification was poor'.

Michael Griffin, a work colleague of the victim, gave identification evidence against the appellant. On the day of the murder, as Mr Griffin left the depot where he and the victim worked, he saw a group of five to seven men looking at those leaving the depot. He then witnessed the men ask the deceased a number of questions before the attack began.

Mr Griffin gave evidence that he attended the police station and viewed photographs on four occasions. On the fourth occasion, Mr Griffin attended an identification parade and identified the appellant as being part of the group of people who were present at the attack and who went over towards the deceased. Mr Griffin had incorrectly picked out a volunteer on two occasions in earlier identification procedures when trying to identify the main attacker and the man who held a machete during the attack. At cross-examination on behalf of the appellant when this was raised, Mr Griffin agreed that it was possible that he could have made a mistake when identifying the appellant. During this cross-examination, Mr Griffin also agreed that he had been in a state of shock and that the incident had been fast-moving.

At trial, the judge was required to assess whether identification evidence provided against the appellant was 'good' or 'poor' in line with *R v Turnbull* [1977] 1 Q.B. 224. The judge submitted that the evidence in this case was neither at either extreme of good or poor, but rightly accepted that it was nearer to the lower end of the range. The court hearing the appeal agreed with this. Following *Turnbull* guidance, if the quality of identification evidence is poor, the trial judge is under a duty to withdraw the case from the jury unless other evidence exists which goes to support to correctness of the identification.

The appellant had exercised his right to remain silent in interview. At trial, the judge would have been entitled to take this into account when deciding whether there was a case to answer. Although the judge did not make reference to this, the court of appeal stated that had the judge examined this, it would have been capable of sufficiently supporting the identification evidence.

Examining the identification evidence, the court of appeal concluded that the nature of the identification evidence was such as to require careful and tailored directions to the jury.

Ms Bennett-Jenkins, counsel for the appellant, submitted that at trial the judge should have, yet failed to, clearly direct the jury on the risk of wrongful conviction if caution was not given to the identification evidence from Mr Griffin. Mr McGuinness for the Crown argued the contrary, that the jury were given adequate warning as to the need to have special caution when considering the evidence. The court of appeal agreed with the Crown, that the jury 'were bound to understand from the judge's directions that mistaken identification leads to wrongful

convictions' and that no specific form of words was required from the judge. The judge had not used the term 'wrongful conviction' but stated the following when summing up and covering the identification evidence:

'...To avoid the risk of any injustice in this case, as such as has happened in some cases in the past, I must therefore warn you of the special need for caution before convicting the defendant, Mr Gray.'

The court of appeal ruled that the identification evidence was admissible and that the judge was right to reject the submission of no case to answer. The court concluded that the conviction was safe and dismissed the appeal.

The full judgment can be accessed [here](#).

## Policing practice

---

### Crime

#### Drug-dealer jailed under modern slavery laws

On 4 October 2018, a drug dealer was jailed for 14 years in a landmark case for exploiting children. It is thought it is the first of its kind under new modern slavery laws in regard to the use of children.

The defendant admitted to using children to deal crack cocaine and heroin while living in substandard accommodation. He was involved in transporting children, drugs and money, while keeping contact between customers and suppliers.

The full article can be accessed [here](#).

[Back to contents](#)

---

#### #Metoo campaign makes reporting more likely for young men

Research from the Fawcett Society argues that there has been a shift in attitudes towards sexual harassment as a result of the #Metoo campaign. Their findings indicate that over half of people in the 18-34 age group confirmed they are more likely to speak up against sexual harassment, including 58 per cent of young men. The report makes the following recommendations:

- the introduction of 'third party harassment laws' to protect harassment by clients, contractors, patients and others
- adding gender-based violence to sexual education programmes
- reviewing hate crime legislation to include misogyny

- new obligations to large employers to prevent discrimination and harassment in the workplace.

The full article can be accessed [here](#).

[Back to contents](#)

---

## Hate crime

What do victims tell us? The HMICFRS has published a summary of research to better understand the experiences of victims of hate crime. It identifies three core areas: recognition, better training and clearer information.

The full article can be accessed [here](#).

[Back to contents](#)

---

## Hate crime stats

The Home Office has published statistics on the number of hate crimes recorded by police in England and Wales 2017/18. Additional information is incorporated from the Crime Survey for England and Wales (CSEW), which combines the survey years 2015/16, 2016/17 and 2017/18. The report used the criminal justice system's definition of hate crime – 'any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic'.

The key points of the report included:

- an increase of 17 per cent, to 94,098, in the number of hate crimes recorded by police in England and Wales in 2017/18
- the majority of hate crimes (76 per cent [71,251]) reported by police in 2017/18 included race and ethnicity as a motivating factor
- sexual orientation was reported as the second most common motivating factor (12 per cent [11,638])
- according to the CSEW, 53 per cent of hate crimes came to the attention of the police
- the CSEW stated that 51 per cent of hate crime victims were 'very' or 'fairly' satisfied with the police's handling of the incident.

The full report can be accessed [here](#).

[Back to contents](#)

---

## Crack down on gangs driving illegal wildlife trade

Joint action between the Department for International Development and the Foreign Office will work to crack down on traffickers and criminal gangs involved in illegal wildlife trade. Supporting enforcement agencies in East and South African countries, initiatives will include:

- training law enforcement to conduct investigations and successful prosecutions for corruption, money laundering and wildlife trafficking
- increasing use of sanctions, such as freezing assets and visa bans
- targeting entire criminal networks, including police investigative units and the private sector
- tracking 'dirty money' held by low level offenders to lead to the identification of gang leaders and high rankers.

The full news story can be accessed [here](#).

[Back to contents](#)

---

## Operational

### Guidance on safeguarding body worn video data

The Home Office has published updated guidance on safeguarding body worn video data (BWV). The aim of the guidance is to provide practical understanding on the wide range of information that BWV devices are able to capture and what safeguards can be implemented to avoid losing it. It updates earlier guidance published in 2016 by CAST.

The guidance states that safeguarding BWV requires far broader consideration than just encryption and thought should be given as to where the weakest security points are within the whole process. It also states it is crucial to consider the human element and that a balance is required between implementing measures to safeguard BWV and ensuring that the operational effectiveness of BWV is not compromised.

The guidance can be accessed in full [here](#).

[Back to contents](#)

---

### Independent Office for Police Conduct (IOPC) publishes draft guidance on police processes after a death

The IOPC has submitted draft guidance to the Home Secretary for approval which looks at how evidence should be collected after a member of public dies or is seriously injured. This includes fatalities, injuries resulting from road traffic incidents, firearm operations, and incidents in custody. If the Home Secretary ratifies the guidance, all forces in England and

Wales will be obliged to use it. It has the support of senior police officers and is designed to promote public confidence in its process. It includes:

- identifying and preserving relevant evidence, and bringing it to the investigators' attention
- gathering names and details of non-policing witnesses
- taking measures to prevent police witnesses from conferring.

The full article can be accessed [here](#).

[Back to contents](#)

---

## Diversity

Equality and Human Rights Commission (EHRC) research highlights inconsistent attitudes towards equality

Results from an EHRC study into prejudice and discrimination in Britain have been published. While the survey indicated that three quarters of those surveyed agreed there should be equality for all, prejudice and negative attitudes towards difference remain as issues.

Key findings are highlighted below.

- Of those surveyed, 42 per cent have experienced some form of prejudice in the last 12 months.
- Open expression of prejudice against gay, lesbian and bisexual people (nine per cent), people aged over 70 (four per cent) and disabled people with a physical impairment (three per cent) was less common than against Gypsies, Roma and Travellers (44 per cent), Muslims (22 per cent) and transgender people (16 per cent).
- Discrimination for reasons of race is more serious than age-based prejudice.
- There are concerns surrounding more subtle forms of discrimination, such as patronising attitudes or stereotyping. As an example, only 25 per cent of respondents recognised people with a physical impairment as 'capable' and 34 per cent viewed them with pity.
- Of those surveyed, 63 per cent agreed that efforts towards assisting those with mental health difficulties had not gone far enough, but 25 per cent admitted they would feel uncomfortable if their boss had a mental health condition, and 29 per cent if it were a potential family member.
- 37 per cent of respondents believed that protections for immigrants and Muslims (33 per cent) 'had gone too far'.
- Some respondents indicated that they would feel uncomfortable if an immigrant (19 per cent), a Muslim (18 per cent) or a person who identifies as transgender (14 per cent) moved next door.

- Over the course of the last year, 70 per cent of Muslims had experienced religion-based prejudice, 64 per cent from a black ethnic background had experienced race-based prejudice, 61 per cent of those with a mental health condition had experienced disability-based prejudice and 46 per cent of lesbian, gay or bisexual people had experienced homophobic prejudice.
- Those under 35 are more likely to experience age-based prejudice than those aged 35 to 54.

The report's findings will contribute to a broader EHRC study on equality and human rights in Britain. Progress in education, health, living standards, justice and security, work and participation in politics and public life will be published in the Commission's analysis titled 'Is Britain Fairer? 2018'.

The full publication can be accessed [here](#).

[Back to contents](#)

---

### Progress made in rights for disabled people

The EHCR report 'Progress on Disability Rights in the United Kingdom' provides an update on government action to improve the lives of disabled people in the UK. This follows recommendations made by the Committee on the Rights of Persons with Disabilities (CRPD). The report marks some progress, notably:

- Independent review of the Mental Health Act 1983.
- Increase in the number of disabled people in employment and a decrease in the disability employment gap.
- Further initiatives to improve employment opportunities for disabled people.
- Increase in Access to Work payment cap.
- In the public sector in Scotland, proposals to set targets for employment of disabled people.
- Proposals to outwork Northern Ireland's time limited welfare reform mitigation strategy.
- The Supporting People programme conducted by the Welsh government.
- New measures to tackle online hate speech, harassment and abuse.
- Proposals for a new inter-ministerial group on disability.

In spite of this, the report remains concerned about the evidence about disabled people's lives in the UK. Any progress made is seen only as a limited response to the recommendations made by the CRPD. The report points to the reduction in protections for disabled people and how it is becoming increasingly difficult for disabled people to live independently and be included and participate in their communities on an equal basis. Increasing demand alongside reduced

funding for social care may lead to regression of Article 19 ECHR rights. The possibility of independent living is also reduced by a shortage of accessible and adaptable homes and long delays in making homes accessible. In England, only seven per cent of homes offer minimal accessibility features.

The report did mark some progress in the area of access to justice but deemed that overall, insufficient action had been taken to respond to CRPD recommendations. Key issues include:

- The inability of education tribunals to award compensation for disability harassment or discrimination.
- No formal system of support for those with mental health conditions or learning disabilities.
- How the Legal Aid, Sentencing and Punishment of Offenders Act 2012 supports disabled people and the substantial decrease in legal aid grants to disabled people.

Further research indicated that there is poor and inconsistent use of reasonable adjustments in the criminal justice system for those with mental health conditions and learning disabilities. The underuse of defendant intermediaries was marked as a particular concern.

There are also issues surrounding support at court. Deaf people using an interpreter are still barred from jury service. Government initiatives to modernise the court system via video hearings may have negative consequences for disabled people, impacting on their ability to participate in hearings.

The report urges the government to formulate a defined and coordinated plan, particularly given that Brexit may lead to further undermining of disabled people's rights.

The full publication can be accessed [here](#).

[Back to contents](#)

---

## Police

### Lord Ferrers Awards

The Lord Ferrers Awards, sponsored by Police Mutual, were held in London on 16 October and were hosted by former BBC News presenter Sir Martyn Lewis. Now in its 25<sup>th</sup> year, these awards celebrate the contributions of Police Support Volunteers, Special Constables, Volunteer Police Cadets, and volunteers supporting the work of Police and Crime Commissioners. Fifty-three exceptional volunteers were shortlisted from the record 700 nominations received this year.

Winning volunteers received awards across 10 categories. The complete list of awards and winners can be accessed [here](#).

[Back to contents](#)

---

## British Transport Police (BTP) make gang-related arrests during county lines week

Officers from BTP made 10 gang-related arrests and seized four weapons during a week that targeted county lines drug trafficking across the country. Both undercover and uniformed officers were used, with the focus of the week being on pursuing offenders from drugs networks that exploit children and vulnerable people. Working with other police forces, officers identified and arrested gang members travelling on the rail networks in county towns outside of London.

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

[Back to contents](#)

---

## Financial crime unit to tackle prison gangs

The Ministry of Justice (MoJ) released a press statement describing the latest action to cut the supply of drugs into prison and to stop the transfer of money to 'criminal kingpins'. Specially trained prison and police officers acting on intelligence gained from monitoring bank accounts for signs of illicit transactions will be able to freeze these accounts and make arrests.

The action is seen as part of a wider initiative to reduce the supply of drugs into prisons and, by doing so, reduce the dealing, self-harm and violence within prisons associated with these drugs. This will, in turn, make prisons a safer place, offering prisoners a genuine chance to turn their backs on crime and focus on rehabilitation.

The focus on rehabilitation was furthered when Justice Secretary David Gauke announced plans for the creation of the first secure school in Medway, Kent, allocating £5 million for the project. The school will provide education and healthcare to those in youth custody.

The full press release can be accessed [here](#).

[Back to contents](#)

---

# Welfare

## Loneliness Strategy launched

Loneliness is now identified as one of the greatest health challenges with links to a range of other health conditions such as heart disease, strokes and Alzheimer's. Other studies have found that loneliness is as detrimental to people's health as smoking or obesity. Three quarters of GPs report that one in five patients suffer from loneliness and approximately 200,000 older people have not had a conversation with a friend or relative in over a month. The government will attempt to tackle this problem by a number of different initiatives:

- incorporating loneliness into policy making

- facilitating 'social prescribing', allowing GPs to refer patients experiencing loneliness to community activities and voluntary services by 2023
- partnering with Royal Mail in Liverpool, New Maiden and Whitby which will see postal workers checking in on lonely people as part of their normal delivery rounds.

The full press release can be accessed [here](#).

[Back to contents](#)

## Criminal justice system

---

### Hate crime plan refreshed

An update to the Hate Crime Action Plan has been published. New actions include:

- a Law Commission review into hate crime which will explore ways for legislation to be more effective
- considering if age discrimination and misogyny should be added as hate crime categories
- new public awareness campaigns
- a year extension to the Home Office Places of Worship Scheme, supporting institutions vulnerable to hate crime
- offering call handlers specialist training on how to support hate crime victims
- updating the True Vision website
- further funding charities which educate young people about challenging prejudice
- roundtables on anti-Semitism and anti-Muslim feeling and how to tackle those challenges.

The full news story can be accessed [here](#).

[Back to contents](#)

---

### Tougher hate crime sentences at record levels

A Crown Prosecution Service (CPS) report showed that courts are handing out tougher sentences for hate crime for the first time. In the 2017/18 period more than 67 per cent (over

7,700) of cases involving hostility on the grounds of race, religion, sexual orientation, transgender identity or disability which resulted in conviction had sentences uplifted.

These figures 10 years earlier were as low 2.8 per cent. Legislation states that courts must pass increased sentences when prosecutors evidence the above characteristics. Elsewhere in the report it shows the overall conviction rate has increased to nearly 85 per cent, with the number of cases ending due to complainant issues decreasing.

The full article can be accessed [here](#).

[Back to contents](#)

---

### Initiatives against hate crime in North West produce results

Eighty-six per cent of hate crimes prosecuted in Greater Manchester, Lancashire and Cumbria resulted in conviction. This is one of the highest conviction rates for hate crime prosecutions in England and Wales. In August 2017, Solicitor General Robert Buckland QC MP visited the North West of England to look at the initiatives being used in the area to reduce hate crimes. Initiatives included:

- The successful anti-hate crime education campaign, which teaches the impact of hate-related bullying in schools and has been developed by the Carlisle office of the Crown Prosecution Service.
- Carlisle Mencap's Home Office funded teaching programme, which explains what disability hate crime is and where support and help can be found for its victims.

The full press release can be accessed [here](#).

[Back to contents](#)

---

### HMICFRS report improved access to justice for disabled people

HMICFRS have published a report on the handling of cases involving disability hate crime. The report follows the 2013 'Living in a Different World' report which marked problematic areas which were not acted upon effectively by a review conducted in 2015. The 2018 report highlighted significant improvements:

- Quality assurance checks carried out by CPS area hate crime coordinators were seen as effective, with impressive use of section 146 of the Criminal Justice Act 2003.
- Clearer CPS guidance on disability hate crimes.
- Police referral to victim support services was seen positively, with some forces evidencing effective referrals for all sampled cases.

While the improvements are welcome, the report confirms that there is still further work to be done to fully consider the needs of victims, particularly with regard to whether special adjustments are required for giving evidence.

Recommendations also include:

- Improved use of flagging on police force systems to ensure victims receive appropriate support and that accurate data is retained on the system.
- More than half of police files were seen as adequate or requiring improvement. Improvements are needed at the investigation stage of cases involving disability hate crime and in terms of using out of court disposals appropriately.
- Review of the finding that only half of cases reviewed had undergone a risk assessment or had a risk management plan drafted.
- An increase in the number of sentence uplifts for disability hate crime cases.

Inspectors highlighted the following issues for chief constables:

- Clear indication of a hate crime to the CPS at charging stage.
- Ensure that cases are accurately flagged and in line with the Home Office counting rules.
- Ensure that there is effective supervision for disability hate crime cases to ensure that the file build is of appropriate standard.
- In relevant cases, ensure that the opportunity to make personal statements is offered to victims.

The full report can be accessed [here](#).

[Back to contents](#)

---

### Home Office provides £2m to stem human trafficking in Albania

On 11 October 2018, Victoria Atkins, the Minister for Crime, Safeguarding and Vulnerability, announced a £2 million boost for a programme of work focusing on Albanian human trafficking hotspots. The scheme will focus on the flow of modern slavery into the UK, will provide support to victims and aims to protect vulnerable people in Albania from being targets for trafficking. The UK will also support criminal justice officials to ensure those guilty of human trafficking are brought to justice.

In 2017, outside of Britain, the highest figure of modern slavery victims referred to UK authorities were those who identified as Albanian nationals.

The funding runs until March 2021 and will support Albanian victims with their reintegration into society following such offences, as well as educating vulnerable communities about the dangers of trafficking.

The full article can be accessed [here](#).

[Back to contents](#)

---

## Pregabalin and Gabapentin to be controlled as class C drugs

On 15 October 2018 the Home Office announced that Pregabalin and Gabapentin (both designed to treat nerve pain, epilepsy and anxiety) would be considered controlled Class C substances as of next year. The move was announced after a public consultation assessing the impact of the drugs on the healthcare sector and following a number of fatalities linked to the drugs.

When the changes come into force it will be illegal to possess either drug without a prescription and it will be illegal to supply or sell them to others. There will also be more stringent controls for those using the drugs on prescription to reduce the risk of the drug being stockpiled by patients or being misused by others.

There will be a requirement for doctors to actually sign prescriptions rather than issuing electronic copies. Additionally, pharmacists must dispense the drugs within 28 days of the prescription being written.

The full article can be accessed [here](#).

[Back to contents](#)

---

## Detention under the Mental Health Act (MHA) statistics released

NHS Digital has published statistics about the use of the MHA to formally detain in hospital (section) those diagnosed with a mental disorder in 2017/18. The report also contains statistics for those treated under a Community Treatment Order (CTO) whereby the person is treated in the community, but subject to return visits to hospital for assessment and/or treatment.

The key facts released in the report include:

- 49,551 new detentions recorded under the MCA in 2017/18. For a subset of those providers, for which good quality data existed for the last three years, there was an increase in detentions of 2.4 per cent from last year.
- Detention rates were highest in the 18 to 24 age group (121.8 detentions per 100,000 population).
- Detention rates were higher for males than females: 88.9 compared to 80.9 per 100,000 population.
- Comparison of the 'five broad ethnic groups' showed the 'Black or Black British' group to have detention rates over four times higher than the 'White' group: 288.7 compared with 71.8 per 100,000 population.
- Use of CTOs were also significantly higher (over eight times) for the 'Black or Black British' group than for the 'White' group: 56.6 compared to 6.5 per 100,000 population.

The full publication can be accessed [here](#).

[Back to contents](#)

## Home Office action against serious violence

The Home Office has organised a series of monthly events taking place across the country, bringing together local partners in action against serious violence in communities. Local action is at the core of the government's Serious Crime Strategy and these events will raise awareness of this strategy. The first of these events took place on 8 October in London and was hosted by the Crime Minister, Victoria Atkins.

Over 100 partners from both the public and voluntary sectors attended the London event, which drew attention to the national and regional support available. The local actions already underway and future collaborative opportunities to tackle serious violence were also discussed.

The Serious Violence Strategy contains 61 commitments and the government views these events as playing a part in delivering these commitments to communities and enabling communities to better protect young people from harm.

The full news story can be accessed [here](#).

[Back to contents](#)

---

## Project on algorithms in policing

A report by the Royal United Services Institute (RUSI) has been published assessing machine learning algorithms and their use in policing. It specifically examines the use of such algorithms to predict individuals' predisposition for future crime.

With the use of machine learning algorithms as a tool to support UK policing being relatively new, there is limited research into its effectiveness and a lack of clear regulations guiding its use. The RUSI report explores potential legal, ethical and regulatory impacts of using such technology within policing.

The full report can be accessed [here](#).

[Back to contents](#)

---

## National DNA Database (NDNAD) statistics

The NDNAD releases quarterly statistics, with the second quarter of 2018/19 now released. They present a breakdown of the DNA profiles held by the NDNAD and a breakdown of the subject profiles retained.

The statistics can be found [here](#).

[Back to contents](#)

---

## Response to Investigatory Powers Tribunal Consultation

The Home Office consulted in November 2017 on the updated rules governing proceedings and complaints at the Investigatory Powers Tribunal. A number of the consultation responses have been accepted and the rules revised as necessary.

Among the accepted suggested changes are:

- A widening of the powers that the Tribunal has to enforce its directions for disclosure under Rule 7(6). Rule 7(7) has been added to address this.
- A preliminary issue must be decided by a Tribunal consisting of at least two Members. Rule 6(h) was operating so that a summary on a decision of a preliminary issue could be given by a single Member. Rule 6(h) now has now been deleted to avoid this.
- Concerning Rule 12(3), the Tribunal should be under an obligation to disclose to any complainant that an arguable error of law has been identified. Rule 12(3) had now been amended to reflect this and a new Rule 12(4) proposed.

The proposed Rules will now progress to Parliament.

The full article exploring all accepted and rejected proposals gathered during the consultation can be accessed [here](#).

[Back to contents](#)

---

Please provide feedback to the Digest team by emailing [Digest@college.pnn.police.uk](mailto:Digest@college.pnn.police.uk)

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](http://www.app.college.police.uk)

Any enquiries regarding this publication or to request copies in accessible formats please contact us at [digest@college.pnn.police.uk](mailto:digest@college.pnn.police.uk)

#### © College of Policing Limited 2018

This publication is licensed under the terms of the Non-Commercial College Licence v1.1. except where otherwise stated. To view this licence visit [http://www.college.police.uk/Legal/Documents/Non\\_Commercial\\_College\\_licence.pdf](http://www.college.police.uk/Legal/Documents/Non_Commercial_College_licence.pdf)

Where we have identified any third-party copyright information, you will need to obtain permission from the copyright holders concerned.

This publication is available for download at [college.police.uk](http://college.police.uk)

Any enquiries regarding this publication or to request copies in accessible formats please contact us at [digest@college.pnn.police.uk](mailto:digest@college.pnn.police.uk)