



College of  
Policing

Bravery Awards  
Nominations

Police Regs 2003  
Update

Tech and the CJS  
AI and big data

# Digest | June 2018

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



**Use of TACT** Latest statistics published

**IPA 2016** Codes of Practice released

**Automated facial recognition** First legal challenge

**Search warrants** Call for law reform

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

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

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

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## Introduction

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Thank you for accessing the June edition of the Digest produced by the Legal Services team at the College of Policing. This month sees a ground breaking Supreme Court judgement in the field of civil partnerships with a declaration of incompatibility made between the Civil Partnerships Act 2004 and the European Convention on Human Rights. There are also developments in investigatory powers with new and updated codes of practice for the Regulation of Investigatory Powers Act 2000. There are a number of articles on artificial intelligence and the digitalisation of criminal justice, which sits alongside pieces on expert review of whether these advancements may marginalise those unpractised in modern technology and the ethical implications of these changes. Drawing upon this further, we also report on the first legal challenge against police use of automated facial recognition. We hope you enjoy this month's edition.

Thank you

The Legal Services team at the [College of Policing](#)

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# Legislation

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## Bills before Parliament

### Offensive Weapons Bill

The new bill will tighten the laws surrounding offensive weapons including measures to:

- increase the limits on the purchase of knives and acid online, including selling both online and offline to those under 18 becoming a criminal offence
- prohibit possession of zombie knives, knuckle dusters and death stars, both in public and private
- prohibit possession of a corrosive substance in a public place (a defence for good reasons for possession will be included) and set minimum custodial sentences for reoffending
- commit sellers to meet certain conditions regarding age verification with regards to corrosive products or bladed articles
- creates a new offence of delivering weapons outside the UK to a person under eighteen
- update the definition of a flick knife and gravity knives
- extend existing offences of possession of a bladed article or offensive weapon on school premises or other educational establishments
- prohibit high energy, rapid fire rifles and devices known as 'bump stock' which increase firing rate.

First reading took place on 20 June and second reading on the 27 June 2018.

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

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### Counter-terrorism and Border Security Bill

This bill provides for counter-terrorism measures specifically for people at ports and borders to be questioned on national security and other related purposes. The bill also outlines information regarding terrorist offences such as any expressions of support for proscribed organisations, the publication of images, obtaining or viewing material online and associated sentences.

Committee stage took place on 26 June 2018.

Find further information [here](#).

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### Voyeurism (offences)(no.2) Bill

This bill adds additional offences to existing statutory measures. This includes offences relating to operating equipment or recording an image beneath clothing without a person's consent. It follows the private members 'upskirting' bill's failure to pass second reading on 15 June 2018.

Second reading took place on 2 July 2018.

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

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## Statutory Instruments

### SI 682/2018 The Investigatory Powers (consequential amendments etc.) Regulations 2018

These regulations amend the secondary legislation in relation to the commencement of interception and equipment interference provisions in the Investigatory Powers Act 2016. On 27 June 2018, provisions relating to bulk interception and targeted and bulk equipment commence (as they apply to the Ministry of Defence and intelligence services). Schedule 1 of these regulations amend secondary legislation to those provisions. The Convention on Mutual Assistance in Criminal Matters between EU member states is also designated as an international agreement under section 52 of the Act (interception in response to a request made by a foreign authority).

The regulations came into force on **27 June 2018**.

Find further information [here](#).

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### SI 715/2018 The Regulation of Investigatory Powers (juveniles)(amendment) Order 2018

The instrument strengthens the protections extended to juvenile covert human intelligence sources (CHIS), amending the former 2000 order. The 2000 order contains special provisions authorising the use of CHIS under the age of 18 and prohibits certain conduct or uses. This order clarifies safeguards and extends the length of authorisations.

The order will come into force on **20 July 2018**.

Find further information [here](#).

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### SI 732/2018 The Criminal Justice and Courts Act 2015 (commencement no. 7 and transitional provision) Order 2018

This is the seventh commencement order under the Criminal Justice and Courts Act 2015. Section 66 of the Act is brought into force and provides for appeals from final determinations of the Special Immigration Appeals Commission to the Supreme Court.

Find further information [here](#).

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### SI 748/2018 The Police Super-complaints (designation and procedure) Regulations 2018

This instrument sets out the designated bodies who can raise a super-complaint about systemic issues in policing under the Policing and Crime Act 2017 and requirements for the complaints to be made. It also guides how super-complaints should be handled and outlines

the duties of the three policing bodies: Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, the Independent Office for Police Conduct and the College of Policing. There are currently 16 designated bodies.

The regulations will come into force on **1 November 2018**.

Find further information [here](#).

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## Acts

### European Union (Withdrawal) Act 2018

The bill repealing the European Communities Act 1972 received Royal Assent on **26 June 2018** and is now an act of law. The Act aims to secure a smooth and orderly exit from the European Union and was a result of over 250 hours of debate in Parliament and 1,400 amendments. Some 800 pieces of secondary legislation are likely to be required to prepare domestic statute for exit. This does not include the further volume of bills which will deliver necessary policy changes. The next course of action will be to repeal the European Union Act 2011.

You can access the Act [here](#). Find further information [here](#).

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### Post legislative review of the Bribery Act 2010

A memorandum has been published by the Ministry of Justice, reviewing the provisions and implementation of the [Bribery Act 2010](#). The Act came into force on 1 July 2011 and seeks to acknowledge the UK's recognition of bribery as serious crime, which has far reaching economic and social consequences. The old law included a common law offence of bribery specifically applied to the public sector. There was also statutory provision by way of the Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Act 1996. One of the principal aims of the new Act was to replace the old law with a fit for purpose, consolidated modern law. The Act generalises bribery into two categories (as seen in sections 1 to 5):

- 'active' (offering, promising and giving)
- 'passive' (requesting, agreeing to receive and accepting).

These apply to both the public and private sectors. The principal concept is an inducement to perform a function improperly.

The memorandum features the following notable cases under section 7 of the Act:

- Skansen Interiors Ltd: Convicted in 2018 at Southwark Crown Court. The managing director had bribed a representative of a major construction company for contracts worth £6 million. Sentences of 12 and 20 months were given to the pair respectively.
- Rolls Royce: A four year Serious Fraud Office (SFO) investigation into the corporation's sale of aero engines, energy systems and related services, led to a suspended indictment including twelve counts of conspiracy to corrupt, false accounting and failure to prevent bribery. A deferred prosecution agreement (DPA), used when a corporation demonstrates genuine cooperation and willingness to reform, was

deemed appropriate. The agreement involved payments of approximately £497 million, plus interest and approximately £13 million to the SFO for costs.

The memorandum provides that the policy objectives for the new law (consolidate and modernise the old law and to provide a quasi-regulatory incentive for bribery prevention as part of good corporate governance), have been achieved. Successful convictions have been secured under the Act and the use of DPAs has increased. The Organisation for Economic Co-operation and Development, an international organisation who work with governments to understand economic, social and environmental change, gave a positive assessment of the UK's legislative infrastructure against bribery.

Find further information [here](#).

## Case law

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### R v Hockey [2018] EWCA 1419 Crim

The applicant pleaded guilty to six offences:

- charges one and two were for obtaining a money transfer by deception
- charge three was for attempting to obtain a money transfer by deception
- charges four to six were for using false instruments.

The applicant had used fraudulent applications to obtain mortgages. The prosecution applied for a confiscation order under section 6 of the Proceeds of Crime Act 2002, for a sum of £298,457 (the value of the mortgages obtained and the money from which had been used to buy property the applicant still held). The order was granted on prosecutor appeal, as the court deemed the sum claimed fell under the definition of 'benefit' under the Act. The realisable assets were also said to exceed the sum to be paid in the order and so a distinction could be drawn between the loan monies and the property that had been purchased with them. The parties agreed and an order was made for the sum stated to be paid in six months.

#### The Appeal

The applicant appealed the order, submitting that the decisions in *R v Pattison* [2007] EWCA Crim 1536 and *R v Waya* [2012] UKSC 51 are the authorities as the assessable benefit in this case is the value being the properties purchased less the mortgages owed. In the case of *Waya*, fraudulently obtained mortgages were used as part of the purchase of a flat, the balance of the purchase price being bought with funds not obtained through fraud. The 'legal machinery' in *Waya* meant that the purchase and mortgage were carried out according to standard procedure, with funds moving from the lender to Waya's solicitor and on completion, to the vendor's solicitor. As such, the Supreme Court held that Waya had never 'obtained' the mortgage funds; the beneficial ownership remains with the lender until it is transferred to the vendor. While the transfer was under Waya's directions, it could not be said that he had control over its disposal. The sole purpose of the funds were to form part of the purchase of the flat. In that judgement, the Supreme Court stressed that their decision was a result of the very particular 'legal machinery' present in the case. Circumstances would have been different had

the loan been at the defendant's disposal at any point. The court in this case could not find a parallel with *Waya* and did not believe that the 'legal machinery' was the same. The applicant had not supplied any evidence showing how he came to use the fraudulently obtained funds to purchase property. The applicant's solicitors had destroyed their file.

His argument submitted under *Pattison* was also deemed flawed by the court. The argument there was based on the wrong legal analysis being undertaken to arrive at a final amount, but no evidence was provided to the court to support this. He merely said that he was not present at the court when the order was made. The Court of Appeal found this inadequate and reminded the applicant that it is a well-established principle of law that confiscation orders made by consent can only be set aside in exceptional circumstances.

#### Outcome

Application dismissed.

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

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## Business Energy Solutions Ltd & Anor v Crown Court at Preston & Anor [EWHC] 1534 (Admin)

This is a judicial review and relates to the duties of authorities who seize computers and other electronic devices for copying and retention under warrant.

In 2016, a trading standards authority (the Authority) obtained warrants to search and seize material from various premises in relation to a fraud investigation. The warrant included the seizure of computer equipment such as servers, laptops, USB sticks and mobile phones. The warrants were executed under the Criminal Justice and Police Act 2001 (CJPA 2001) by Lancashire Constabulary. Data storage devices with a 53 terabyte capacity were seized and their content imaged, copied and backed up. The physical devices were then returned. The copied data extended to over 200 million documents and 770,000 audio recordings of telephone conversations.

Section 53 CJPA 2001 requires that an initial review should be conducted for any seized property not within the scope of the warrant. An exemption for 'reasonable practicability' is permitted if it is deemed impractical to identify how material can be separated. The claimant submitted an application under Section 59 CJPA 2001, for the return of physical property, hard copy documents and data now stored and backed up on the Authority's systems. The judge refused to make a direction about the copied data.

#### The Review and outcomes

Issue 1: How section 53 CJPA 2001 applies to copied data and the logistics of 'return'. Data could be deleted but deletion is not typically encompassed as a 'return'.

The court deemed that the act of 'copying' creates new 'property' that has been 'seized' from the owner. If the copied data is then to be considered as 'seized property', Parliament's intent

states it is also capable of being returned. 'Return' could be read to ensure that no trace of the returned property is to be left with the authority returning it. Therefore, the only means of return is by (a) restoration and/or (b) destruction. The court believed that this was consistent with Parliament's intent and achieves 'practical justice'.

Outcome: data copied from computer devices does amount to 'seized property', which in principle can be returned via deletion or destruction.

Issue 2: Determining what falls under the scope of a warrant and the 'reasonably practical' determination. Also, whether the test is based on physical/technical capability or practical capability.

Practicability is subject to a test of reasonableness. When Parliament constructed the concept of reasonable practicability, it was intended to have a single meaning throughout section 50ff CJPA 2001. If the intention had been to refer specifically to physical or technical possibility, then that much would have been said. The court also drew from section 53(3)(c) which states 'in all the circumstances' and from the term 'confined' under section 51(3). An unconfined list would then include non-technical considerations. The judge was correct in his analysis that the sort of review demanded by the claimant would be time consuming, expensive and disruptive.

Outcome: The test applies to the broad practical capability and not the narrower test of technical or physical capability.

Issue 3: Whether the judge was right in accepting arguments submitted by the Authority forwarding that segregation of information would have been a substantial and unacceptable burden.

A number of considerations were given but in principle, the court found that an exercise in common sense would deduce that the volume of the material relevant here would involve considerable time, human resources and cost and divert the investigation into a 'blind alleyway'.

Outcome: The judge was correct in his finding for the Authority.

Issue 4: The duty to provide inventories under section 21 of the Police and Criminal Evidence Act 1984 (PACE).

The constabulary had provided search records. If the claimant had considered these records to be inadequate then a challenge could have been made under PACE, but one was not. In spite of this, the court did not believe that the schedule mandated by PACE should extend to the contents of a disc. All items seized had been returned and the claimants would have been aware of what had been seized from this.

Outcome: The argument under section 21 PACE is misconceived.

Issue 5: Were the claimants' arguments an attempt to thwart ongoing investigations and should be retained in the Crown Court for alternative remedy, under section 59 CJPA 2001.

The claimants had made no application to seek urgent relief under section 59 CIPA 2001 at the time the warrants were first issued. The application was submitted twelve months later. The claimants also made no application for judicial review or injunctive relief to stop the copying. Further as the test for section 59 CIPA 2001 was decided against the claimants by the judge, they were barred from further relief. As such, there was nowhere else for review to take place other than the High Court.

Outcome: The High Court is the appropriate forum for this determination.

Access the full judgment [here](#).

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## R (on the application of Steinfeld and Keiden) v Secretary of State for International Development [2018] UKSC 32

The previous provision under the Civil Partnership Act 2004 (CPA) only permitted two people of the same sex to enter into a civil partnership. This was not repealed when marriage of same sex couples was made lawful under the Marriage (Same Sex couples) Act 2013 (MSSCA). As a consequence, same sex couples were able to choose between a civil partnership or marriage, an option not available to different sex couples. The issue in the present matter is whether this bar on the opportunity to choose for different sex couples, can be deemed an inequality which engages Article 14 of the European Convention on Human Rights (ECHR). The appellants in this case were a different sex couple who had been in a long term relationship which they wished to formalise. They did not wish to marry for ideological reasons, but wished to enter into a civil partnership which more accurately reflected their values and would legally recognise the equality and strength of their union. Their challenge to the legal framework was dismissed by the High Court and the Court of Appeal. The case proceeded to the Supreme Court.

### Outcome

The appeal was allowed. The Supreme Court judgement assessed the intersection between the statutory framework and the timing of legal developments in the context of societal attitudes. At the time of MSSCA's implementation there was recognition of an existing inequality, but it had been decided that any decisions on the future of civil partnerships would be stalled until the public view of them and same sex marriages was clearer. The government had undertaken consultations on the matter since that time but had not formed a distinct position on what direction to take next. They argued, in this instance, that it was proportionate to obtain more data and that the European Court of Human Rights (ECtHR) permits a wide margin of appreciation in relation to the timing of any legal change to recognise different forms of relationship. The court rejected this. They stated that the ECtHR's 'margin of appreciation' had no application in UK law. It is the place of a national court to determine the interface between interference of an ECHR right and decide if it is justified. In cases of unequal treatment on the grounds of sexual orientation, any margin would be narrow. They conceded that the legislature should have time to reflect on how best to deal with an inequality it has come to recognise. This however was a case of an inequality having been created and then time requested for

considering how that inequality should be cured. The management of the matter was incorrect. There was an opportunity to eradicate any inequality at MSSCA's implementation, by either abolishing civil partnerships or by extending them to different sex couples. It would have then been possible theoretically, for the review and research sought by the government, to influence a longer term decision. Further, a fair balance between the rights of the couple and the interests of the community had not been achieved. The interests of the community when denying civil partnerships to different sex couples are unspecified. However, the consequences for a couple who do not wish to marry but who do wish to have a civil partnership, are potentially far reaching. For example, fiscal damage should one of them die before their relationship is formalised.

The court declared sections 1 and 3 of the CPA incompatible with Article 14 in conjunction with Article 8 of the ECHR.

Find further information [here](#).

## Policing practice

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### Crime

Privacy notice added to NRM

In line with data protection legislation, the modern slavery national referral mechanism form is now accompanied by a privacy notice.

Access the notice [here](#).

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Policy on access to use of DNA samples published

The Home Office has published guidance on the necessary conditions and authority required to access DNA samples taken from arrested persons and whose DNA profiles are stored on the National DNA database under PACE. The policy also gives guidance on permitted uses of the DNA once accessed. Content includes information on:

- fingerprints images
- volunteer samples
- crime scene samples
- transferring samples
- the National Fingerprint Archive
- international agreements.

Find further information [here](#).

## Joint call on unauthorised development and encampments

The Association of Police and Crime Commissioners (APCC) and the National Police Chiefs' Council (NPCC) have drafted a joint response to the government consultation on unauthorised encampments. The response highlights the shortage of accommodation and permanent and transit sites for Gypsy, Roma and Traveller communities. It goes on to report that the shortage of suitable sites leads to unauthorised encampments, in turn creating conflict between these groups and settled communities. Figures collected between July 2017 and January 2018 counted 3,721 caravans in unauthorised locations (figure collated over a two day survey, between July and January and assumes that all relevant caravans are recorded). The figure counts for only 16% of all caravans, a drop of 7% over the last ten years. The response recommends increasing the provision for public and private pitches which are both permanent and transit, and emergency stopping places.

Find further information [here](#).

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## Child Abuse Image Database guidance updated

A new version of guidance to the Child Abuse Image Database (CAID) has been published. The guide provides basic information on the purpose of the database and how it is used to support the identity and safeguarding of victims. Also of its contribution to investigations and involvement in international efforts to remove images from the internet. The guidance also includes examples of its use including Operation Noblebridge (May 2015), which successfully matched 1,200 images of abuse against CAID data in just 15 minutes. Previously such an exercise may have taken months.

Find further information [here](#).

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## Lanzarote Convention ratified

The government has confirmed its determination to end the sexual exploitation of children around the world, by ratifying the Lanzarote Convention. Compliance with the Convention will ensure the UK is taking robust action to help rid sexual violence and child abuse. This will be achieved through increased information sharing and international cooperation with 43 other countries. The Convention is part of the United Nations and Council of Europe's standards to end child sexual exploitation.

The government will also increase resources to the National Crime Agency (NCA) to tackle exploitation in the UK. Its investigative capacity has nearly doubled as a result, committing an additional £20 million to maintain its capability.

Find further information [here](#).

## Over 3,000 new grooming offences recorded

The NPCC has published figures showing that 3,171 offences were recorded in England and Wales since new anti-grooming legislation was introduced last year, criminalising sexual communication with a child. Where the gender and age of the victim were revealed, the figures show that girls aged 12 to 15 were recorded in 62% of cases and under 11's were recorded in nearly a quarter of all cases. Where the method used to communicate with the child was recorded, Facebook, Snapchat or Instagram were used in 70% of cases.

Find further information [here](#).

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## Female Offender Strategy published

This strategy represents a government commitment to divert vulnerable women in the criminal justice system away from custody, using tailored support. The annual cost of female offending to the state is approximately £1.7 billion and 56% of women will reoffend within the first year of leaving prison.

The new approach will include:

- pilots for five residential women's centres in England and Wales
- innovative community provisions
- abandoning plans to build community prisons for women
- further review into female offenders' family ties.

Prison will still be the most appropriate option for more serious crimes but this strategy serves as a reflection of female offenders frequently being the most vulnerable people in society. Research indicates that women under community supervision and in custody are more than twice as likely as men to have mental health issues. Almost 60% of female offenders have experienced domestic abuse. 48% of female prisoners confess to having committed an offence to support the drug use of another.

The new approach will centre on early intervention. Local areas will have an opportunity to bid for grants over the next two years to support the initiative and to assist organisations who support female offenders and women at risk of reoffending.

Find further information [here](#).

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## Review into medical use of cannabis

The Home Secretary has announced a review into the scheduling of cannabis for medicinal purposes. The review will be carried out by the Home Office and Chief Medical Officer Professor Dame Sally Davies. If the review identifies significant benefits, then the intention is to reschedule cannabis for medicinal use. A licence has already been granted for Alfie Dingley to access the cannabis-based medicine required to treat his rare form of epilepsy. The Home

Secretary acknowledged that unique cases such as Dingley's and Billy Caldwell's prompted a review of the matter.

Find further information [here](#).

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### RIPA consultation outcome published

The government has published a response to the consultation on revised Codes of Practice under the Regulation of Investigatory Powers Act 2000 (RIPA). The Codes have been updated to reflect the changes introduced by the Investigatory Powers Act 2016. While the 2016 Act will replace the powers in RIPA relating to obtaining communications and data about communications and overhaul the way these powers are authorised and overseen, the powers provided in Parts II and III of RIPA remain functional and operationally important. The revised codes also contain a number of updates and clarifications to ensure public authorities apply best practice in the use of these powers.

The three codes of practice included in this consultation relate to covert surveillance and property interference, covert human intelligence sources and the investigation of protected electronic information.

Find further information [here](#).

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### IPA Codes of Practice published

Under the Investigatory Powers Act 2016 a number of new Codes of Practice have been published, setting out processes and safeguards for the use of investigatory powers by public authorities. There are codes on the following:

- [bulk acquisition of communications data](#)
- [intelligence services' retention and use of bulk personal datasets](#)
- [equipment interference](#)
- [interception of communications](#)
- [national security notices](#).

A further code of practice relating to the retention and acquisition of communications data will be published once it has approval from Parliament.

The codes can be found via the links above or [here](#).

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### Response to the Home Affairs Committee on Parsons Green incident

The Permanent Secretary of the Home Office has issued a letter to the Home Affairs Select Committee, regarding information on Ahmed Hassan's interaction with the police and Home Office prior to his detonating an explosive device on the London Underground at Parsons

Green on 15 September 2017. The letter features a timeline of events including the identification of his illegal entry into the UK in 2015, to his assessment in 2016 by the Channel Panel, of any risk of his involvement in terrorism. The letter also includes recommendations around immigration and asylum cases within Channel.

Find further information [here](#).

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## Diversity

Places of worship to stay protected under Home Office fund

The Home Office will commit a further £1 million in funding to protect places of worship. Successful applicants in England and Wales will receive up to £56,000 towards improving their security. Funding has previously been made available to places of worship that have either been victim to, or at risk of, a hate crime. Hate crimes in this instance are defined as any crimes committed against a person because of their real or perceived religion.

Find further information [here](#).

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## Statistics

Freedom of Information statistics published

The Cabinet Office has released its quarterly update to the collation of central government statistics relating to the Freedom of Information Act 2000 (FOI). From January to March 2018, 13,615 FOI requests were received representing a 10.8% increase from the previous year. Of these requests, 43% were 'granted in full' and 38% were 'withheld in full'. For readers who do not have involvement with FOI, there are exemptions under the Act which allow public bodies to refuse to provide requested information. The figures below are of particular relevance to policing practice and represent the use of the following exemptions (of all exempted requests):

- Section 40 (personal information): 49.1%
- Section 31 (law enforcement): 8.7%
- Section 44 (prohibitions on disclosure): 8.6%
- Section 24 (national security): 3.5%

Find further information [here](#).

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Annual statistics for knife and offensive weapon sentencing published

The following statistics are produced annually and apply to knife and offensive weapon offences for the year ending March 2018:

- 21,045 offences were processed in the criminal justice system, the highest figure since 2012
- an immediate custodial sentence was given to 37% of offences
- for 72% of the total figure, it was the offender's first caution or conviction for a knife or offensive weapon offence.

Find further information [here](#).

The Ministry of Justice have also produced a supporting study on the educational background of young knife possession offenders. The analysis applies to approximately 1,800 offenders. The analysis included those who have committed knife and offensive weapons offences at some point in their childhood (between the ages of 10 and 18) and who have reached the end of Key Stage 4 (typically reached at the age of 16) in the 2012/13 academic year:

- 91.1% achieved any pass at GCSE (or equivalent) compared with 99.7% of the overall student population
- a higher proportion had been persistently absent and/or excluded from school with 83% of offenders persistently absent from school in one of the academic years reviewed
- knife possession offences rarely followed exclusions from school
- educational attainment is lower for those with more than one knife possession offence.

Find further information [here](#).

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### Latest TACT statistics published

The latest statistics on the operation of police powers under the Terrorism Act 2000 (TACT) have been released. The material, covering the financial year ending March 2018, includes information on terrorism arrests and outcomes, court proceedings, prison populations, stop and search, and examinations at ports.

Key figures include:

- There were 441 arrests for terrorist-related activity in the year ending March 2018 (a 17% increase).
- 81 people were proceeded against by the Crown Prosecution Service (CPS) Counter-terrorism Division for terrorism-related offences, of which 89% were convicted.
- As of 31 March 2018, there were 228 persons in custody for terrorism related offences (an increase of 27%).
- The Metropolitan Police Service (MPS) carried out 768 stop and searches under section 43 of the Terrorism Act 2000 (an increase of 70%). These resulted in 64 arrests.
- Following the attack on Parsons Green on 15 September 2017, stop and search powers under section 47A of the TACT were authorised for the first time in Great Britain since the threshold for using such powers was raised in 2011. There were a total of 138 s47A

stops, 126 of which were conducted by British Transport Police. These resulted in 4 arrests.

Find further information [here](#).

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### Special grants applications information published

Information on special grants for 2017-18 has been published. Reasons for grants included the Champions League Final, Hillsborough archive costs and the Manchester and London terror attacks. Reasons for application, force details and associated grant figures are now available. The highest figure granted was to MPS for £10,454,678 for the Grenfell Tower response and investigations.

Find further information [here](#).

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## Police

### First legal challenge launched against police use of facial recognition

Human rights organisation Liberty, will represent a Cardiff resident in the first challenge against use of automated facial recognition technology (AFR). The action is against South Wales police and demands that the use of AFR is stopped. The challenge is raised by Mr. Bridges, who believes that he was scanned by AFR while he was Christmas shopping and also while attending an anti-arms protest.

Mr. Bridges' challenge is premised on the following principles:

- AFR violates the public's right to privacy by indiscriminately scanning, mapping and checking identity. It is a practice which captures biometric data without consent.
- AFR infringes on freedom of expression and the right to protest peacefully. The presence of an AFR van is potentially perceived as intimidating and as a consequence, affects people's behaviour.
- AFR discriminates against women and those from Black, Asian and Minority Ethnic groups as the technology reportedly disproportionately misidentifies them. This could lead to innocent people being stopped and questioned.
- AFR breaches data protection laws because there is no law regulating its use. As the majority of the personal data collected is irrelevant to law enforcement, the data collection is excessive and therefore contrary to data protection principles.

Mr. Bridges intends to commence legal proceedings if South Wales police refuse to stop using the technology.

Liberty report that South Wales police have used AFR on twenty occasions since 2017. At the Champions League final in Cardiff, 2,200 people were purportedly wrongly identified.

Responses to freedom of information requests indicate that South Wales police's use of AFR has produced less than 9% accuracy for 'true matches' and 91% for 'misidentification'.

The Surveillance Camera Commissioner confirms use of AFR is regulated by the Surveillance Camera Code of Practice. A recent blog post states that the police are doing their best within the current statutory framework and that use of AFR by law enforcement agencies stems from a duty and determination to keep the public safe. However, effective regulation is key to securing public confidence, given the potential impact on civil liberties. Such regulation is a priority of the National Surveillance Camera Strategy. The post stresses that what is key is balancing considerations of increased and contemporary threats to security, with the need to be safe from 'disproportionate and illegitimate state intrusion'. He adds that debate is welcome and includes other regulators such as the Information Commissioner and the Biometrics Commissioner in the discussion.

Find the Liberty article [here](#). Find the Surveillance Camera Commissioner's blog post [here](#).

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### Policing for the Future inquiry continues

The Minister for Policing, the Chief Inspector of Constabulary and the College of Policing CEO, Mike Cunningham, gave evidence at the Home Affairs Committee on 19 June 2018. This was the final session of the inquiry and evidence was sought regarding the challenges facing policing, changing demands, funding, leadership and reform.

Watch the session [here](#).

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### Neighbourhood policing guidelines

The College of Policing, in collaboration with the NPCC and APCC, have developed new guidelines on neighbourhood policing. Engaging with frontline officers, senior leaders and experts, the guidelines recognise the importance of community engagement, problem solving and targeted activity. The guidelines are now open to public consultation until 9 August 2018.

Find further information [here](#).

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### Update to Police Regulations 2003

Changes to the Police Regulations 2003 amend Annex DA of the determination under regulation 14A, in relation to a lump sum compensation payment on voluntary retirement, made on or after 22 May 2018:

- Inserts after sub-paragraph (b):

“(ba) The amount of the Compensation Tariff is subject to any restriction imposed by regulations made under section 153A of the Small Business,

Enterprise and Employment Act 2015 (regulations to restrict public sector exit payments)(b) that applies at the time that the Compensation Tariff is calculated.”

- As per paragraph 3, provides that ‘pay’ in relation to a member of a police force means the lesser of: pay at the last day of ‘reckonable service’ calculated subject to sub-paragraphs (b) to (d) in accordance with Annex F (as before) *or* £149,820. Provisions in paragraph 3, sub-paragraphs (e) and (f) regarding ‘deemed maximums’ are omitted.
- As per paragraph 5, in respect of voluntary departure maximum, the amount calculated will be multiplied by 18 and not 21 as before. If the member is below pension age on the last day of service, the amount will be calculated by multiplying by 3/52 rather than 1/12 as before.
- As per paragraph 5, in respect of members in part time service, the tapering sum is now specified to start after the member’s last day of service and finishes on the day before the member reaches pension age.

Find further information [here](#).

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### Lord Ferrers Awards open

Nominations opened on the 7 June 2018 for this year’s police volunteer awards. The awards recognise the diligence and dedication shown by special constables, cadets and volunteers. There are 10 categories for nomination including a:

- leadership award
- police support volunteer award
- technical innovation award.

The awards ceremony will take place in October 2018.

Last year’s winners included:

- a special constable who set up a joint response unit in South Wales to coordinate police and ambulance responses
- volunteers from Kensington and Chelsea who organised a residential camp on the Isle of Wight for young people affected by the Grenfell Tower tragedy.

The closing date for nominations is 22 July 2018.

Find further information [here](#).

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### Bravery awards honour officers

The 2018 annual Police Bravery Awards takes place on 12 July. The awards honour officers who have demonstrated extraordinary acts of courage.

This year’s nominees include officers who:

- faced danger to help protect people during the Westminster Bridge and Borough Market terrorist attacks
- while off duty, confronted an armed man in a busy street
- battled through a burning building to rescue those inside.

Find further information [here](#).

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### HMCIFRS warn planning failures risk public safety

Her Majesty's Chief Inspector of Constabulary's annual State of Policing report has indicated that senior leaders are failing to make adequate assessments of current and future demand, in turn compromising public safety and relying on the dedication of front line officers 'to get the job done'. The report urges senior leaders to improve their understanding of demand, particularly that which comes from 'hidden crime' e.g. honour based violence. In an environment of limited resources and funding, forces cannot meet all of the demands encountered and as such, the report recommends that chief officers must decide how to respond to each type of demand.

Find further information [here](#).

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### National detective training programme launched

Government funding has been given to develop a national training programme which aims to boost the number of detectives by up to one thousand in the next 5 years. The Home Office will work with Police Now, a national police recruitment programme, to develop the scheme. The programme includes digital training and also focuses on problem solving, crime prevention and safeguarding, to ensure detectives on the scheme meet the needs of forces and communities.

The NPCC and the College of Policing are also leading work to provide a national assessment of detectives while also developing sustainable solutions to ensure forces have adequate investigative capacity.

Find further information [here](#).

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### Fire and rescue taken on by North Yorkshire PCC

The Home Secretary has approved the North Yorkshire's Police and Crime Commissioner's proposals to take responsibility for the North Yorkshire Fire and Rescue Service. The current commissioner, Julia Mulligan's proposal to take responsibility for both was approved. She will be set to join Roger Hirst of Essex, who was first to take on the role. This initiative introduce measures to drive collaboration between emergency services, enabling best practice and more effective services.

Find further information [here](#).

## POLFED video's online success

A video from the Police Federation of England and Wales dramatising the challenges in policing has been shared over a million times across social media. The short film's narrative follows a female officer's single-crewed day on the beat. The variety of challenges she faces seeks to convey issues encountered by thousands of officers during the course of their duties. The film continues the dialogue on the potential impact the role can have on an officer's health and wellbeing. It has received overwhelming positive feedback.

Find further information and a link to the video [here](#).

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## Welfare

### Consultation opens on loneliness strategy

A consultation has opened which looks to develop a strategy to tackle loneliness and focuses specifically on potential early intervention. Current research indicates ties with ill health, likely further withdrawal from society and community connectedness. The consultation closes on 20 July 2018.

Find further information and contribute to the consultation [here](#).

## Criminal justice system

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### Jobs strategy to cut reoffending

The Education and Employment strategy introduces education, training, employment advice and work in custody opportunities to prisoners, to help develop skills and increase their chances of employment after release. Currently only 17% of offenders are in P45 employment a year after release. It has been shown, however, that ex-offenders who find employment are up to 9% less likely to commit a further offence. The annual cost to the state incurred from reoffending is approximately £15 billion. Prison governors will be encouraged to tailor education and training provisions to meet specific labour needs in the prison's local economy. A Prisoner Apprenticeship Pathway will also be offered as a means of delivering training in custody and offers a guaranteed job opportunity on release. A consultation has opened on how to introduce risk-assessed prisoners on temporary licence into the work place.

Find further information [here](#).

### Appeal for improved housing provision for young people leaving custody

Nacro and youth homeless charity, Centrepoin, have challenged the current support for young people leaving custody. Their report exposes the barriers young adults face in securing stable and safe housing and financial support. Figures from London alone indicate that over 40% of young people will reoffend after release from custody. The absence of support limits a person's ability to build a crime free future and increases the risk of homelessness. The report asks for government review and further action to be taken to improving the support available. Measures include potential release on temporary licence to help the offender maintain a family unit, other support networks and access to Universal Credit.

Find further information [here](#).

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### Secure schools vision announced

The government has published guidance that sets out the expectations and requirements for 'secure school' providers as part of its initiative to put education at the centre of youth custody. Those in the education sector will be able to run unique custodial establishments, to help shape the education environment and curriculum, address offending behaviour and support rehabilitation. These plans follow the recent improvement of Feltham and Werrington YOIs in safety and child protection, acknowledged by inspectorate results. The secure schools are to be run by academy trusts and will fall under the same legislative framework as children's homes and academies.

Find further information [here](#).

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### £400,000 funding boost to sports groups to tackle extremism

Sports community groups such as England Netball and Middlesbrough Football Club will receive a share of a £400,000 of funding towards year-long sports based schemes supporting young people who may be vulnerable to extremism. The funding is part of a grassroots initiative to bring young people from segregated communities together and build a resilience to extremist narratives.

Find further information [here](#).

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### Domestic Abuse Inquiry launched

Following the recent consultation on approaches to tackle domestic abuse, and in advance of the government's promised draft bill on domestic violence and abuse, the Home Affairs Committee is seeking evidence on the measures and reforms needed.

The Committee welcomes written evidence on the following:

- what further measures are required to prevent domestic abuse

- is the response of public authorities good enough, and if not, how could it be improved
- what else is required to ensure that there exists sufficient support, protection and refuge for victims
- how to secure the equal protection of BAME and migrant victims
- the impact of domestic abuse on children, child safeguarding and what more the government could do to ensure that more children are protected
- what the key difficulties encountered by victims are in the justice system, particularly in the family courts
- what national oversight framework is required to ensure a sufficient quality of service at a local level
- the proposed role and powers of the Domestic Abuse Commissioner.

Find further information [here](#).

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### Fawcett publish 'Invisible Women' report

Fawcett has published a report following the work of the All-Party Parliamentary Group throughout 2016/17 which examines issues faced by and affecting women in the UK. The publication explores the progress and policy changes needed from the government, emphasising the need for improvements in the reporting and recording of data that evidences the inequality experienced by different groups of women.

The report also looks at how different factors including race, faith, ethnicity, age, disability, sexuality, location and employment status, intersect with gender to create groups of women with specific needs that are not covered by current gender equality policy. It also highlights how this isn't understood or reflected to its full extent in policy and processes across all sectors in the UK. According to the report, these groups of women are being overlooked and in turn disadvantaged across a number of areas, including public services, gender pay gap reporting and childcare.

Find the full report [here](#).

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### Legal Services Board appoints new Chair

Dr. Helen Phillips has been appointed as the new Chair of the Legal Services Board (LSB). The role of the LSB is to oversee legal services in England and Wales. Its operations are independent of the government and legal profession. Its regulatory function includes overseeing approximately 147,000 lawyers.

Find further information [here](#).

## Evidence session given on criminal legal aid

The Justice Committee has held an evidence session on criminal legal aid to provide an opportunity for the Bar Council and the Criminal Bar Association (CBA) to explain their concerns about the revised Advocates' Graduated Fee Scheme (AFGS) and about criminal legal aid generally. The AFGS is currently the subject of dispute between the Bar Council, the CBA and the Ministry of Justice.

Find further information [here](#).

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## Final evidence session in disclosure inquiry

In its final evidence session as part of an inquiry into the disclosure of evidence in criminal cases, the Justice Committee examined a number of subjects, including:

- the scale and nature of disclosure issues within the criminal justice system
- capability within the CPS and the police to undertake disclosure
- the next steps on disclosure.

Oral evidence was given at the session on 13 June 2018 by Rt Hon Nick Hurd MP, the Minister of State for Policing and the Fire Service and Rt Hon Jeremy Wright QC MP, the Attorney General.

The inquiry's aim is to investigate disclosure procedures to ensure they are fit for purpose and that the steps proposed to address any existing issues are sufficient to ensure resolution. The Committee's findings will feed into the Attorney General's ongoing review.

Find further information [here](#).

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## Speech by Lord Justice Goss on disclosure

Lord Justice Goss has delivered a speech on disclosure at the Criminal Bar Association Disclosure Event. The speech, titled 'Disclosure – Again' was summarised by Lord Justice Goss in the following way:

- the law is satisfactory, the application of the law is not
- disclosure must be seen as integral to the criminal justice process
- the police need an 'investigative mind-set'
- terminology needs to change, differentiating where appropriate between 'complainants' and 'victims', treating all with respect
- resources must be addressed
- robust case management is and remains essential
- technology created some of today's problems and technology/artificial intelligence (AI) will very likely solve them, but not imminently.

Find further information [here](#).

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## Serious Violence Inquiry launched

The Home Affairs Committee has launched an inquiry into serious violence, following the Serious Violence Strategy published in April, which set out the government's approach to serious violence, and in particular the increases in knife crime, gun crime and homicide.

Written evidence is invited on, but not restricted to, the following issues:

- the progress made on combatting serious violent crime in recent years particularly since previous government policies in this area following a Home Affairs Committee report on gangs and youth crime in March 2015
- whether the Serious Violence Strategy is likely to be effective
- whether the new balance described between prevention and effective law enforcement is right
- whether there are sufficient resources in place to make the strategy successful
- the extent to which the devolved administrations should be involved in the government's strategy to tackle serious violence.

The Committee is particularly interested in whether the four main themes in the Serious Crime Strategy are the right ones and whether they provide the clarity and direction needed to tackle the problem. The themes are:

- tackling county lines and misuse of drugs
- early intervention and prevention
- supporting communities and local partnerships
- effective law enforcement and the criminal justice response.

The consultation closes on **16 August 2018**. Find further information [here](#).

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## Call for proposals to tackle human trafficking

The Home Office is seeking to award up to £2.5 million of grant funding for a project focused on tackling human trafficking from Vietnam. The project will run until 2021 and includes support for victims, prevention and other activities. The Home Office is proposing to award the funding up to March 2021, in a fair, open and transparent manner. The initiative focuses on tackling trafficking in particular from the five north and north-central provinces of Vietnam and potential victims of trafficking identified in the UK National Referral Mechanism.

Find further information [here](#).

## New Director of SFO appointed

Lisa Osofsky has been appointed the new Director of the SFO. Ms. Osofsky brings with her over 30 years of experience in financial crime, in both the UK and the US. Having started her career as a federal prosecutor, she has prosecuted over 100 cases on behalf of the US government. She will start her directorship on 3 September 2018.

Find further information [here](#).

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## Compensation for victims of economic crime overseas

An agreement between the CPS, the NCA and the SFO has established a common framework to identify cases where compensation is appropriate and to act swiftly to return funds to those affected by economic crime overseas. The general principles are designed to compensate victims (including affected states) in bribery, corruption and economic crime cases.

Find further information [here](#).

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## Call for more search warrants protections

The Law Commission has published proposals which look to modernise the laws surrounding search warrants and ensure further protection for individuals' rights. They suggest that the current system is too complicated and there is a risk that applications are not being prepared properly. They are also concerned it does not reflect contemporary technology, hindering investigations. There are currently 175 different statutory powers to issue a search warrant. The complexities of such a framework can complicate matters for investigators (in knowing the type of warrant to apply for), judges and magistrates (issuing warrants as no more than a rubber-stamping exercise) and for occupiers (it is not always easy to understand rights held and how to challenge a warrant). There have been 50 judicial reviews relating to the issue of search warrants or conduct related to the search, since 2010.

The Law Commission's proposals include:

- a requirement to record and publish statistics to monitor warrant use
- a new procedure to challenge defective warrants
- a new method of segregating privileged material.

Further research is also being conducted to review whether current laws support digitisation, i.e. the large volumes of electronic information now readily stored on digital devices and remote storage of material.

Find further information [here](#).

## Data Ethics Workbook published

The Data Ethics Workbook has been published and allows public sector organisations to work with the Data Ethics Framework principles in mind and ensure the design of appropriate data use. The workbook is premised on 7 key principles, bolstered by guiding questions such as:

- How does the activity benefit the public?
- Is there a plan in place to identify errors and biases?
- Is there a fair balance between the rights of individuals and the interests of the community?

Find further information [here](#).

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## Further efforts to combat 'waste' crime

'Waste' crime includes the illegal evasion of landfill tax, the operation of illegal waste sites, exporting waste and fly tipping. More than 850 new illegal waste sites were discovered in 2016-17 by the Environment Agency. An average of two illegal waste sites are closed every day. The problem continues to be an issue for local communities and businesses, particularly for those in rural areas. Waste crime is estimated to have cost the English economy more than £600 million in 2015. Home Office evidence suggests that waste management activities are used by criminals as a cover for other illegal activities such as trafficking, fraud and drugs supply. An investment of £60 million has been put towards combating the problem since 2014. The issue has triggered a call for evidence to:

- consider the types of crimes involved and involvement of crime groups
- the extent of the environmental, community and economic impacts
- how law enforcement and other agencies can collaborate to tackle the problem
- make recommendations for a strategic approach.

Find further information [here](#).

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## Impact of sentencing guidelines published for drugs offences

An assessment of the Sentencing Council's Drug Offences guideline has been published. The guidelines were published in 2012 and included offences such as importation and exportation, supply and production. Key findings include:

- 12 months after implementation, sentencing severity decreased slightly
- magistrates and district judges place emphasis on the amount of drugs in the offender's possession
- some drug offending may become more serious as new drugs emerge and the nature of offending changes.

The Council intends to undertake further research into how the guidelines may be revised further to meet the types of offending coming before the courts and maintain flexibility in light of future changes.

Find further information [here](#).

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### New sentencing guidelines for breaches of court orders

New sentencing guidelines have been created to lead court decisions when sentencing non-compliance with a range of orders including suspended sentence orders, community orders and restraining orders. The guidelines are to direct the courts through various considerations such as how much an offender has kept to the terms of the order, how deliberate the breach is and the offender's motivation when committing the breach. Further information is also given on orders relating to specific behaviours such as sexual harm prevention orders and restraining orders. This is the first instance of a guideline instructing a court to observe the risk of harm when sentencing. Those breaching suspended sentence orders now have an opportunity to avoid activation of their sentence, but only if new and exceptional circumstances had arisen to prevent compliance with the order. The guidelines acknowledge that an appropriate and correct framework is key to ensuring public confidence in the sentencing system. It will come into effect on 1 October 2018.

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

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### Working party review digitisation of CJS

The Ministry of Justice has confirmed its plans to 'automate and digitise' the process of civil money claims by 2020. This modernisation will extend to tribunals and criminal proceedings. A review of the matter undertaken by Lord Justice Briggs indicated that a significant portion of the population would require support to engage with online proceedings, highlighting that 70% of the UK's population can be 'digital with assistance' and/or 'digitally excluded'. A working group was brought together including representatives from academia, JUSTICE, the media and the law to look at the potential disadvantages of digitalisation and virtual justice. The group also reviewed whether assistive technology and accessible design could minimise the barriers for those unaccustomed to using modern technology. These efforts have been invested to ensure that justice is available to everybody.

Find further information [here](#).

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### Research on AI and the legal profession

On 14 June The Law Society published a horizon scanning report, looking forward to the inevitable use of AI in legal practice.

The report discusses recent developments in the legal profession such as case outcome prediction and document analysis. It also looks at the impact these developments may have on the legal profession, for example, lower costs and fee structures, the number of legal jobs

in particular for lower grades of staff and the potential emphasis on roles that involve skills that humans are particularly proficient in.

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

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### World experts to advise government on AI

Dennis Hassabis, co-founder of leading AI research group Deepmind, will provide guidance to the new government office for AI. He will be joined by Tabitha Goldstaub, co-founder of online platform, CognitionX. Their consultation is part of the government's drive to exploit AI and unlock the potential of a data driven economy. Research suggests that AI could add £654 billion to the UK economy by 2035. A commitment has been made to draft a new National Data Strategy with the Centre for Data Ethics and Innovation, advising on ethical, safe and innovative uses of AI.

Find further information [here](#).

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### Algorithms in criminal justice

On 14 June 2018, the Law Society launched a public policy commission to explore the impact of technology and data on human rights and justice. It observes that modern technological ability and capabilities such as 'big data' and algorithms, to some extent, augments human ability in analysis and prediction. Using this type of technology however raises real concerns of ethics and rights. They forward the possibility of an algorithm designed by a company whose principal motivator is profit rather than justice. The commission will take evidence on the question: 'what framework for the use of big data and algorithms could protect human rights and trust in the justice system?' They will examine the use of artificial intelligence for the delivery of justice and maintenance of security across the criminal justice system. They forward as examples:

- Durham Constabulary's use of AI to inform decisions on whether a suspect should be kept in custody. Algorithms are also used to assess risks of reoffending. Those determined by the algorithm as 'moderate risk' are then made eligible for a programme to reduce the chances of reoffending.
- Kent Police's use of 'PredPol', a system originally developed in America and used by Los Angeles police for crime prediction hotspot mapping.

The analysis will also look into the potential implications, both socially and financially, should an algorithm perform incorrectly. Review processes, regulation, appropriate use, bias and appeal will also be queried. Evidence will be taken from representatives from the tech industry, the government, academics, commerce and legal and human rights experts.

Find further information [here](#).

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