



College of  
Policing

# Brief

'Helen's Law' enters parliament →

HMICFRS' force inspections →

Maintenance boost to prisons →

college.police.uk ISSUE 10 | OCTOBER/NOVEMBER 2019

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



**Public inquiry**  
Manchester arena  
attack

→

**Criminalisation**  
of unauthorised  
encampments?

→

**Cycling Bill**  
introduction of  
new offences

→

**Hate crime**  
increased length of  
sentences

→

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](http://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](mailto:brief@college.pnn.police.uk)

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<b>Editorial</b>	<b>4</b>	<b>Policing</b>	
<b>Share with our community</b>	<b>5</b>	<b>Our workforce</b>	<b>12</b>
<b>College news</b>	<b>6</b>	Durham Police custody – ‘caring and respectful’, but understaffed	12
Police resilience trial sparks results for the frontline	6	‘Outstanding’ crime recording arrangements by Essex Police	12
		North Wales Police – ‘clearly committed’ to improving child protection work	13
<b>Legal updates</b>		North Yorkshire Police’s crime recording shows ‘impressive levels of improvement’	13
<b>Statutory Instruments</b>	<b>7</b>	South Yorkshire Police custody inspection shows a mix of positive findings and concerns	14
SI 2019/1367 – The Magistrates’ Courts (Amendment) Rules 2019	7	Warwickshire Police has improved its crime recording process	15
<b>Bills</b>	<b>7</b>	West Mercia has improved its crime recording capabilities	15
Domestic Abuse Bill 2017-19 to 2019-20	7		
Prisoners (Disclosure of Information About Victims) Bill 2019-20	8	<b>Criminal justice news</b>	
Sentencing (Pre-consolidation Amendments) Bill [HL] 2017-19 to 2019-20	8	Manchester Arena attack – public inquiry to be established	16
Road Traffic Offences (Cycling) Bill [HL] 2019-20	9	£156 million maintenance boost to be delivered to prisons	16
		Bill to introduce ‘Helen’s Law’ enters Parliament	16
<b>Before the court</b>		Consultation on criminalising unauthorised encampments	17
Sentencing for teenagers who carried out an unprovoked racist attack	10	Seven prisons due to receive new security measures	18
Man pleads guilty to anti-Muslim abuse	10	<b>Reports and statistics</b>	<b>19</b>
		Increase in lengthier hate crime sentences handed out	19

# Editorial

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Dear readers,

Welcome to the Brief, your monthly update of what's new in the criminal justice field, produced by the Legal Services team at the College of Policing.

Within this month's edition:

- A Bill introducing 'Helen's Law' enters Parliament.
- Sentencing for unprovoked racist attack.
- Public inquiry to be established for the Manchester Arena attack.

To find out more about the College and what we do, including information on the PEQF training, please visit the [College of Policing website](#).

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

Thank you for reading,

**The Legal Services Team**

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[↑ Back to contents](#)

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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](mailto:brief@college.pnn.police.uk)

# Share with our community

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There's lots of great work and innovation taking place across the police service, with some remarkable people working diligently to support and safeguard the communities they serve. Sharing this news can jump-start collaboration and growth, so we want to hear from you.

We'd like to invite police officers and 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 you're working on which has produced results you're particularly proud of.

**Innovation:** Tell us about the relationships with other forces and external agencies which help your team.

**Collaboration:** Tell us about the relationships with other forces and external agencies which help your team.

**Your team, our community:** Diversity, equality, inclusion and key support mechanisms – that special team member whose hard work deserves recognition in the Brief.

If you'd like to contribute, please email [brief@college.pnn.police.uk](mailto:brief@college.pnn.police.uk) and we'll provide you with the information you need.

We'd like to pick one article a month, and will ensure there is a wide variety of authors and forces. We will inform you in advance if your article has been chosen.

We look forward to hearing from you.

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[↑ Back to contents](#)

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# College news

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## **Police resilience trial sparks results for the frontline**

A six-month trial examining the resilience and wellbeing of police officers and staff has resulted in a free online mindfulness package being made available to the service.

The randomised control trial split police officers and staff into three groups:

- Group 1 - who used Mindfit Cop
- Group 2 - who used a different mindfulness app and website
- Group 3 - who did not use either product

Involving more than 1,300 officers and staff, the trial found that those using the two mindfulness products had improved average performance in their job, resilience and wellbeing in comparison to the group who were not using either product.

As a result, a free online mindfulness package, called 'Mindfit Cop' was created. Developed by Detective Inspector Jenni McIntyre-Smith from Bedfordshire Police and leading UK mindfulness trainer Michael Chaskalson, the package can be completed by officers and staff in half-hour sessions over eight weeks.

The police forces selected to take part in the randomised control trial were Avon and Somerset, Bedfordshire, Cambridgeshire, Hertfordshire and South Wales.

Mindfit Cop is available for free to all police officers and staff on the **Oscar Kilo website**.

Read the full article [here](#).

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[↑ Back to contents](#)

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# Legal updates

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## Statutory Instruments

### **SI 2019/1367 – The Magistrates’ Courts (Amendment) Rules 2019**

This instrument makes several technical amendments to the Magistrates’ Courts Rules to take account of modern methods of communication, more closely aligning court procedure with the Criminal Procedure Rules and making comprehensive provision for the way orders and summonses are served on defendants.

Additionally, the amendments will ensure that the necessary procedural framework is in place to underpin the making of Stalking Protection Orders under the Stalking Protection Act 2019.

Read the full Statutory Instrument [here](#).

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[↑ Back to contents](#)

---

## Bills

### **Domestic Abuse Bill 2017-19 to 2019-20**

A Bill to make provisions in relation to domestic abuse, including: the establishment of a Domestic Abuse Commissioner; prohibiting cross-examination in person in family proceedings in certain circumstances; and certain violent or sexual offences, and offences involving other abusive behaviour, committed outside the United Kingdom.

The Bill had been referred to a Public Bill Committee which was due to report by Thursday 21 November 2019, however due to Parliament’s Dissolution, the Bill will now make no further progress.

Read the full Bill [here](#).

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[↑ Back to contents](#)

---

### **Prisoners (Disclosure of Information About Victims) Bill 2019-20**

A Bill requiring the Parole Board to take into account any failure by a prisoner serving a sentence for unlawful killing or for taking or making an indecent image of a child to disclose information about the victim.

This Bill will now make no further progress as it was unable to complete its passage through Parliament before Dissolution took place.

Read the full Bill [here](#).

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[↑ Back to contents](#)

---

### **Sentencing (Pre-consolidation Amendments) Bill [HL] 2017-19 to 2019-20**

A Bill to give effect to Law Commission recommendations relating to commencement of enactments in regards to sentencing law and to make provision for pre-consolidation amendments of sentencing law.

This Bill will now make no further progress as it was unable to complete its passage through Parliament before Dissolution took place.

Read the full Bill [here](#).

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[↑ Back to contents](#)

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## Road Traffic Offences (Cycling) Bill [HL] 2019-20

A Bill to amend the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988 to create criminal offences relating to dangerous, careless or inconsiderate cycling. The Bill aims to introduce three new offences into the Road Traffic Act, these are:

- causing death by dangerous cycling
- causing serious injury by dangerous cycling
- causing death by careless, or inconsiderate, cycling.

This Bill will now make no further progress as it was unable to complete its passage through Parliament before Dissolution took place.

Read the full Bill [here](#).

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[↑ Back to contents](#)

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# Before the court

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## **Sentencing for teenagers who carried out an unprovoked racist attack**

Two teenagers who carried out an unprovoked racist attack on a Korean student in Brighton, leaving him with facial injuries, have pleaded guilty to the charges against them.

The victim was walking home with a friend in October 2017, when he was attacked by Louis Barrett and Bradley Garrett. The pair threw a bottle at the victim and when the victim asked why they had thrown it, he was told it was because he was Asian. The victim and his friend tried to walk away, but Barrett and Garrett began verbally abusing him, making racially abusive gestures, before hitting the victim in the face with a champagne bottle.

Barrett pleaded guilty to one charge of racially aggravated intentional harassment, alarm or distress and one charge of racially aggravated assault by beating. His total sentence, including the hostility based on race and an early guilty plea, was 15 months.

Garrett pleaded guilty to one charge of attempting to cause GBH with intent. He received a two-year prison sentence, suspended for two years and a community order with a Rehabilitation Activity Requirement for 20 days.

Read the full article [here](#).

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[↑ Back to contents](#)

---

## **Man pleads guilty to anti-Muslim abuse**

Dean Dyer, 38, pleaded guilty to religiously aggravated harassment on 25 October this year at Westminster Magistrates' Court, after making religiously offensive comments about the Christchurch mosque attack, when on board a busy London Overground train. A person filmed and uploaded a video of Dyer on the train stating that he hated Muslims and had no sympathy for the 50 victims of the New Zealand terrorist attack.

After Dyer was located by officers, he admitted his comments were religiously offensive, but claimed he could not remember the incident. He later admitted causing religiously aggravated harassment, alarm or distress by words.

He was sentenced to a fine of £400, after the CPS made an application to the court to increase the initial £200 fine, based on the fact that the offence was motivated by, and showed hostility to, members of a religion.

Read the full article [here](#).

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[↑ Back to contents](#)

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# Policing

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## Our workforce

### **Durham Police custody – ‘caring and respectful’, but understaffed**

Following an inspection by criminal justice inspectors, Durham Police custody suites have been found to demonstrate several positive features, including the respectful attitude of staff towards detainees and a strong emphasis on keeping children out of custody.

However, HM Inspectorate of Prisons and HMICFRS’ inspectors have raised concerns in relation to staff shortages, resulting in a disruption of effective management and insufficient management in relation to detention reviews.

The inspectors highlighted that the force worked well with partners to keep children and vulnerable adults out of custody and the criminal justice system. However, the main concern, noted by the inspectors, was that custody staff were often ‘stretched and unable to carry out all tasks required’ due to staffing levels. In addition, the force’s performance management of custody was found to be limited, with gaps and inaccuracies in recording data.

Read the full report [here](#).

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[↑ Back to contents](#)

---

### **‘Outstanding’ crime recording arrangements by Essex Police**

Essex Police became the third force to receive an ‘outstanding’ grade in HMICFRS’ rolling programme of crime data integrity inspections.

Essex Police’s crime recording was previously inspected by HMICFRS in 2014, but a follow-up inspection was carried out earlier this year. It found that 95 per cent of all reported crimes were being recorded, one of the best rates in the country.

However, the Inspectorate still noted some concerns. Even with its high recording rate, Essex Police still fails to record about 6,700 crimes each year;

the Inspectorate suggested that the way in which the force collates and stores certain type of data needs to be improved.

Read the full report [here](#).

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[↑ Back to contents](#)

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### **North Wales Police – ‘clearly committed’ to improving child protection work**

HMICFRS found that North Wales Police demonstrate a thorough understanding of its responsibilities towards child protection and safeguarding, and in general, works to a good standard in relation to this.

However, several areas of concern were also identified, including the practices used by the force to manage individuals who pose a risk to children. Areas of recommended improvement include:

- the treatment of children detained in police custody
- the training for officers and staff who investigate child abuse
- the force’s response to children who have been reported missing.

Read the full article [here](#).

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[↑ Back to contents](#)

---

### **North Yorkshire Police’s crime recording shows ‘impressive levels of improvement’**

During a follow up to a previous inspection in 2017, HMICFRS found that North Yorkshire Police has implemented a variety of measures, leading to a significant increase in the quality of its recording processes and its recording rate. The force now records over 92 per cent of reported crimes, as opposed to 80 per cent in the 2017 inspection.

The reinspection found that the force had:

- successfully developed and implemented an effective crime data integrity plan
- improved its recording of reports, received directly into its public protection department, from partner organisations

- improved its overall recording standards for all types of crime, especially rape and other sexual offences
- recorded more crimes within 24 hours of receiving the initial report.

However, the report did highlight some continuing problems. For example, the force needs to do more to ensure that officers and staff understand the use of the Home Office classification N100 for reports of rape which do not require a crime record and the need to inform victims if their crime is cancelled.

Read the full article [here](#).

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[↑ Back to contents](#)

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### **South Yorkshire Police custody inspection shows a mix of positive findings and concerns**

A report on an inspection carried out in June 2019, by HM Inspectorate of Prisons and HMICFRS, has found that South Yorkshire's custody services performed well on safe detention, but were not able to deliver consistently good outcomes for detainees.

The inspection found some areas where the force was not meeting the requirements of PACE 1984 or section 31 of the Children and Young Persons Act 1933, which states that all detained girls should be in the care of a female officer.

The report also noted that although staff dealt with detainees courteously, and provided them with food and drinks at regular intervals, other aspects of detainee care was poor, for example, the poor quality of blankets and mattresses and the lack of access to reading material.

However, the force's approach to identifying risks for detainees was classed as good, and many arrangements for managing and mitigating these risks were found to be positive.

Read the full article [here](#).

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[↑ Back to contents](#)

---

### **Warwickshire Police has improved its crime recording process**

HMICFRS' reinspection of Warwickshire Police found that the force has successfully implemented a wide range of measures to improve how it records crime. During the period covered by the inspection, the force's recording rate was 93 per cent for all crimes and 96 per cent for sexual crimes.

Several problems were also highlighted. For example, it was stated that the force needs to do more to ensure that it records all relevant crime within 24 hours of the report. In addition, it also needs to refine its systems and training within the Harm Assessment Unit and Multi-Agency Safeguarding Hub to ensure reports of crime received by these units are always recorded.

Read the full article [here](#).

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[↑ Back to contents](#)

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### **West Mercia has improved its crime recording capabilities**

HMICFRS' reinspection of the force found that several processes, aimed at improving its crime recording arrangements, have been implemented. Additionally, the force has expanded and refined its training programme for officers and staff who are involved in crime recording decisions. As a result, the force now records over 90 per cent of all crimes reported.

However, the report also identified some problems. For example, in spite of the increased recording rate, the force still fails to record roughly 8,900 crimes each year. Concerns were also identified around the force's use of out-of-court disposals, and their collection of data on equality.

Read the full article [here](#).

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[↑ Back to contents](#)

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# Criminal justice news

## **Manchester Arena attack – public inquiry to be established**

A public inquiry to be chaired by John Saunders, a retired High Court judge, will be set up to investigate the deaths of the victims of the 2017 Manchester Arena attack.

The inquiry will investigate the deaths of: John Atkinson, Courtney Boyle, Kelly Brewster, Georgina Callander, Olivia Campbell-Hardy, Liam Curry, Wendy Fawell, Martyn Hett, Alison Howe, Megan Hurley, Nell Jones, Michelle Kiss, Angelika Klis, Marcin Klis, Sorrell Leczkowski, Lisa Lees, Eilidh MacLeod, Elaine McIver, Saffie-Rose Roussos, Chloe Rutherford, Philip Tron and Jane Carolyn Tweddle.

The specific arrangements for the inquiry will be decided by the chair, and supported by the Home Office.

Read the full article [here](#).

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[↑ Back to contents](#)

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## **£156 million maintenance boost to be delivered to prisons**

Prisons across England and Wales are set to receive a £156 million cash boost to deal with maintenance issues. The investment will be put towards updating critical infrastructure, such as fire systems, boilers, refurbishing cells and showers, and generally improving conditions for those living and working in prisons.

Read the full article [here](#).

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[↑ Back to contents](#)

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## **Bill to introduce ‘Helen’s Law’ enters Parliament**

A Bill to introduce ‘Helen’s Law’ entered Parliament on 15 October 2019. ‘Helen’s law’ follows the tireless campaigning of Marie McCourt, the mother of Helen McCourt who was murdered in 1988, but whose killer has never revealed her body’s location.

‘Helen’s Law’ would place a legal duty on the Parole Board to consider the cruelty and injustice of killers who refuse to disclose the location of a



victim, when assessing their release. In addition, the Bill would also apply to paedophiles who take indecent images of children, but refuse to disclose the identity of the children in the images, meaning those paedophiles could be denied release and remain imprisoned for longer.

Current Parole Board guidance already states that offenders who withhold information may still pose a risk to the public and, therefore, could face longer terms in prison. However, 'Helen's Law' will make it a legal requirement to consider the withholding of information, when making a decision on whether to release an offender.

Read the full article [here](#).

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[↑ Back to contents](#)

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### **Consultation on criminalising unauthorised encampments**

A consultation is set to be launched on proposals to equip officers with new powers to arrest and seize property and vehicles of trespassers who create unauthorised caravan sites. Currently trespass is a tort, however this consultation looks to make it a criminal offence.

In addition, there are proposals to broaden the category of criminal trespass to include trespassers who enter onto any piece of land with the intention to reside, without permission of the occupier. As part of the consultation, views from: local authorities, police forces, travellers, communities, and the general public will be sought, on how police can be provided with more powers to tackle unauthorised encampments.

In relation to encampments, suggested amendments to the Criminal Justice and Public Order Act 1994 include:

- lowering the number of vehicles needed to be involved in an unauthorised camp before police can act, from 6 to 2
- giving the police powers to direct offenders to sites in neighbouring local authorities, as currently they can only direct trespassers to sites in the same area
- allowing officers to remove trespassers from camping on or beside a road

- increasing the time - from 3 months to a year - during which offenders are not allowed to return to a site they have already been removed from.

Read the full article [here](#).

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[↑ Back to contents](#)

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### **Seven prisons due to receive new security measures**

Berwyn, Bristol, Hewell, Lancaster Farms, Leeds, Liverpool, and Norwich prisons are set to be the first to receive the recently announced £100 million investment in prison security.

The investment has been spent on innovative equipment aimed at tackling drug, phone, and weapon smuggling into prisons. There will be an introduction of airport-style security, including X-ray baggage and metal detection equipment. In addition to the introduction of this equipment, the investment will also provide a new digital forensics facility, expanded digital investigations team, and phone-blocking technology.

The seven prisons listed above have been chosen as they all face significant security challenges and the new measures are expected to make a significant difference to the stability of each prison.

Read the full article [here](#).

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[↑ Back to contents](#)

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## Reports and statistics

### Increase in lengthier hate crime sentences handed out

According to new figures published in the **CPS' hate crime report**, courts are delivering tougher sentences in almost three out of four hate crime cases.

In England and Wales, courts are able to increase a sentence if it is proven that the primary offence was motivated by hostility towards race, religion, sexuality, transgender identity, or disability.

Between March 2018 and March 2019, there were convictions in 10,817 hate crime cases, with 73.6 per cent of defendants receiving an increased sentence.

- 9,757 guilty pleas (76.1 per cent)
- 1,012 convictions after trial (7.9 per cent)
- 48 proved in absence (0.4 per cent).

A total of 2,011 (15.7 per cent) did not result in a conviction, broken down as:

- 1,124 prosecutions dropped (8.8 per cent)
- 486 acquitted or dismissed after trial (3.8 per cent)
- 401 administratively finalised (3.1 per cent).

The highest ever proportion of hate crime cases have received a sentence uplift – 73.6 per cent compared to 67.1 per cent in 2017/18.

Most cases prosecuted were for racial (9,931) and homophobic (1,624) hate crimes, followed by religious (605), disability (579) and transphobic (89) offences.

The 10 force areas with the most hate crime prosecutions were:

- London Police (Metropolitan Police Service and City of London Police combined – 2,521)
- West Midlands Police (775)
- British Transport Police (752)
- West Yorkshire Police (691)
- West Midlands Police (775)

- Greater Manchester Police (623)
- Hampshire Constabulary (433)
- Merseyside Police (427)
- Kent Police (361)
- Thames Valley Police (355)
- South Wales Police (334)

Read the full article [here](#).

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[↑ Back to contents](#)

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## About the College

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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