



College of
Policing

Brief

Police centres prepare for Brexit →

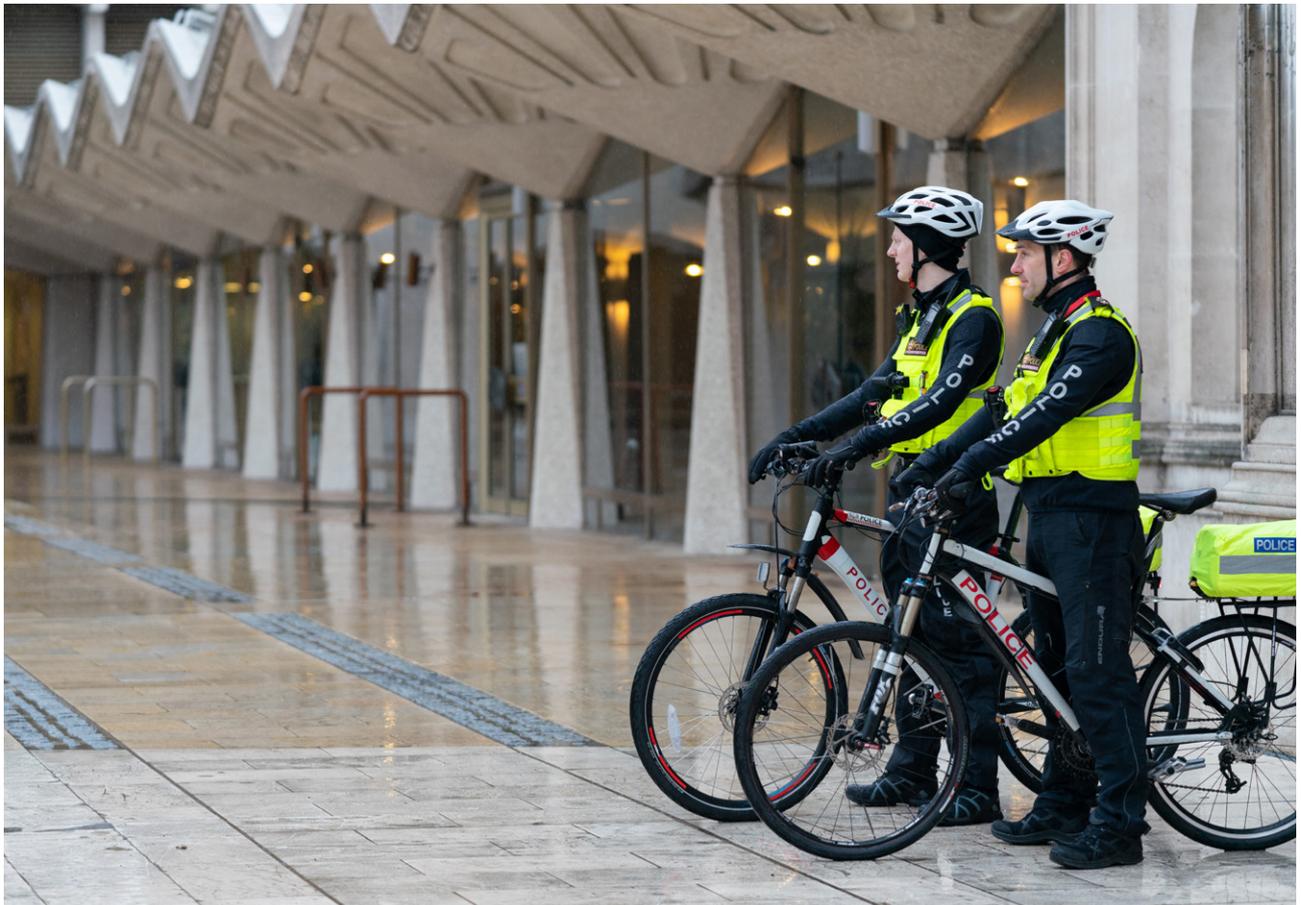
New GPS tags →

New crowd safety app →

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ISSUE 02 | FEB/MARCH 2019

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



New law
Overseas
production orders
→

Case law
CHIS and
positive action
→

Youth advocates
to target
youth violence
→

Police pensions
Change to
regulations
→

The College of Policing Brief is a scanning publication intended to capture and consolidate key criminal justice issues, both current and future, impacting on all areas of policing.

During the production of the Brief, information is included from governmental bodies, criminal justice organisations and research bodies. As such, the Brief 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 app.college.police.uk

Any enquiries regarding this publication or to request copies in accessible formats please contact us at brief@college.pnn.police.uk

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Editorial

Dear readers,

Welcome to the second edition of Brief, produced by the Legal Services team at the College of Policing. We hope you find this edition useful and of course, interesting!

This month's edition features articles on: the first female genital mutilation conviction in England and Wales, the first scrutiny in the courts of positive action measures under section 159 of the Equality Act, the Police Pay Award, the National Crime Agency's gender pay gap report, the publication of the landmark Domestic Abuse Bill, and one officer's remarkable integrity and honesty in negotiating the challenges and finding new opportunities to add value, as an officer diagnosed with ME.

To find out more about the College and what we do, including initiatives such as our consultation on conflict management, and the College Registered Pilots' scheme which supports the excellent innovation of police officers and policing staff, please visit the **College of Policing website**.

We hope that our publication supports our police officers and police staff in their work. We are always looking for ways to get better at what we do; if you have any feedback or ideas for future content, please **get in touch**.

Thank you for reading,

The Legal Services Team

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For subscription requests, further information or to send us ideas about what you would like to see in upcoming editions, please email us at:

brief@college.pnn.police.uk

Share with our community

We know at the College, that there is great work and innovation taking place across the police service and that there are some remarkable people working diligently to support and safeguard the communities they serve. The sharing of news can serve as a jump start to collaboration and growth; we want to hear from you.

We'd like to invite police officers and police staff to contribute by including a monthly 'guest article' under one of the following categories:

- **Pride** (tell us something about your team or a project that you're working on which has produced results that you're particularly proud of).
- **Innovation** (new initiatives and projects, what works and what didn't and how you learnt from it).
- **Collaboration** (tell us about the relationships with other forces/ external agencies which help your team).
- **Your team, our community** (diversity, equality, inclusion, key support mechanisms, that special team member whose hard work deserves acknowledgement in the Brief).

Articles should be no longer than 500 words long. If you'd like to contribute, please email brief@college.pnn.police.uk and we'll tell you more about the process. We'd like to pick an article a month, and will ensure there is a wide variety of authors and forces. We will inform you in advance if your article is to be chosen. We look forward to hearing from you.

College news

Consultation opens on conflict management

A consultation has opened on evidence based guidelines for conflict management. The guidelines will form the first part of a National Policing Curriculum for Personal Safety training to be developed by the College. The public routinely see or hear about the acts of bravery that officers display when running towards danger. However what goes unseen is the dynamic risk assessment every officer does when confronted by violent or aggressive situations. The guidelines have been produced to ensure officers are trained in using de-escalation, communication and negotiation. Whilst aimed at chief officers and learning & development teams, the guidelines will affect the personal safety training for all officers and staff, so everyone should have the opportunity to influence the way this training is developed. We welcome your views.

Access the consultation [here](#).

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Legal updates

Statutory instruments

SI 2019/378 The Police Firefighters' (Pensions etc.) (Amendment) (England and Wales) Regulations 2019

These regulations bring about changes to various instruments supporting the pensions framework for police officers in England and Wales (and firefighters in England). Amendments are made to the following instruments:

- the Police Pension Regulations 1987
- the Police Pension Regulations 2006
- the Police Pension Regulations 2015
- the Police (Injury Benefit) Regulations 2006
- the Police Federation (England and Wales) Regulations 2017

Changes include:

- The changes are a consequence of the Supreme Court ruling in *Walker v Innospec* [2017] UKSC 47 which provided that the company's position was incompatible with EU Directive 2000/78/EC on discrimination in the workplace. It determined that Mr. Walker's male spouse should be entitled to a pension calculated on the basis of all of the years of service with Innospec, providing that they were still married at the time of Mr. Walker's death. The Home Office and the Treasury have worked since the judgement was released to integrate its findings into existing police and firefighter pension schemes. Amendments will be retrospective.
- Female members of the 1987 pension regulations will be given the opportunity to uprate their survivor benefits. This is to create equality in the system with previous measures functioning differently for male and female contributors. Female members will receive the same benefits as male members should they choose to make a commensurate level of contribution.
- The police unpaid maternity support leave eligibility start date moves from 1 September 2014 to 3 April 2011.
- Regulation 9 of the Federation regulations specifies the date by which the Metropolitan Police Branch will set the number of officers in the force for the purposes of electing branch representatives.

- Existing employee contributions provisions under the 2015 pension regulations expire on 1 April 2019 (see section 170). For contributions to continue to be collected lawfully, the date needs to be amended or removed. A 12 week consultation on the next steps took place with contributing associations representing some 75,000 police officers. The Home Office also held conversations with the Federation and the Superintendents' Association. The Police Pensions Scheme Advisory Board, a sub-committee of PABEW, confirmed the consensus view that the date would be extended 1 year to 31 March 2020.

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

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SI 2019/174 – The Investigatory Powers Act 2016 (Commencement No. 11) Regulations 2019

These regulations bring the sections of the named Act (relating to authorisations for obtaining communications data) into force on 5 February 2019. Staggered commencement of different parts of the Act will enable affected public authorities to transition in a staged way from the processes under the Regulation of Investigatory Powers Act 2000. It is anticipated that Part 1 of Chapter 2 of the 2000 Act will be repealed at the end of 2019.

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

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SI 2019/143 – The Criminal Procedure (Amendment) Rules 2019

These rules amend the Criminal Procedure Rules 2015, S.I. 2015 No. 1490, in seven principal respects.

They amend the rules about service of documents on court offices, the ways in which information concerning criminal cases may be supplied to the public by court staff, publishing details of imminent court hearings, information that a private prosecutor must give a magistrates' court when applying for a summons, and information that an expert witness must give to the court.

They also add new rules about the procedure for withholding confidential information that an expert witness otherwise might be required to reveal, and the presentation of allegations in some extradition cases.

In addition, they make various other minor amendments and corrections to keep the Criminal Procedure Rules up to date.

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

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SI 2019/68 – The Anti-social Behaviour, Crime and Policing Act 2014 (Amendment) Order 2019

This Order amends section 5(1) of the Anti-social Behaviour, Crime and Policing Act 2014 to allow Transport for Greater Manchester to be added to the list of bodies that are able to apply to a court for an injunction under section 1 of the Act. This is to tackle anti-social behaviour on its transport network.

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

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SI 2018/1396 – The Privacy and Electronic Communications (Amendment) (No. 2) Regulations 2018

This instrument restricts firms from making unsolicited direct marketing calls to individuals about their pension schemes, with two tightly drafted exemptions. These are:

- Firstly, where the person being called has given consent to the caller to receive direct marketing calls in relation to pensions.
- Secondly, where the person being called has an existing client relationship with the caller, so they would reasonably expect to receive direct marketing calls in relation to pensions.

The two exemptions only apply where the caller is authorised by the Financial Conduct Authority (FCA), or is the trustee or manager of an occupational pension scheme or a personal pension scheme.

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

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Bills

Mental Capacity (Amendment) Bill

The Bill amends the Mental Capacity Act 2005 in relation to procedures associated with depriving liberty where an individual may lack the capacity to consent. The Bill is now in what is known as ‘ping pong’ stage. This relates to the to and fro of amendments between the two houses. It was last heard on 26 February 2019. The date of the next ping pong is yet to be scheduled.

Access the full Bill [here](#).

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Stalking Protection Bill

The Bill makes provision for protecting individuals from the risks associated with stalking. It is a private member’s bill which reached committee stage on 26 February. No changes were proposed so it skips report stage and goes directly to third reading, a procedure known as ‘order of commitment discharged’. Third reading will take place on 6 March.

Access the full Bill [here](#).

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Offensive Weapons Bill

The Bill relates to the introduction of offences relating to sale, delivery and possession of corrosive products, bladed articles and certain dangerous knives. There are also provisions relating to threatening with offensive weapons and prohibition of certain firearms. Line by line examination of the Bill took place on 26 February. A second day of report stage is scheduled for 4 March.

Access the full Bill [here](#).

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Border Control Bill

This is a Bill to make provisions regarding the requirements for non-UK citizens seeking leave to enter the United Kingdom; to make provisions for the process of removing non-UK citizens from the United Kingdom in certain circumstances and on the basis of established criteria; and for connected purposes.

This private members' bill was presented to Parliament on Tuesday, 5 September 2017. This is known as the first reading and there was no debate on the Bill at this stage. The Bill is expected to have its second reading debate on Friday, 15 March 2019.

Access the full Bill [here](#).

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Child Cruelty (Sentences) Bill

This is a Bill to increase the maximum custodial sentence for the offences of child cruelty and causing or allowing a child or vulnerable adult to die or suffer serious physical harm to imprisonment for life; and for connected purposes.

The second reading for this private members' bill is scheduled to take place on Friday, 15 March 2019.

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

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Crime (Impact Statements) Bill

This is a Bill to make provisions for statements made by persons adversely affected by a crime to be used in sentencing proceedings in court; and for connected purposes.

This is a private members' bill and was introduced to Parliament on Tuesday, 5 February 2019 under the ten minute rule. The Bill's second reading is scheduled to take place on Friday, 22 March 2019.

Access the full Bill [here](#).

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Domestic Abuse Bill published

On Monday 21 January 2019, the draft Domestic Abuse Bill was published. It is aimed at supporting victims, families, and pursuing offenders. The introduction of this Bill appears to have been motivated by research showing that domestic abuse issues cost the country an estimated £66 billion a year. According to this research, the vast majority of this cost (£47 billion) was a result of the physical and emotional harm of domestic abuse. However, it also includes other factors such as cost to health services (£2.3 billion), police (£1.3 billion) and victim services (£724 million).

To help fight domestic abuse crime, the new Bill will:

- Introduce the first ever statutory government definition of domestic abuse to specifically include economic abuse and controlling and manipulative non-physical abuse. This will enable everyone, including victims themselves, to understand what constitutes abuse, and will encourage more victims to come forward.
- Establish a domestic abuse commissioner to drive the response to domestic abuse issues.
- Introduce new domestic abuse protection notices and orders to further protect victims and place restrictions on the actions of offenders.
- Ban the cross-examination of victims by their abusers in the family courts.
- Provide automatic eligibility for special measures to support more victims to give evidence in the criminal courts.

Access the full article [here](#).

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Immigration (Time Limit on Detention) Bill

This private members' bill was introduced to Parliament on Wednesday, 5 December 2018 under the ten minute rule. The second reading for this Bill is scheduled to take place on Friday, 1 March 2019.

The purpose of the Bill is to make provisions for a maximum period of detention under the Immigration Act 1971 of 28 days; and for connected purposes.

Access the full Bill [here](#).

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Immigration Detention of Victims of Torture and Other Vulnerable People (Safeguards) Bill

This is a Bill to make provisions regarding immigration detention safeguards for victims of torture and other vulnerable people, including those who have suffered from severe physical, psychological or sexual violence; and for connected purposes.

This private members' bill was introduced to Parliament on Wednesday, 20 December 2017 under the ten minute rule. The Bill is expected to have its second reading on Friday, 22 March 2019.

Access the full Bill [here](#).

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International Development (Safeguarding Vulnerable Groups) Bill

This is a Bill to make provisions in connection with the protection of children and vulnerable adults in receipt of official development assistance and disaster relief.

This is a private members' bill and was introduced to Parliament on Wednesday, 4 July 2018 under the ten minute rule. The second reading for this Bill is scheduled to take place on Friday, 15 March 2019.

Access the full Bill [here](#).

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Refugees (Family Reunion) Bill [HL] 2017-19

This is a Bill to make provisions for leave to enter or remain in the United Kingdom to be granted to the family members of refugees and to refugees who are family members of British citizens and settled persons, to provide for legal aid to be made available for refugee family reunion cases; and for connected purposes.

The Bill completed its House of Lords stages on Tuesday, 3 July 2018 and was presented to the House of Commons on Wednesday, 11 July 2018 for the first reading. This Bill is expected to have its second reading on Friday, 22 March 2019.

Access the full Bill [here](#).

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More information about up-skirting laws

‘Up-skirting’, the act of taking a photograph under a person’s clothing to obtain an image, was previously convicted as an outraging public decency offence. The British Transport Police have reported a 178 per cent rise in the number of incidents from 2013-2017. The act is now a specific offence under the Sexual Offences Act, after a Bill received royal assent on 12 February 2019. The Bill’s progress through Parliament is a result of the efforts of campaigners, victims and charities who campaigned tirelessly for the change in the law. A prominent figure in the charge was Gina Martin, who first brought the issue to public attention when two men took a photo of her underneath her skirt at a music festival. The legal changes acknowledge that up-skirting is a form of abuse, which is both harmful and humiliating, which has significant and damaging effects on victims. It is seen as another step in overturning the sexism and negative attitudes which underpin violence against women and girls.

Find further information [here](#).

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Acts

Circular 008/2018: Update to Criminal Finances Act

A circular has been released regarding the extension of the moratorium period for suspicious activity reports under the Criminal Finances Act. The guidance aims to ensure consistent practice for all law enforcement agencies and to ensure that agencies are aware of their responsibilities when an extension is sought. For those unfamiliar, the moratorium period is relevant to the regimes under sections 335 and 338 of the Proceeds of Crime Act 2002 (POCA). A person is privy to a notice period in which time they may receive notice from a constable or customs officer. If they receive a refusal, the moratorium period commences. An initial period of 31 days can be extended by an additional 31 days, up to a maximum of 186 days (as given in sections 336 of POCA). A court may grant an extension if:

- an investigation is being carried out in relation to a relevant disclosure
- the investigation is being carried out diligently and expeditiously
- further time is needed for conducting the investigation
- it would be reasonable for an extension to be granted.

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

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Crime (Overseas Production Orders) Act 2019

The purpose of this Act is to make provisions for overseas production orders. Following agreement by both Houses, the text of the Bill received Royal Assent on 12 February. The Bill is now an Act of Parliament.

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

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Other news

Brexit no deal arrangements for EU citizens

In the case of a no deal Brexit, the government has outlined the arrangements for EU citizens coming to the UK after the EU exit. If Britain leaves without an agreed deal, the government will seek to end free movement as quickly as possible, with the aid of a newly introduced Immigration Bill.

For a transitional period only, EEA citizens and their family members, including Swiss citizens, will still be able to come to the UK for visits, work, or study, and they will be able to enter the UK as they do now.

However, to stay longer than three months, they will need to apply for permission and receive European Temporary Leave to Remain, which is valid for a further three years. EU citizens wishing to stay for longer than three years will need to make a further application under the new skills-based future immigration system, which will begin from 2021.

The Home Secretary was clear that the proposed measures would not apply to EU citizens in the UK before exit day, who were valued and whose rights would be protected by the EU Settlement Scheme.

Access the full article [here](#).

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Guidance released on EU citizens' status

EU citizens and their families will be able to apply to the EU Settlement Scheme to continue living in the UK after 30 June 2021. If the application is successful, they will receive either settled or pre-settled status. They may be able to stay in the UK without applying – for example, if they are an Irish citizen or have indefinite leave to remain (ILR).

Access the full article [here](#).

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Guidance issued for driving in the EU after Brexit

The Department for Transport has issued guidance for driving in Europe for UK drivers from 29 March 2019. From this date, they state that drivers may require an international driving permit to drive in the EU. Arrangements will be made clear once confirmed. The Department for Transport advises that in the event of there being no deal, after 29 March 2019:

- arrangements for EU and EEA licence holders who are visiting the UK will not change
- UK drivers in the EU will most likely need to carry a motor insurance green card to evidence insurance
- UK citizens involved in an accident in the EU should not expect to be able to submit a claim to a UK-based claims representative or the UK Motor Insurers' Bureau. A claim will need to be brought against the other driver or insurer in the country where the accident happened, and will invariably need to be submitted in that country's native language
- if involved in an accident in the EU with an uninsured driver, there is unlikely to be any mechanism for seeking redress
- commercial trailers weighing over 750kg and non-commercial trailers over 3,500kg must be registered.

Find further information [here](#).

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Action plan implemented to tackle small boat crossings

Following discussions in Westminster between Home Secretary Sajid Javid and French Interior Minister Christophe Castaner, both have vowed to increase joint cooperation in an attempt to reduce migrant activity on the English Channel.

As part of their joint cooperation, there will be a mutual commitment to conduct return operations as quickly as possible under the Dublin Regulation. Furthermore, it has been agreed that Channel migrants will be taken to the nearest safe port, in line with international maritime law.

The UK has said it will continue to work closely with France and other countries to return more migrants who have entered the UK by small boat, in an attempt to provide a deterrent for others who feel forced to make this dangerous

journey. Additional security cameras will be strategically placed at French ports and in other areas where migrants may attempt to board boats, and will feed live CCTV footage into the UK-France Coordination and Information Centre in Calais, which is staffed by both British and French agencies.

There will be increased surveillance of the Channel by air and boat patrols, with shared intelligence between UK and French authorities. Foot patrols across beaches and coastal areas by the French police will be 'ramped up' to disrupt any attempted crossings.

Access the full article [here](#).

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Before the court

Batchelor, R v [2018] EWCA Crim 2506

Lee Batchelor, now aged 40, pleaded guilty to a single count of arson being reckless as to whether life would be endangered on 19 June 2018. On 21 August, he was sentenced by His Honour Judge Gold QC to two years' imprisonment, suspended for two years, with a 20-day rehabilitation activity requirement, and an order to perform 200 hours of unpaid work. The Solicitor General has been granted leave by the Court of Appeal to refer the above sentence as being unduly lenient.

The facts

The offender was living in a block of flats with his wife and children. Directly above their flat, was Flat 81, where 16-year-old Bleu Marchant lived with her father. Ms Marchant and the offender had gotten on well for the previous 10 years they had both lived in the flat block.

In the build-up to May 2018, the offender had grown increasingly upset by the noise coming from Flat 81, as Ms Marchant regularly had visitors and would play loud music. The offender had complained about this several times.

On Friday 11 May 2018, Ms Marchant had some friends round at the flat in her father's absence. At roughly 22:30, she went outside to meet another friend and heard the offender speaking loudly on the phone saying 'I'm going to petrol bomb the flat. There are three girls in there now'. The following evening, Ms Marchant was at home in the flat with a group of friends, playing loud music and dancing. At about 21:30, she realised the fire alarm was going off. After opening the door to the flat, she saw the hallway was filled with smoke and her door was on fire. Ms Marchant and her friends escaped through a rear window.

The offender claimed he had 'lost his mind as a result of chronic sleep deprivation' and only had a hazy recollection of the incident. He thought his intention at the time was to create smoke, hoping this would encourage Ms Marchant to take his complaint seriously. He was surprised when his actions resulted in a fire, and attempted to put it out with his foot. When this was unsuccessful, he activated the fire alarm. The offender's wife told the police that although she had begged him not to do it, her husband had set the fire using white spirit.

Sentencing

The offender was charged with arson with intent to endanger life at Lewes Crown Court, with reckless arson as an alternative. He indicated in the

Magistrates' Court that he would be pleading guilty to the lesser offence. At his first Crown Court appearance he pleaded guilty to arson being reckless as to whether life was endangered, which was accepted by the prosecution. No evidence was offered in respect of arson with intent to endanger life.

The judge found it was a difficult sentencing exercise. On the one hand, the public was entitled to expect that those who recklessly set fires should be severely punished. However, having pleaded guilty at the first available opportunity, the offender was entitled to a full one-third discount from the appropriate sentence. The judge focused on the offender's previous good character and classed this offence as a 'mistake that was wholly out of character'.

During the appeal, Mr Emlyn Jones, the Solicitor General, submitted that there were a number of aggravating features that had been overlooked during sentencing. These were:

- First, the fire was set in a flat block, creating a substantial risk of the fire spreading.
- Second, an accelerant (white spirit) was used.
- Third, the offender knew the targeted flat was occupied at the time of the offence.
- Fourth, it was at a time of day when the other flats were likely to be occupied.
- Fifth, there was a degree of planning, as the offender had threatened to petrol bomb the address the previous day.
- Sixth, the offender went ahead with the offence despite his wife 'begging' him not to.
- Seventh, the arson was motivated by malice and/or anger.

After reviewing the evidence, the Court of Appeal submitted that anti-social behaviour and loud continuous noise and vibration from neighbouring flats or houses can be highly oppressive and sometimes intolerable. However, they agreed with the Solicitor General and expressed that the term of two years was unduly lenient.

The Court of Appeal considered the fact that the offender had complied with his sentence since it was passed, but substituted the two year suspended sentence for a term of 38 months' immediate imprisonment.

Access the full case [here](#).

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AAA v A Chief Constable [2019] EWHC 259 (QB)

This is a contractual claim for damages by 'AAA' against the Chief Constable for his failure to pay AAA what was agreed under contractual arrangements, and for other losses.

AAA was a confidential human intelligence source (CHIS) for the Chief Constable's police force (the force). After a short while, AAA was entered into the force's witness protection program (WPP) due to real and genuine threats to his life from a well-known criminal 'X', the person in relation to whom AAA was a CHIS. X remains a threat to AAA and consequently, AAA's identity has been protected in order to prevent X from identifying him, during or after the trial. AAA remains in the WPP to this date.

It is alleged by AAA that contractual terms were made between him and the Chief Constable regarding the Chief Constable providing financial support, rent, utility bills, a vehicle, and counselling to AAA, whilst he was in the WPP. AAA states that the Chief Constable unilaterally changed the way in which he made payments to AAA, breaching specific terms of their contract. The Chief Constable denies AAA's claim and states that he remained within the contractual agreement and did not agree to certain conditions AAA is claiming for.

Both parties agree that they signed a Memorandum of Understanding (MoU) laying out contractual terms, but the Chief Constable disagreed with certain terms listed by AAA. The Chief Constable strongly denied that at any time any officer agreed, whether as part of the MoU or otherwise, that AAA would be financially placed as closely as possible into the position he would have been in had he not acted as a CHIS, or that the police would use their best endeavours to obtain employment for him or that his mortgage payments would be met.

The Judge acknowledged that AAA made a considerable act of self-sacrifice by becoming a CHIS, and has paid a heavy price for his involvement, with his placement in the WPP for several years due to the genuine threat to his life from X. Nevertheless, the Judge concluded that AAA's claim against the Chief Constable should fail for the following reasons: the Judge held that as AAA's claim is for breach of contract, he must prove the terms of the contract were relied upon, prove that those terms were breached and prove that the breach caused him damage. In light of this, the Judge accepted the Chief Constable's submissions that AAA failed to establish any of these elements of his claim.

The Judge addressed the first issue in relation to the terms of the contract. He commented on the fact that AAA's case has frequently changed.

Furthermore, the Judge raised the point that the officer acting for the Chief Constable in the making of the contract, denied certain terms of the agreement existing. The Judge ruled that the officer would not have had the authority to make all of the contractual promises AAA purported. It was stated by the Judge, as being inherently unlikely that anyone on behalf of the Chief Constable would have agreed such terms, involving the expenditure of very significant sums of money. It was held that AAA's claims were inconsistent with the documents that both he and the Chief Constable agreed they signed, including the CHIS Terms and Conditions and MoU. The Judge concluded that it was these documents that formed the basis of the contractual agreement between the Chief Constable and AAA. It was submitted by the Judge that it was not necessary to determine whether they amounted to legally enforceable contracts. He was satisfied that AAA signed and understood these documents and that the police acted in accordance with them. The court found that AAA was a non-credible witness and stated that save where his evidence was corroborated by contemporaneous documentation, or agreed by the Chief Constable, he declined to rely upon it.

The Judge held that there was never any binding contract. The relationship between AAA and the Chief Constable was governed by the CHIS Terms and Conditions whilst he was a CHIS for a brief period. Thereafter, when he was referred to the Witness Protection Unit following threats from X, he was provided with ad hoc support whilst the assessment process for the WPP was undertaken. Once that had been completed, he knowingly and voluntarily signed an MoU by which the Chief Constable undertook to provide some financial support but which he was entitled to review and amend on an ongoing basis. The claim fails and is dismissed.

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

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Mr M Furlong v The Chief Constable of Cheshire [2018] UKET 2405577/2018

Mr. Furlong applied for a post as a police constable with Cheshire Constabulary ('the respondent'). He successfully completed the assessment centre and interview but was unsuccessful with his application. Mr. Furlong is a white, heterosexual male. He believes that the respondent treated candidates with protected characteristics more favourably and that that treatment was unlawful because they were not as well qualified as he was. He argued that treating people with protected characteristics more favourably in the recruitment process was not a proportionate means of achieving a legitimate aim. Mr. Furlong submitted a claim for direct discrimination under section 13 of the Equality Act on the grounds of sexual orientation, race and sex.

The case sets key precedent in UK law being the first to decide on action under section 159 of the Equality Act 2010 ('section 159'). Section 159 allows employers to treat someone with a protected characteristic more favourably than someone who does not share that protected characteristic. It is used as a mechanism to encourage those with protected characteristics into underrepresented professions. The tribunal identified that Cheshire Police had chosen to apply section 159 at the conclusion of the interview stage. The interview stage is the third stage of the recruitment process and those invited to participate would have already passed the Search Assessment Centre. All candidates who achieved a pass at interview were deemed to be of 'equal merit'. Selection after the interview was then guided by certain principles: 1) candidates who identified with a protected characteristic, 2) candidates who speak English as a second language and 3) candidates who are employed by Cheshire Constabulary as a Special Constable, PCSO, FCC or police staff. After positive action candidates were recruited, the force then reverted to candidate prioritisation on the basis of Search assessment scores and appointing in hierarchy.

The tribunal having reviewed material relating to the candidates, believed that categorising the 127 candidates who were successful at interview as equally suitable for the post, as a 'fallacy'. The review of the applicant forms showed an absence of continuity in reasoning, with some candidates progressing in spite of attracting negative comments from their performance reviews. The variance in candidate performance could not, in the tribunal's view, lead to the conclusion of their being of equal merit. The pass/fail interview mechanism was seen to set in place an artificially low threshold for the recruitment exercise. The claimant himself had performed well and it would have been likely that he would have been appointable ahead of other candidates with a protected characteristic.

The tribunal found unanimously for the claimant. Qualitative data had been collected by the respondent which should have served as indication of which candidates had demonstrated which qualities required for the role. The tribunal struggled with the concept of 127 people being deemed to be of equal merit. Whilst the claimant's interview was not the strongest, after reviewing an extensive number of other candidate forms, the tribunal considered that he would have been in the quota who were nearer to the top of the qualitative interview process.

The respondents had disclosed a vast body of evidence relating to different protected characteristics and the lack of representation. Disadvantage to those with protected characteristics had not been made out but the Tribunal did consider that the alternative limb to section 159 had been made out in respect of participation. Cheshire Constabulary's great efforts to improve diversity, including targeted advertising, promotional events and employee support mechanisms amongst many other initiatives, were applauded. The tribunal noted that in January 2017, the constabulary were 16th in the Stonewall guide top 100 employers for inclusivity. The force's hosting of the National Black Police Association Conference in 2017 was also commented on. The tribunal stressed that the constabulary's motives were to be lauded and that the circumstances of this case had to be reviewed in the context of all that the respondent had done previously to boost diversity. The tribunal did not find that applying positive action in the way that it did was not reasonably necessary nor a proportionate means of achieving a legitimate aim. The selection procedure used was premature without a full analysis of the impact of measures already in place to increase diversity. The tribunal considered the process to have set an artificially low threshold and that such action could not be seen as a proportionate response to addressing a lack of diversity in a workforce. They advised that the force should have seen previous initiatives to increase diversity 'bed down' and produce results, and then measurably assess the impact of those to potentially apply other positive action initiatives, on a smaller scale.

The claim for direct discrimination succeeds.

Access the full case [here](#).

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Practice

Operation

Hizballah added to proscribed terrorist organisations

Parliament has laid an order to add Hizballah, Ansaroul Islam and Jamaat Nusrat al-Islam Wal-Muslimin to the list of proscribed terrorist organisations under the Terrorist Act 2000. It will now be illegal to be a member or invite support for any of these groups. The maximum sentence will be ten years imprisonment. There are now 77 international terrorist organisations proscribed under the Act, alongside 14 organisations connected to Northern Ireland under separate legislation.

Find further information [here](#).

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Statistics and reports

Police recorded crime and outcomes figures published

The Home Office has published updates to the following open data tables:

- Police recorded crime open data on police force area tables from year ending March 2013 onwards.
- Police recorded crime on community safety partnership open data tables, from year ending March 2016 to year ending September 2018.
- Police recorded crime on community safety partnership open data tables, from year ending March 2012 to year ending March 2015.
- Outcomes open data April 2018 to September 2018.
- Outcomes open data year ending March 2018.
- Outcomes open data year ending March 2017.
- Outcomes open data year ending March 2016.
- Outcomes open data year ending March 2015.

- Transferred or cancelled crime open data April to September 2018.
- Transferred or cancelled crime open data year ending March 2017 to year ending March 2018.
- Knife crime open data year ending March 2009 onwards.

Data can be accessed [here](#).

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News

Police centres prepare for Brexit

The Home Secretary visited the International Crime and Coordination Centre (ICCC) and the National Police Coordination Centre to see how law enforcement agencies are preparing for the UK's withdrawal from the EU should there be a no deal Brexit. The ICCC will act as a knowledge hub to support forces in using other collaboration mechanisms with European partners if no deal is fixed before the UK's departure date. The Home Secretary stated that it was the UK's main objective to maintain existing partnerships to protect mutually beneficial capabilities.

Find further information [here](#).

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Lessons Learnt

Nottinghamshire Police officer cleared of dangerous driving

The Independent Office for Police Conduct (IOPC) has published an article stating that a Nottinghamshire Police constable has been cleared by jury of dangerous driving, on the judge's direction to acquit.

PC Copland had denied the dangerous driving charge, which occurred after an incident in Nottingham on 4 December 2016. Copland was driving an unmarked police car and collided with a man who had made off from a pursuit. The collision resulted in the man suffering a broken knee.

The CPS informed the IOPC that after consideration of all the circumstances in the case, it had decided not to seek leave to appeal the judge's decision to stop the trial.

Access the full article [here](#).

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Our workforce

Working with ME/CFS

A detective superintendent at Thames Valley Police, has written an insightful and inspiring piece on his time in the force with the diagnosis of ME/CFS. Myalgic Encephalomyelitis (ME), or chronic fatigue syndrome (CFS), is a complex medical condition characterised by fluctuating and debilitating long-term mental and physical fatigue that is not relieved by rest, is made worse by exertion, and limits a person's ability to carry out normal everyday activities. ME/CFS can affect functional status and wellbeing to a significant degree: 25 per cent of sufferers are housebound and incapable of living independently, and 75 per cent are unable to work due to the condition. These are considerable challenges when considering the inherently fast paced environment of police work.

The article offers insight into Mr. Paine's experience after being diagnosed with ME/CFS. He discovered that although the normal duties of a chief superintendent were made difficult because of his condition, he was able to add real value in different ways. For instance, the 'deep work' and considering of issues at a level that had not previously been explored, introducing new ways of thinking to problems which could potentially save the service millions. He has adopted a number of different initiatives to maximise productivity, including using technology as an enabler, time versus energy management balancing and marginal gains approaches.

Mr. Paine also speaks of the kindness and support he has received from his fellow officers and his line management, emphasising the significance of compassion, empathy and understanding in the workplace.

Access the full article [here](#).

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Circular 001/2019: Implementation of the police pay award 2018 to 2019

The Home Office have published guidance relating to police pay for 2018-19. The pay award took effect from 1 September 2018 and includes:

- a 2 per cent increase in basic pay
- a 2 per cent increase in London weighting
- a 2 per cent increase to the Dog Handler's Allowance

The guidance also includes provisions for starting salaries for Police Constable Degree Apprenticeships, time limited and targeted payments for hard to fill and demanding superintending roles (for which specific guidelines have now been issued) and changes to annual leave entitlements for Direct Entry inspectors and chief officers. As part of measures to increase transparency around chief officer employment and remuneration, chief officer annual leave is now set to 35 days. This is a change from previous arrangements which were said to be unclear and inconsistent.

Find further information [here](#).

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Ministerial statement from the Home Secretary on the 2018-2019 police pay award

The government have not accepted the full recommendations of the Police Remuneration Review Body (PRRB) for police pay 2018-2019.

Ahead of their main report, the PRRB issued early recommendations on police apprentice pay. The government have accepted the recommendations on this issue, with the understandings that:

- Individual forces are able to choose a starting salary between £18,000 and pay point 1 for apprentice constables
- The pay expectations of apprentices will not be undermined by later changes to the arrangements
- The NPCC will develop further proposals for apprentice pay and career progression beyond the first year.

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

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Criminal justice news

UK

The Unduly Lenient Sentence scheme reaches 30 years

1 February 2019 marks 30 years since the Unduly Lenient Sentence (ULS) scheme was set up. Launched in 1989, the scheme was created following public outrage over a series of sentencing decisions deemed to be unreasonably lenient.

Throughout the 30 years, the scheme has helped hundreds of victims and their families 'get justice'. In 2017, 137 offenders (from a total of 943 ULS requests) had their sentences increased. Increased awareness of the scheme has also resulted in the Attorney General's Office receiving more requests each year.

In 1989, the offences most commonly referred were robbery; GBH; causing death by reckless or careless driving while under the influence; rape; and manslaughter. In 2017, the offences most commonly referred were rape and serious sexual offences; murder, manslaughter, and causing death by dangerous driving; robbery, burglary, theft and fraud; and serious assault offences.

Over the last 30 years, the scheme has expanded to include all serious sexual offences, threats to kill, child cruelty, people trafficking and modern slavery, and many racially and religiously aggravated offences. In December 2017 the scheme was extended to cover a range of terror-related offences.

Only one person needs to ask for a sentence to be reviewed for it to be considered. Further requests do not lend any extra weight, as the decision to refer a sentence as 'too low' can only be based on the legal threshold.

Access the full article [here](#).

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First female genital mutilation conviction in England and Wales

On 1 February 2019, the mother of a five-year-old girl became the first person to be convicted of female genital mutilation (FGM) offences in England and Wales. She was found guilty of carrying out the offence in August 2017, when her daughter was three years old.

The mother claimed her daughter's injuries were caused when she fell from a kitchen counter onto an open, metal lined cupboard door. However, medical

experts did not support this claim when giving evidence. The mother was born in Uganda and had lived in the UK for a number of years before being convicted.

FGM is banned in both Uganda and the UK. The practice of FGM was criminalised in the UK in 1985. Since then, this is the first time someone has been convicted of the offence.

Access the full article [here](#).

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Consultation result published on extension of stop and search

A consultation paper on the extension of stop and search powers to cover offences relating to drones, laser pointers and corrosive substances was published in September 2018. The consultation sought views on law enforcement challenges and whether extension to the powers would be effective and proportionate.

A total of 223 consultation responses were received. Members of the public formed 68 per cent of these responses and 13 per cent from law enforcement bodies.

- A third of respondents agreed or strongly agreed to a new stop and search power to investigate (32.4 per cent) and prevent (32.9 per cent) the misuse of drones.
- A third of respondents agreed to new stop and search powers to investigate (36.6 per cent) and prevent (35.7 per cent) the use of a laser pointer to dazzle or distract a person in control of a vehicle.
- The vast majority of respondents agreed that a new stop and search power is required to allow officers to investigate (90.6 per cent) and prevent (72.3 per cent) possession of a corrosive substance in a public place.
- Arguments against the extension of stop and search powers were based on it being an intrusive power and that the threats to the public for drones and laser pointers were not significant enough. However, corrosive substances were deemed to be a serious threat to the public.

View the full consultation results [here](#).

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Spit hoods criticised by Liberty

With at least 30 of the 43 police forces in England and Wales now using spit hoods, the treatment of individuals in a distressing, degrading, and potentially lethal manner is increasing, argues Liberty.

Spit hoods, intended to protect police officers from being spat at, are tightly meshed sack-like hoods that are pulled over the head of the individual a police officer wishes to prevent from spitting.

Liberty argues that spit hoods can create a dehumanising experience for the individual being hooded, as well acting as a potential panic and distress inducing tool. The risk of a ‘hooded’ individual becoming distressed or panicked may increase through the ‘hooding’ of vulnerable people, however spit hoods are being used frequently within all groups. Liberty say in the first nine months of 2017, spit hoods were used on at least 68 children, one child of which, was ten years old. They also argue that spit hoods adversely impact the officer’s ability to identify medical conditions and notice discomfort or pain in the hooded individual. In addition, if the individual discharges spit, vomit, blood, or other substances whilst covered by the hood the breathability of the fabric substantially decreases, whilst the risk of suffocation increases.

The use of spit hoods and spit guards are discussed in the HMICFRS PEEL overview of police legitimacy 2017. Different types of spit guard are used by forces. Some function as guards placed over a person’s mouth, others a hood over the head. The NPCC’s introduction of the recording of uses of force, provides a means of determining how many times and in what circumstances, spit guards are used across the country. The efficacy, safety and legitimacy of their use are under ongoing scrutiny to ensure safe and proportionate use across all forces.

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

The PEEL overview can be found [here](#).

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Taser training to be delivered to selected student police officers

The Home Office have announced that student police officers working on the frontline will be able to apply for Taser training. The announcement comes after senior officers made a request to the department to allow selected students to put themselves forward for the specialist training. Previously, only officers who had passed their two-year probation period were eligible.

Student officers can be deployed to the frontline and face the same threats as ranked officers. Police chiefs therefore want certain recruits to complete Taser training where there is a clear local need.

All officers who volunteer to carry a Taser are required to have the support of their supervisor, endorsement at Superintendent level and pass the Taser training course.

In addition, student officers who undertake the training are required to:

- have been assessed as safe and lawful for independent patrol
- have demonstrated experience of successfully managing conflict
- hold a review with a supervisor following use of a Taser.

Access the full article **here**.

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Prosecution

Court of Appeal increases sentence for violent attack

In August 2018, Jamie Powell, aged 18 at the time, violently attacked a victim at his home while she tried to retrieve her belongings. In September he visited the victim's home armed with a knife, and repeatedly threatened to kill her while smashing her property and holding out the knife.

On 20 November 2018, Powell was sentenced to 12 months' detention. On 29 January, the Court of Appeal increased his sentence to 30 months' detention.

Access the full article [here](#).

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Diversity

National Crime Agency (NCA) Gender Pay Gap – 2018 Report

In 2017, the government introduced world-leading legislation that made it statutory for organisations with 250 or more employees to submit an annual report on their gender pay gap. The gender pay gap shows the difference in the average pay between all men and women in a workforce. If a workforce has a particularly high gender pay gap, this can indicate a number of issues to deal with, and the individual calculations may help to identify what those issues are.

It must be noted that the gender pay gap is different to equal pay. Equal pay deals with the pay differences between men and women who carry out the same jobs, similar jobs, or work of equal value. It is unlawful to pay people unequally because of their gender.

The NCA have released their 2018 annual gender pay gap report. The report sets out:

- The NCA's approach to Diversity and Inclusion.
- Their workforce gender balance.
- Their gender pay gap statistics and what it means for the NCA.
- How the NCA are working to close the gap.

The mean gender pay gap in the NCA is 11.7 per cent. The median gender pay gap is 9.6 per cent. The overall proportion of male and female officers

within the NCA remains unchanged, with males representing 62 per cent of the workforce. This is predominantly driven by recruitment challenges and a legacy tendency to recruit highly experienced and more tenured officers from a pool which has historically been more male dominated due to various social, economic, and other biased factors.

The proportion of male and female employees in each working pay quartile, ranging from lowest paid to the highest paid, is:

- First (lower) quartile – female 52.7 per cent, male 47.3 per cent.
- Second quartile – female 40.0 per cent, male 60.0 per cent.
- Third quartile – female 36.2 per cent, male 63.8 per cent.
- Fourth (upper quartile) – female 25.1 per cent, male 74.9 per cent.

The NCA is committed to closing and eliminating the gender pay gap, and continuing to ensure equality is at the core of their approach to pay reform. Tackling the gender pay gap requires a whole agency approach to encourage female officers to join and progress through the agency while also continuing their pay reform journey.

Access the full report [here](#).

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Investment and delivery

Increase in female offender funding

Justice Secretary David Gauke has announced that community services supporting vulnerable women have been awarded £1.6 million in funding, as part of the government's commitment to decrease the number of women entering the criminal justice system.

The money will benefit 17 different services and 83 female rape support centres. It includes support for the creation of a Women's Centre in York, which will offer family-friendly services such as crèche facilities, to women at risk of being affected by issues such as repeat offending, mental health problems and homelessness. Almost 60 per cent of female offenders have experienced domestic abuse. This centre, as well as several other organisations awarded with the funding, works with victims of domestic abuse.

Gauke announced the funding award in a speech at Women's Aid, where he repeated his commitment to tackle domestic abuse, following the landmark Domestic Abuse Bill.

While serious crimes will continue to be punished, female offenders are amongst some of the most vulnerable people in society. Many face issues with substance misuse and mental health problems, and face difficulty finding housing, often as a result of repeated abuse and trauma.

Each project will be evaluated to measure its success so that any relevant learning can be applied to other vulnerable women across the criminal justice system.

Access the full article [here](#).

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Attempting to protect shop workers from violence

Minister for Crime, Safeguarding and Vulnerability Victoria Atkins is exploring further options in an attempt to protect shop workers from violence and abuse. Chairing a meeting of the National Retail Crime Steering Group, which includes members such as the British Retail Consortium and the Association of Convenience Stores (ACS), Atkins will discuss proposals for a call to evidence. These include how to protect retail workers from abuse and violence that often occur from age-restricted sales, such as cigarettes and alcohol.

The Home Office's Commercial Victimization Survey estimated that in 2017, workers from the retail and wholesale sector were victims to around 510,000 incidents of assault and threats. This is more than twice the numbers recorded in the previous year (203,000 incidents).

The National Retail Crime Steering Group brings the government, police and industry together to improve the response to crimes affecting this sector, including assault and theft. In addition, the Home Office will provide £50,000 of funding for a sector-led communications campaign to raise awareness of the wide-ranging offences that may be used to address this behaviour.

Access the full article [here](#).

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Tech and innovation

Joint law enforcement action to tackle users of illegal websites

The National Crime Agency (NCA) and several law enforcement partners from fourteen countries have taken action against cybercriminal website users linked to millions of attacks across the world.

This latest action is part of Operation Power Off, which pursues those individuals and services responsible for committing or facilitating DDoS (Distributed Denial of Service) attacks. DDoS is a form of cyber-attack in which the target website is so overwhelmed by requests for access that it may crash.

Webstresser.org was the most popular DDoS-for-hire service on the market, with 136,000 international users of the service, until it was shut down in April 2018 by the Dutch police with assistance from Germany and the United States.

Since November 2018, a number of Webstresser.org users in the UK became the subject of law enforcement activity. Officers from the NCA's National Cyber Crime Unit, with support from Regional Organised Crime Units (ROCU) and Police Scotland, have executed eight warrants and seized more than 60 personal computers, tablets and mobile phones. A number of users also received 'cease and desist' notices.

Access the full article [here](#).

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Smart justice system vision introduced

Justice Secretary David Gauke delivered a speech in February, articulating his belief that there should be a departure from the polarised view of ‘soft’ and ‘hard’ justice, and that the focus of the criminal justice system ought to be on a system based on evidence. He asks those who shape the system to question whether sentencing really does reduce crime, and whether prisons can maximise chances of rehabilitation. His arguments premise on the evidence of high reoffending rates for those on sentences of less than six months, and provides that on this basis, there is a strong case to abolish sentences of less than that period entirely. He suggests that there may be better alternatives to punish and rehabilitate offenders. Community orders were forwarded as a better mechanism to prevent reoffending, as they are able to tackle the root causes behind criminality. He was keen to stress that these orders should not be perceived as ‘soft’ options and their success relies, crucially, on effective enforcement. Mr. Gauke says that technology is key to future initiatives. Taking economic crime as an example, he reflected on how fraudsters return to comfortable lifestyles once they have served their sentence, in spite of their crimes often having devastating, long-term effects on their victims. Mr. Gauke proposes that ‘technology and radical thinking’ could introduce ways of restricting an offender’s lifestyle after the custodial portion of a sentence, such as using technology to restrict expenditure and monitor earnings.

Find further information [here](#).

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Roll out of new GPS tags

New GPS tags issued in February will help criminal justice agencies in supervision, location monitoring and enforcement of exclusion zones. The new tags will issue automatic alerts when a tagged offender is in an exclusion zone. Monitoring will be 24 hours a day, 7 days a week with location transmitted to a specialist monitoring unit based in Manchester. A breach of conditions may incur penalties such as recall to prison or return to court. The tags may also assist in investigations, providing evidence to rule suspects in and out of crimes. They will toughen community sentences and can be used alongside other requirements such as drug or alcohol treatment programmes. The Ministry of Justice hopes that the new system will bring some reassurance to victims, such as those affected by domestic abuse or stalking.

The tags have so far been issued to the North West, Midlands and North East, and will be available across England and Wales by the summer.

Find further information [here](#).

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New crowd safety app

A Home Office award of £250,000 will be put to developing a new app to keep people safe in crowded places. The app will be called The Krowd and is set up as part of the response to the 2017 terrorist attacks. Developed by KrowdThink the app allows people to contact security teams directly, allowing reports of suspicious activity or potential threats. Images sent from the crowd can be sent directly to security teams so that the threat can be assessed. The app will feature a mapping facility so that staff can locate the perceived threat quickly and send staff direct to the situation. Security staff will also be able to message users, guiding them to safety if required.

Find further information [here](#).

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Reviews and reports

Universities to protect free speech

Ten leading organisations have unveiled new guidance in order to protect lawful free speech at universities. The guidance claims its purpose is to ‘empower students’, and to uphold freedom of expression.

This is the first time that legal rights surrounding free speech have been defined so concisely and coherently. The Equality and Human Rights Commission claims this will empower institutions, students’ unions, and individuals to stand up for free speech, creating a structure for all to work together. The guidance also clarifies the circumstances under which free speech can be lawfully limited.

New guidance was created during a Department for Education free speech summit in May 2018, by the Equality and Human Rights Commission, with input from the National Union of Students, Universities UK, Charity Commission for England and Wales, Office for Students, Independent HE, Guild HE, Commission for Countering Extremism, and Home Office.

Access the full article [here](#).

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Governmental support for people affected by the Grenfell Tower fire

The Home Office has produced an online policy page, containing advice on where to seek assistance and information regarding the devastating Grenfell Tower fire. It also provides guidance on support services available for victims and all those affected by the Grenfell tragedy.

If you would like to find out further information, the policy page can be found [here](#).

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New youth advocates programme in place to target youth violence

Home Secretary Sajid Javid has set out details for a new youth advocates programme in the hopes of reducing knife crime. The programme will have respected members of communities, such as sport coaches and youth workers, receive specialist training in order to have safe conversations with young people about knife crime and possible alternatives to carrying.

Javid has also announced the next stage of the #knifefree advertising campaign, which features real life stories of young people who have turned away from a life of crime thanks to the help of a community mentor.

The new youth advocates programme is running in London and Manchester and has local role models provide expert training on skills such as safeguarding, diffusing conflict and substance misuse. This will help them spot the warning signs and give guidance on how to cope in challenging situations.

The youth advocates in London, who work in key community focal points such as boxing clubs, youth centres and schools, have already started to receive specific training. The programme in Manchester will start in the next few weeks.

Access the full article [here](#).

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New powers to tackle knife crime

The government intends to introduce Knife Crime Prevention Orders via the Offensive Weapons Bill. These civil orders can be imposed on any person aged 12 or over that they believe to be carrying a knife, are known to be habitual knife carriers or have previously been convicted of a knife-related offence. Restrictions given in an order can include curfews, geographical restrictions and limits to social media use. It is hoped that restrictions of this nature will prevent escalation of disputes and rivalries. Breach of an order will be treated as a criminal offence with a maximum penalty of two years' imprisonment.

Liberty has published its concerns over the new orders, arguing that the restrictions are overly onerous, potentially fast-tracking young children into the criminal justice system and ignoring the root causes of violence. They argue that there is potential for the orders to be used as proxies for race or socio-economic status.

Find the Liberty article [here](#).

The initiative forms part of the government's campaign against knife crime. Other strategies include an investment of £500,000 into a prosecution fund for trading standards teams to prosecute retailers who repeatedly sell knives to young people below the age of 18. Spring will see the launch of the #knifefree campaign, aimed at diverting young people away from knife crime and inspiring them to make positive life choices.

Find further information [here](#).

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CPS Special Crime and Counter Terrorism Division praised in independent report

The CPS Special Crime and Counter Terrorism Division has been recognised through an independent inspection report for its strong leadership and governance. The inspection focused on governance, leadership, and management, but did not look at the quality of casework.

Independent inspectors reported that there was effective engagement with staff, strong leadership, and substantial financial management. In addition, they commented on good visibility of senior leaders, and a strong ability to recognise good performance.

The Special Crime and Counter Terrorism Division consists of three units specialising in different areas of law: Counter Terrorism, Special Crime and Appeals.

The Counter Terrorism unit deals with cases including terrorism, racial and religious incitement and war crimes. Special Crime unit deals with cases including deaths in custody, disasters, corporate and medical manslaughter, election offences and assisted suicide. The Appeals unit has conduct of appeal cases, including cases in the Supreme Court to which the CPS is a party and has conduct of Victims Right to Review cases.

Access the full article [here](#).

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Gender has been revealed as the most common cause of hate crime against women

Fawcett have published new data showing that gender is the most common cause of hate crime for women. From the data, findings included:

- Hate crime motivated by gender was most common amongst 16 to 24-year-olds and 25 to 44-year-olds, with 23,000 and 25,000 incidents respectively.
- Amongst all respondents to the Crime Survey of England and Wales, male and female, 67,000 gender hate crimes were recorded. Of these, 10,000 (15 per cent) were reported by men.
- Gender as a motivating factor was slightly more common for white respondents than respondents from BAME backgrounds, at 32 per cent compared to 25 per cent.
- 70 per cent of gender-motivated hate crime was attributed by survey respondents to being motivated by gender only, with incidents motivated by gender and age the next most common.

Access the full article [here](#).

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Report on 'Understanding Courts' has been published

Sir Nicholas Blake has chaired JUSTICE's latest working party report, 'Understanding Courts'.

The report aims to place lay people at the heart of the justice systems, including all courts and tribunals, in order to make it more accessible and to increase participation by all, instead of just legal professionals. This is in order to promote full accessibility to justice.

Despite many attempts to simplify the process, in an era where cuts to legal aid mean that many more people go unrepresented, studies continue to cast doubt on how our justice system is currently operating. Previous research and the work of other JUSTICE working parties has revealed disconnect between professionals and lay users in court, with the occasional chaotic nature of proceedings, creating a culture that marginalises the public using our courts.

JUSTICE's 41 recommendations focus on what effective participation should mean in practice, including:

- lay people being informed about what will happen at their hearing through advance information provided by multiple means
- court professionals recognising that lay people should be their primary focus and adapting their approach accordingly
- case management that checks for and assists understanding
- the avoidance of legal jargon and confusing modes of address for plain English alternatives
- a change in culture that currently excludes lay people
- appropriate adaptations to enable participation of children and those with disability
- support for all users who need it.

Access the full article [here](#).

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Mental health issues of female prisoners published

Skills for Justice and the University of Leeds have stated that there is limited understanding of the current rates of mental health needs of women in UK prisons, despite progressive research.

To highlight this issue, Skills for Justice recently conducted a literature review, entitled 'Patients or Prisoners – Implications of Overlooking Mental Health Needs of Female Offenders'. This has been included in a new issue of the British Journal of Community Justice.

This issue of the journal focuses on women in the criminal justice system, and the article by Skills for Justice examines the work that has been carried out in recent years to support female offenders. It also examines whether more could be done to support this demographic.

Numerous studies have been published on the relationship between mental health and offending in the last decade – with female prisoners being found five times more likely to have a mental health issue than women in the general population. However, very few recommendations are being adopted.

The article concludes that there is a compelling case for re-evaluating how to deal with women in the criminal justice system who struggle with mental health issues. It also highlights the need for a relevant model to be developed that considers the current prevalence of mental health issues in female prisoners.

Access the full article [here](#).

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We're the professional body for everyone who works for the police service in England and Wales. Our purpose is to provide those working in policing with the skills and knowledge necessary to prevent crime, protect the public and secure public trust.

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