Digest
November 2015
A digest of police law, operational policing practice and criminal justice
The Digest is a primarily legal environmental scanning publication intended to capture and consolidate topical and key issues, both current and future, impacting on all areas of policing.

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

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

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Parliamentary issues

- Report on psychoactive substances published
This month’s edition of the Digest contains a summary of issues relating to police law, operational policing practice and criminal justice.

There is a case report on:

- an appeal against conviction for an offence for making a threat to kill, contrary to section 16 of the Offences against the Person Act 1861.

We look in detail at the:

- Home Office report on the nature of online offending
- follow up inspection of MAPPA
- HMIC report on police efficiency
- terms of reference for the review into deaths and serious incidents in police custody.

We also look at the:

- revised code of practice for victims’ of crime
- evaluation of an alternative place of safety pilot
- national risk assessment of money laundering and terrorist financing
- counter-extremism strategy.

The progress of proposed new legislation through parliament is examined and relevant Statutory Instruments are summarised.
Legislation

Bills before parliament

Psychoactive Substances Bill

This Bill creates a blanket ban on the production, distribution, sale and supply of psychoactive substances in the United Kingdom. The bill passed second reading on 20 October 2015. The bill will next be considered by a public bill committee; dates of meetings have yet to be announced.

The Home Affairs Committee published a report on psychoactive substances on 23 October 2015.

A detailed summary of the Bill can be found in the July Digest.
Statutory Instruments

SI 1743/2015 Modern Slavery Act 2015 (Duty to Notify) Regulations 2015

Section 52 of the Modern Slavery Act 2015 places a duty on specified public authorities to notify the Secretary of State where there are reasonable grounds to believe that a person may be a victim of slavery or human trafficking.

These Regulations, which came into force on 1 November 2015, specify the information which must be provided under the duty to notify the Secretary of State.

For further information see legislation.gov

SI 1749/2015 Proceeds of Crime Act 2002 (Enforcement in different parts of the United Kingdom) (Amendment) Order 2015

This Order, which comes into force on 30 November 2015, amends the Proceeds of Crime Act 2002 (Enforcement in different parts of the United Kingdom) Order 2002 to provide for ‘compliance orders’, ‘detention orders’ and ‘realisation of property orders’ made in one part of the United Kingdom to be enforced in another part. This Order amends the 2002 Order to insert definitions of these terms in relation to each part of the United Kingdom.

For further information see legislation.gov


For further information see legislation.gov


This Order, which comes into force on 30 November 2015, amends the Proceeds of Crime Act 2002 (External Investigations) Order 2013 (SI 2013/2605) in relation to external investigations.

For further information see legislation.gov

This Order, which comes into force on 30 November 2015, amends the Proceeds of Crime Act 2002 (External Investigations) Order 2014 (SI 2014/1893) to enable an accredited financial investigator to exercise the powers of an appropriate officer under that Order.

For further information see legislation.gov


This Order commences section 42 and 91 of, and Schedule 16 to the Criminal Justice and Courts Act 2015.

Section 42 of the Act amends section 37(15) of the Police and Criminal Evidence Act 1984, which defines ‘arrested juvenile’ for the purposes of Part 4 of that Act (detention). The effect of the change is that 17 year olds are included in the definition of ‘arrested juvenile’. The amendments made by section 42 of the Act came into force on 26 October 2015.

For further information see legislation.gov

SI 1805/2015 Youth Justice and Criminal Evidence Act 1999 (Application to Service Courts) (Amendment) (No. 2) Order 2015


For further information see legislation.gov
SI 1809/2015 Serious Crime Act 2015 (Commencement No. 3) Regulations 2015

These Regulations are the third commencement regulations made under the Serious Crime Act 2015 (the 2015 Act).

Regulation 2 brought into force on 31 October 2015 sections 74 and 75 of the 2015 Act, which insert new sections 5B and 5C into the Female Genital Mutilation Act 2003 to create a duty to notify the police of female genital mutilation in England and Wales. Regulation 2 also brings into force on the same day the consequential amendment in paragraph 60 of Schedule 4 to the 2015 Act that relates to these provisions.

Regulation 3 brings into force on 10 November 2015 section 79 of the 2015 Act which inserts a new section 40CB into the Prison Act 1952, making it a criminal offence for a person, without authorisation, to throw any article or substance into a prison. The reference to ‘throwing’ includes doing anything from outside the prison that results in the article or substance being projected or conveyed over or through a boundary of the prison so as to land inside the prison.

For further information see legislation.gov

SI 1816/2015 Modern Slavery Act 2015 (Commencement No. 3 and Transitional Provision) Regulations 2015

Regulation 2 brings into force the provision of the Modern Slavery Act 2015 relating to transparency in supply chains. Regulation 3 contains transitional provision so that a commercial organisation with a financial year that ends before 31 March 2016 does not have to make a slavery and human trafficking statement in respect of that financial year.

For further information see legislation.gov


This Order brings into operation the revised Code of Practice for Victims of Crime on 16 November 2015. The revised code of practice replaces the code of practice that was brought into operation on 10 December 2013 by SI 2013/2907 and implements parts of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

For further information see legislation.gov
Evidence and procedure

R v Styles [2015] EWCA Crim 1619

The appellant appealed against his conviction for making a threat to kill, contrary to section 16 of the Offences against the Person Act 1861 and possessing a firearm with intent to commit an indictable offence, contrary to section 18(1) of the Firearms Act 1968.

Facts

The prosecution's primary case was that the appellant, who legitimately owned shotguns, left his home on 5 December 2013 with the intention of murdering Michael Maddox and had it not been for the timely intervention of the police he would have succeeded in his objective. He had previously threatened another person that he intended to kill Mr Maddox.

The appellant advanced three grounds of appeal.

Ground 1: Intention

It was submitted that the judge improperly directed the jury that they could convict the appellant on count 1 if they concluded his intention lasted no longer than a ‘fleeting second' before he cooled off. As this was not the Crown's case, a conviction on such a technical and transitory basis was unsafe and unfair.

The Court disagreed, stating that the direction the judge gave to the jury was correct in law. The offence was committed if the appellant, with the gun in his possession, intended to commit murder within the timeframe of the indictment (at any stage on 5 December 2013). The jury was asked to apply the correct definition of the offence as regards intention against the background of the true issues in the case. This was, in the Court's opinion, a wholly correct approach. It would have been wrong for the judge to limit the circumstances in which the jury could convict by requiring them to be sure that the appellant had held the requisite intention for the entirety of the walk between the two locations. They were entitled to convict on a lesser basis, namely if they were sure he possessed the gun with murderous intent on 5 December 2013, albeit they needed to assess the issue against the background of the respective cases of the prosecution and the defence.
Ground 2: Bad character

It was submitted that the judge erroneously permitted the jury to use the appellant’s previous convictions as bad character evidence which potentially provided support for the prosecution case. The appellant’s counsel introduced this material in order to demonstrate a lack of relevant previous convictions, and the Crown had not applied under the provisions of the Criminal Justice Act 2003 to introduce bad character evidence.

The Court considered that the judge erred in his approach to the appellant’s character, given that his previous offending was not before the jury as bad character evidence. The judge was wrong to direct the jury that the ‘only way that this bad character or this misconduct evidence can be used is as providing support for the prosecution case’. It had not been introduced for this purpose and did not have this effect.

Ground 3: Pressure of time

It was submitted that as the judge was aware of the prior commitments of a couple of members of the jury, it was incumbent on the judge to reassure the jury that they were not under any pressure of time and that the court would take appropriate steps to accommodate the commitments of the two jurors. The court found that although the judge had not given the proposed reassurance, there was no basis for suggesting that the appellant was convicted because any of the jury reached a decision as a result of undue pressure of time.

Conclusion

Assessing the overall fairness of the trial, although the court agreed that the judge misdirected the jury on the issue of character, the overall effect of the directions did not undermine the safety of the convictions. The judge, having given incorrect guidance as to the use the jury could make of the bad character evidence, did put at least some of the incidents in their true context. He directed the jury that the incidents demonstrating bad character should be kept in proportion and that the jury needed to consider the significant body of evidence going to his good character. There was a very strong case against the appellant, given the extreme nature of the threats that he made against Mr Maddox and the circumstances in which he was arrested. Despite the misdirection as to bad character and the lack of an effective or qualified direct as to good character, the court was of the view that the convictions were safe and the appeal was dismissed.

The judgement can be accessed in full at bailii.org
Policing practice

Crime

Report on modern slavery published

A report assessing modern slavery in the UK has been published by the UK’s Inter-Departmental Ministerial Group (IDMG). It is the fourth report by the IDMG on modern slavery and provides an assessment of modern slavery in the UK and explains how the UK has responded to this threat over the last 12 months.

The report sets out the UK’s existing response, highlighting the Modern Slavery Strategy published in 2014, which is based on the ‘four Ps’ structure; Pursue, Prevent, Protect and Prepare. It also provides data from referrals of victims to the National Referral Mechanism (NRM) and from the annual strategic assessment conducted by the UK Human Trafficking Centre (UKTC) in the National Crime Agency. The NCA estimates that 3,309 potential victims of human trafficking came into contact with the State or NGOs in 2014 (a 21% increase on 2013). The NRM, the UK’s framework for referring and supporting potential victims, received 2,340 referrals (a 34% increase on 2013).

The report also sets out the UK’s future response, stating that the Government will focus on implementing the Modern Slavery Act 2015 and ensuring that it operates effectively on the ground. It will also continue to implement the Modern Slavery Strategy, with a particular focus on enhancing international cooperation. There is also an intention to consult on potential reforms to the Gangmasters’ Licensing Authority to ensure it has the powers and capabilities necessary to prevent serious labour exploitation. The Modern Slavery Act 2015 specifies that the Secretary of State must issue guidance about identifying and supporting victims of modern slavery. Interim guidance will be published shortly and in 2016 a formal consultation will be launched to determine what an updated version should cover before final guidance is published.

The report can be accessed in full at gov.uk
Report on the nature of online offending published

The Home Office has published a research report on the nature of online offending. The report aims to build understanding of online offenders and the nature of their offending by outlining findings from an analysis of case files held by the Crown Prosecution Service. The research involved analysis of offences prosecuted and convicted under the Computer Misuse Act 1980, the Fraud Act 2006, s.127 of the Communications Act 2003 and the Malicious Communications Act 1998.

Random samples of cases were taken in December 2012 to explore the:

- proportion of cases that could retrospectively be identified as committed online, and
- information that was held in those online cases regarding the characteristics of offenders and the nature of their offences.

The report found that the majority of offenders were male, across all four Acts, and on average were 30 years old. Most were British and white and the main motivations for online offending appeared to be financial, revenge and harassment or stalking. In most cases offenders were reasonably, but not excessively, technically skilled or blended social engineering with their IT skills. Often simple security measures would have stopped or minimised the impact of the crime. A key recommendation of the research is that the public be more aware of their online vulnerability after an offline change in a trusted relationship.

The report can be accessed in full at [gov.uk](https://www.gov.uk).

Serious and organised crime local partnerships bulletin

The first edition of the quarterly serious and organised crime local partnerships bulletin has been published. The bulletin shares good practice, tools, techniques, guidance and innovative ways of working to help tackle serious and organised crime at the local level.

The bulletin can be accessed in full at [gov.uk](https://www.gov.uk).
New duty to report FGM to police

A new mandatory reporting duty for female genital mutilation has been introduced. The duty requires regulated health and social care professionals and teachers in England and Wales to report visually confirmed or verbally disclosed cases of FGM in girls under 18 to the police. The duty, which came into force on **31 October 2015**, was introduced by the Serious Crime Act 2015 following public consultation.

To help professionals understand and comply with the duty, guidance has been published which sets out the legal requirements placed upon them, the process to follow for making reports and the action that may be taken if they fail to comply. The guidance also includes information for the police on what to do when they receive a report.

The guidance can be accessed in full at [gov.uk](http://gov.uk)
Diversity

Hate Crime statistics released

The latest hate crime statistics for England and Wales have been released by the Home Office. The bulletin contains the number of hate crimes recorded by police in England and Wales in 2014/15 which were motivated by one or more of the following five monitored strands: race, religion, sexual orientation, disability or transgender identity. It also contains combined data from the 2012/13 to 2014/15 Crime Surveys for England and Wales (CSEW). Key points from the bulletin are listed below.

Police recorded crime

- In 2014/15 there were 52,528 hate crimes recorded by the police, an increase of 18% on the previous year, of which:
  - 82% were race hate crimes
  - 11% were sexual orientation hate crimes
  - 6% were religion hate crimes
  - 5% were disability hate crimes, and
  - 1% were transgender hate crimes.

- Likely factors in the increase include:
  - an improved recording of crime over the last year
  - a greater awareness of hate crime; and
  - improved willingness of victims to come forward.

Crime Survey for England and Wales

- Based on combined data from the 2012/13 to 2014/15 CSEW there were an estimated 220,000 hate crimes on average per year for the five monitored strands.

- The most commonly reported motivating factor was race and the second was disability.

- The CSEW suggests hate crime has fallen at a similar rate to overall crime since 2007/08.

The statistical bulletin can be accessed in full at [gov.uk](http://www.gov.uk)
Diversity profiles of police forces published

The Home Office has published an overview of the proportion of black and minority ethnic (BME) and female officers in each of the 43 police forces in England and Wales. The data, presented alongside total population statistics, allows for an easy assessment of how representative a force is in terms of ethnicity and gender. The diversity profiles show:

- there is no police force in England and Wales that has a BME representation that matches its local demographic
- according to self-declared data, four forces have no Black/Black British offices
- there are no BME Chief Constables
- female police officers make up 28.2% of all police officers yet are 51% of the total population.

Further information can be accessed at [gov.uk](http://gov.uk)
Police

Consultation on expectations for police custody

HM Inspectorate of Prisons (HMIP) and HM Inspectorate of Constabulary (HMIC) have launched a consultation on a revised draft of the expectations for police custody. Over the last year, HMIP and HMIC have been leading a review of the expectations, which set out the assessment criteria, or indicators, for the joint inspections of police custody and what is expected in those areas during the inspection. The revised draft draws on experience of police custody inspections conducted by HMIP and HMIC and is informed by the findings of the thematic inspection of the welfare of vulnerable people in police custody, published by HMIC in March. The revised draft:

- extends the scope of the custody inspections to the first point of contact i.e pre arrest
- includes expectations of diversion from custody for children and vulnerable adults wherever possible
- strengthens the focus on vulnerability and risk throughout; and
- incorporates expectations flowing from the public sector equality duty under the Equality Act 2010.

The consultation closes on Friday 11 December 2015 and can be accessed in full at gov.uk

Follow up inspection of MAPPA published

A follow up inspection of Multi-Agency Public Protection Arrangements (MAPPA) has been published by the Criminal Justice Joint Inspection. It reflects the findings of HM Inspectorate of Probation and HM Inspectorate of Constabulary and sought to establish how far the recommendations in the 2011 report had been implemented, and whether improvements to practice had resulted.

Lead agency

There is a requirement in National Guidance for a lead agency to be identified for each MAPPA eligible offender. Despite that guidance, the initial inspection found that a clearer focus around the specified lead agency was required in order to promote a more coordinated approach to the management of each offender. In this inspection, it was found that the concept of lead agency was now better understood and in a high percentage of cases the lead agency was nearly always identified in the minutes, although this information was not always captured in ViSOR.
**Active management**

The initial inspection found an emphasis within MAPPA meetings of exchanging information rather than focusing on the risk of harm posed by the offender and plans to manage that harm. This follow up inspection found progress, with meetings now focusing more on active management of the offender and seeking to hold agencies to account.

**Documentation**

The 2011 inspection found that minutes of MAPPA meetings were often not fit for purpose. The re-inspection found that minutes had improved, albeit there were differences across the areas visited.

**Risk management planning**

The initial inspection found MAPPA rarely produced a comprehensive risk management plan. The follow-up inspection found that while risk management actions were more relevant and appropriate than in 2011, there remained room for improvement.

**ViSOR**

Findings on the use of ViSOR in 2011 were, the inspectors stated, disappointing as police, prisons and probation staff did not use ViSOR as a shared working tool. Findings from the follow up inspection were not much different, with the inspectors stating that insufficient progress had been made.

The chief inspectors made recommendations for improvement, which included:

- the National Offender Management Service (NOMS) and Public Protection Group should ensure that guidance relating to ViSOR is review and all NPS offender managers have convenient access to ViSOR terminals
- Strategic Management Board chairs should ensure that probation and prisons use ViSOR as an active risk management tool with staff appropriately trained and police forces should ensure that neighbourhood policing teams are made fully aware of registered sex offenders living within their policing areas.

The report can be accessed in full at [justiceinspectorates.gov.uk](http://justiceinspectorates.gov.uk)
Guidance on special grant funding published

The Home Office has published guidance for police and crime commissioners (PCCs) applying for special grant funding. PCCs can apply to the Home Office for special grant funding to meet additional costs that would be incurred from policing unexpected and exceptional events within their areas. The funding can be used to alleviate the potential financial burden of such events, to enable police forces to continue to function normally. The guidance outlines the application process and lists the information that should be included before the bid is assessed by Her Majesty’s Inspectorate of Constabulary (HMIC).

The guidance can be accessed in full at [gov.uk](http://gov.uk)

Changes to Police Innovation Fund announced

Changes to the Police Innovation Fund have been announced, which will allow for proof-of-concept bids to be considered as well as implementation-ready bids. This will allow police forces to seek funding to assess innovative ideas as well as fully worked through proposals. The assessment criteria have been revised to reflect the increased emphasis on bids which improve outcomes and can be scaled nationally. Implementation-ready bids are especially welcome in the following areas:

- technology-enabled public contact and communication channels to improve public interaction
- enhanced workforce efficiency to improve criminal justice outcomes
- digital forensic and investigative capabilities to quickly identify offenders
- data analytics and intelligence-led activity to improve decision-making and tasking to enable crime prevention
- rethinking partnership and emergency services working to provide a better public service and
- building capabilities to tackle hidden crime and protect vulnerable people.

The bid form and assessment criteria can be found at [gov.uk](http://gov.uk)
Terms of reference published for review into deaths and serious incidents in police custody

The terms of reference for an independent review into deaths and serious incidents in police custody have been published by the Home Secretary and are listed below.

- To examine the procedures and processes surrounding deaths and serious incidents in police custody, including the lead up to such incidents, the immediate aftermath, through to the conclusion of official investigations. It should consider the extent to which ethnicity is a factor in such incidents. The review should include a particular focus on family involvement and their support experience at all stages.

- To examine and identify the reasons and obstacles as to why the current investigation system has fallen short of many families’ needs and expectations, with particular reference to the importance of accountability of those involved and sustained learning following such incidents.

- To identify areas for improvement and develop recommendations seeking to ensure appropriate, humane institutional treatment when such incidents, particularly deaths in or following detention in police custody, occur. Recommendations should consider the safety and welfare of all those in the police custody environment, including detainees and police officers and staff. The aim should be to enhance the safety of the police custody setting for all.

The Home Secretary announced that Dame Elish Angiolini DBE QC would chair the review and that there will be a formal role for INQUEST, a charity that offers advice to families bereaved by death in police custody. Deborah Coles, Director at INQUEST, has been appointed as a special adviser to the chair and the charity will:

- facilitate family listening days so that the Chair can hear evidence first-hand from those who have lost loved ones in police custody to ensure their views are taken into account

- play a leading role on an advisory board which will offer expert advice to the Chair during the course of the review.

Further information can be found at gov.uk

HMIC report on police efficiency published

Her Majesty’s Inspectorate of Constabulary (HMIC) has published a thematic report on the efficiency of police forces. It builds on the reports of the Valuing the Police programme, however has a new focus on efficiency, rather than how well forces have met their required spending reductions. The report is concerned with the question: ‘How efficient are the police at keeping people safe and reducing crime?’ To answer this, HMIC inspected forces on three questions:
• How well does the force use its resources to meet its demand?
• How sustainable and affordable is the workforce model? and
• How sustainable is the force's financial position for the short and long term?

In order to answer the above HMIC collected data and savings plans from the 43 forces in England and Wales, inspected them all and carried out a survey of whether the public had noticed changes in the service they receive from the police. The overall efficiency of each police force has been graded in one of four grades: outstanding, good, requires improvement or inadequate.

The main findings of the report include:

• HMIC graded five forces as outstanding, 26 forces as good, eight as requiring improvement and one as inadequate on their efficiency
• the police service needs to improve its understanding of demand for its services, its understanding of the capability of its workforce and its information and communications technology infrastructure
• most forces have a good understanding of the current demand for their service, but a weak understanding of their future demand
• collaboration between forces remains patchy and plays a small part in forces' financial planning
• most forces have recognised that the size of their current workforce is not sustainable and are planning further reductions, while trying to maintain or increase the proportion of officers on the front line
• forces' workforce plans are based on capacity rather than capability
• there is no common understanding across the police service of the number of officers required to maintain operational viability or to provide a safe level of policing
• forces have met the budget reductions of the last five years and are planning prudently for similar reductions in the future.

The report highlights the future challenges for the police service, including the new and emerging crime types, increasingly sophisticated criminals and increasing expectations from the public. It states that a debate is needed on what role the police should play in non-crime demand, how their funding should reflect that demand and what roles other agencies should play. The report also states that policing in five years' time is likely to be smaller, less costly and perhaps less visible.

The report can be accessed in full at justiceinspectorates.gov.uk
Consultation on PCC Complaints launched

A Home Office consultation has been launched, seeking views on proposed changes to the handling of complaints about the conduct of Police and Crime Commissioners (PCCs). These changes relate to non-criminal complaints, with any serious complaints continuing to be considered by the Independent Police Complaints Commission (IPCC).

The consultation closes on 10 December 2015 and can be accessed in full at gov.uk
Criminal justice system

Consultation on new sentencing code

The Law Commission has opened a second consultation as part of a project to create a new sentencing code for England and Wales. The aim is to introduce a single sentencing statute that will act as the first and only port of call for sentencing tribunals. It will set out the relevant provisions in a clear and logical way, and ensure that all updates to sentencing procedure can be found in a single place. While the aim of the project is not to interfere with mandatory minimum sentences or sentencing tariffs in general, the process by which they come to be imposed will be streamlined and much improved.

The consultation closes on 9 April 2016 and can be accessed in full at lawcom.gov.uk

National risk assessment of money laundering and terrorist financing published

The national risk assessment (NRA) is the first comprehensive assessment of money laundering and terrorist financing risk in the UK. It aims to identify, understand and assess the money laundering and terrorist financing risks faced by the UK. While the assessment should not be relied upon in isolation, the improved understanding it provides should assist the government, law enforcement agencies, supervisors and the private sector in targeting their resources at the areas of highest risk, ensuring that the UK’s approach to preventing financial crime is risk-based and proportionate.

The NRA follows extensive consultation with law enforcement agencies, UK intelligence agencies, the UK Financial Intelligence Unit, supervisors and private sector representatives. Its findings will shape the government’s response to money laundering and terrorist financing, and will inform the risk-based Anti-Money Laundering Action Plan that the Home Office and HM Treasury have committed to producing.

The NRA can be accessed in full at gov.uk
Counter-Extremism strategy published

HM Government has published a Counter-Extremism strategy which aims to tackle the full spectrum of harm caused by extremism. The strategy focuses on four areas:

- **Countering extremist ideology** – continue to confront and challenge extremist propaganda, ensuring no space goes uncontested, including online, promoting a better alternative, and supporting those at risk of radicalisation
- **Building a partnership with all those opposed to extremism** – go further to stand with and build the capacity of mainstream individuals, community organisations and others in our society who work every day to challenge extremists and protect vulnerable individuals
- **Disrupting extremists** – create new targeted powers, flexible enough to cover the full range of extremist behaviour, including where extremists sow division in communities and seek to undermine the rule of law
- **Building more cohesive communities** – review, understand and address the reasons why some people living here do not identify with our country and values. A new Cohesive Communities Programme will help those communities most at risk of isolation.

The strategy can be accessed in full at [gov.uk](https://www.gov.uk)

Evaluation of an alternative place of safety pilot published

An evaluation of the pilot of an alternative place of safety (APoS) in Sussex for adults detained under section 136 of the Mental Health Act 1983 has been published. In October 2014, the Home Secretary announced an intention to fund a pilot of an APoS utilising the expertise of the third sector. The aim of the pilot was to trial an APoS to police custody for people aged 18 and over detained under section 136, and evaluate whether such an alternative would give people a better experience whilst their await a mental health assessment.

The pilot evaluation aimed to understand how the introduction of an APoS run by a third sector organisation would work in practice, and identify any lessons learnt for possible future roll out. The overall number of section 135 detentions in West Sussex during the pilot period reduced as a result of the parallel implementation of a street triage scheme. As a result, there were just seven detentions to the APoS. Despite the low numbers, it was the view of those involved that the APoS was a suitable alternative that functioned effectively and was perceived as a business as usual place of safety for police officers and partner agencies directly involved.

The pilot evaluation can be accessed in full at [gov.uk](https://www.gov.uk)
A report into local criminal justice partnerships (LCJPs) has been jointly published by HM Inspectorate of Constabulary (HMIC), HM Crown Prosecution Service Inspectorate (HMCPSI) and HM Inspectorate of Probation (HMIP). Partnerships have been established in a number of areas of public policy, including crime reduction and public health, in order to determine and work towards shared local priorities, oversee services which are provided jointly, and manage the risks and interdependencies between work carried out on a single agency basis. The report presents the findings of an inspection of how these partnerships work.

Inspectors found:

- there are LCJPs across most of England and Wales, with members including the police, the Crown Prosecution Service and the Court Service, and senior representatives of voluntary sector, prisons, youth offending services, probation services and Police and Crime Commissioners
- despite a broad membership (including representatives from the police, CPS, the Court Service, prisons, youth offending services, probation services and Police and Crime Commissioners) LCJPs are not making a sufficiently positive difference
- LCJPs do not agree their local priorities in any rigorous way, for example by looking at risks
- examples where, despite a partnership being in place, the action of one agency was having an adverse effect on the ability of other agencies to serve victims and manage offenders
- where there is progress, it is generally driven by a national programme, and usually involves only a few of the agencies, bypassing the LCJP. While this might be the most efficient way of doing things in some instances, there is a risk that if all issues are handled in this way, there will be further unforeseen negative consequences; and
- LCJP members are to some extent impeded and constrained by barriers beyond their control, such as the lack of consistent geographical boundaries, nationally set priorities and programmes, and targets or objectives of individual agencies that can adversely impact on the performance of others.

The report recommends that there should be a national operating framework to enable local criminal justice agencies to work together more effectively.

The report can be accessed in full at justiceinspectorates.gov.uk
Revised Victims Code Published

A revised code of practice for victims of crime (the Victims’ code) has been published, following a consultation on the proposed changes. The Victims’ code is central to the government’s strategy for transposing the EU Victims’ Directive, which establishes minimum standards on the rights, support and protection of victims of crime. There are three main amendments to the Victims’ Code:

- a broadened definition of a victim so that victims of all criminal offences are eligible to receive services under the Code
- extended application of the Code to other relevant investigative and prosecutorial organisations which perform functions covered by the Directive
- to ensure that victims who report a crime receive a written acknowledgements.

The final version of the Victim’s Code will be laid before Parliament and will come into force on 16 November 2015 when the Directive comes into force. The updated Victims’ Code is a key part of making sure that obligations to implement the EU Victims’ Directive are met. The Victims’ Code will improve standards on the entitlement, support and protection available to all victims of crime in England and Wales.

The government response to the consultation can be accessed at gov.uk

The revised Code of Practice for victims of crime can be accessed at gov.uk
Parliamentary issues

Report on psychoactive substances published

The Home Affairs Committee has published a report on new psychoactive substances (NPS), ahead of the Commons stages of the passage of the Psychoactive Substances Bill. The main conclusions of the report are listed below.

Legislation

- The speed at which the Government has brought the legislation forward, without any consultation on the specific detail of the Bill, has resulted in some weaknesses being identified.

- The terminology used to describe substances of this nature has long been ill-defined. The use of the term ‘legal highs’ is both misleading and inappropriate. It sends out a message to young people that these substances are both ‘legal’ and will have a ‘desirable’ effect. This has tempted people to experiment with these substances, sometimes with disastrous consequences.

Alkyl Nitrites

- Professor Iverson, Chair of the ACMD said that alkyl nitrites, also known as ‘poppers’ were ‘not seen to be capable of having harmful effects sufficient to constitute a societal problem’ and therefore the committee recommend they should not be banned.

Supply

- If the legislation is to achieve its aims, it must deter producers and suppliers from making psychoactive substances available. According to Police Scotland, it is questionable how this will be done if these people cannot be successfully prosecuted. It appears that the ACMD might have provided a solution through their definition of psychoactive substances, and the committee called on the Government to assess whether this approach would result in more successful prosecutions.

Education

- Action must be taken now to educate young people about NPS through stronger and wider public information campaigns.

- There is a lack of clarity in the Bill with regard to the relative harm associated with different types of NPS and the appropriate sentence commensurate with the offence.
Internet

- There is substantial evidence that the market for NPS is already moving online, which, due to the anonymity that the internet can provide, is a challenge for prosecuting authorities to monitor and control. The Government and the police should publish an action plan setting out how they will tackle the challenges of displacement of sales to the internet, including by working with internet providers and overseas jurisdictions. The Committee was particularly concerned about the importation of psychoactive substances via courier services.

The report can be accessed in full at publications.parliament.uk
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