



College of  
**Policing**

# Brief

**COVID-19: police appraisal**



**Barred List – details removable**



**Ask for ‘ANI’ scheme**



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



**‘Grave concerns’**  
CJ backlogs



**Policing**  
New Year  
Honours List



**CPS’ updated**  
charging  
guidance



**Guidance:**  
Stalking Protection  
Orders



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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# Editorial

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Dear readers,

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

Within this month's edition:

- immediate action required to ensure that those with uncertain immigration statuses can report crime
- officers, staff and volunteers recognised in the Queen's New Year Honours list
- call for evidence – violence against women and girls

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

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

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

# College news

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## **Applications open to remove details from the Barred List**

From 23 January 2021, people whose names have been on the Barred List for a minimum of three years, and who have been dismissed from a police force in England and Wales for gross incompetence, will be able to apply to the College to have their details removed. If dismissed for gross misconduct then individuals will be eligible to apply after a minimum of five years.

The Barred List was introduced after the Policing and Crime Act 2017 made it a requirement for all Home Office police forces in England and Wales to inform the College of Policing of conduct or performance dismissals.

The process has been reviewed and agreed by the College, NPPC and Home Office following extensive consultation. The individual force will consider the application and make a recommendation to the College, taking into account a number of factors, however the College will make the final decision about whether it is appropriate for the individual's details to be removed.

Read more about the [application process to remove details from the Barred List](#)

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## **Guidance released for end of EU transition period**

The International Crime Coordination Centre (ICCC) has updated national operational guidance now that the transition period with the EU has ended. The provisions came into effect on 31 December 2020. The guidance can be accessed from the College's Authorised Professional Practice (APP).

Read more about the [EU transition period guidance](#)

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# Coronavirus updates

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For the latest COVID-19 information, please visit the College's [COVID-19 hub](#), where you can find the latest legislation, guidance and information.

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## **National Autistic Society: Face covering exemption sheet**

The National Autistic Society (NAS) have produced information sheets for those living in England, Scotland and Wales who are unable to wear a face covering due to certain exemptions. The sheet outlines who is exempt, provides information on certain behaviours people who have autism may display, and signposts to further resources.

Please note that there is no legal obligation for someone who is exempt to have to carry an exemption card or any other documentation that proves they are exempt.

Find [further information on exemptions, or carrying an exemption card produced by the NAS](#)

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## **Chief Inspectors: 'grave concerns' over criminal justice backlogs caused by COVID-19 restrictions**

According to a report published by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), all four of Her Majesty's Justice Chief Inspectors have expressed 'grave concerns' about the potential long-term impact of backlogs on the criminal justice system related to COVID-19 restrictions.

In a joint report, the Chief Inspectors explain how the restrictions have affected the work of the police, prosecutors, prisons, probation and youth offending teams. Lengthy waiting times at all stages of the criminal justice process have been highlighted as a particular concern, with the Chief Inspectors stating that the delays 'benefit no one and risk damage to many'. The Chief Inspectors commented

on some positive initiatives during the pandemic, such as the acceleration of digital working, and praised the commitment of staff.

However, areas of concern significantly outweighed the positives, such as the lack of education being provided in custody and the community for young people. More concerning was the highly restrictive regimes imposed on the majority of prisoners, which have continued for many months without respite, despite having a negative effect on their physical, emotional and psychological wellbeing. These restrictive regimes have also been raised as a concern in regards to prisoners' prospects of effective rehabilitation.

The Chief Inspectors concluded that the greatest risk to criminal justice comes from the 'unprecedented and very serious' backlogs in courts. Latest figures show that more than 53,000 cases are waiting to come before crown courts across England and Wales. Some of these cases have been scheduled for 2022.

The four Chief Inspectors are calling for criminal justice agencies to work closely together, and for the government to provide national direction, as well as the funding, time and access to expertise to help recovery.

Read more about the [\*\*concerns about criminal justice backlogs caused by COVID-19 restrictions\*\*](#)

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## **SI 2021/053 - The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) (Amendment) Regulations 2021**

This instrument makes minor amendments to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, to clarify that:

- the exemption to leave home to collect goods from businesses operating click and collect also applies to libraries
- elite sports competitions are permitted
- cafes and canteens in all post-16 education and training settings can remain open

- marriages and conversions under the Marriage (Same Sex Couples) Act 2013 are permitted

Read more about [\*\*the amendment\*\*](#)

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# Legal updates

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## Bills

### **Domestic Abuse Bill 2019-21**

A bill to make provision in relation to domestic abuse, specifically:

- to make provision for, and in connection with, the establishment of a Domestic Abuse Commissioner
- to prohibit cross-examination in person in family proceedings in certain circumstances
- to make provision about certain violent or sexual offences, and offences involving other abusive behaviour, committed outside the United Kingdom

Line by line examination of the Bill took place during the third day of committee stage on 1 February, whereby numerous amendments were discussed. The committee stage continued on 3 February where further amendments were discussed.

Read more about the [\*\*Domestic Abuse Bill 2019-21\*\*](#)

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### **Victims of Abuse (Support) Bill 2019-21**

A bill to establish a right to specialist sexual violence and abuse support services for victims of sexual, violent and domestic abuse.

The next stage for this Private Members' Bill is the second reading, which is due to take place on 26 February 2021.

Read more about the [\*\*Victims of Abuse \(Support\) Bill 2019-21\*\*](#)

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## Circulars

### **Circular 003/2020: amending annexes L,R under Police Regulations 2003**

Amendments to annexes L and R of the Police Regulations 2003, extending the period of maternity and adoption leave with full pay from 18 to 26 weeks.

Read more about the [amendments to annexes L and R of the Police Regulations 2003](#)

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## Codes of Practice

### **Criminal Procedure and Investigations Act 1996 (s.23(1)) Code of Practice**

The Criminal Procedure and Investigations Act 1996 (CPIA) sets the standards and procedures for investigators that regulate the investigation process, as well as the recording and retention of material found or generated in the course of an investigation.

The CPIA Code of Practice ('the Code') governs the regulatory elements of the CPIA and came into force on 31 December 2020. It applies to criminal investigations conducted by police officers that began on, or after, the day on which the Code came into effect.

The Code sets out the manner in which police officers are required to record, retain and reveal material obtained in the course of a criminal investigation – and which may be relevant to the investigation and related matters – to the prosecutor. This forms part of a process called 'disclosure', which is the process by which someone who is charged with a criminal offence is provided copies of, or access to, material from the investigation that is capable of undermining the prosecution case and/or assisting their defence.

Read more about the [Criminal Procedure and Investigations Act 1996 \(s.23\(1\)\) Code of Practice](#)

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# Policing

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## News

### **Policing recognised in the Queen's New Year Honours list**

Police officers, staff and volunteers of all ranks, performing a wide range of roles, have been recognised in the Queen's New Year Honours list. [Access the full list](#). Several current and former superintendents have been recognised this year, including the Police Superintendents' Association's National Executive Committee member, Chief Superintendent Kate Halpin, from the Metropolitan Police.

Kate has served for over 30 years in the Met, working in senior positions both in the UK and internationally. In 2000, she was the first British woman to be awarded a Fulbright Police Research Fellowship, which allowed her to carry out work on youth violence.

Read more about [the recognition of police officers, staff and volunteers of all ranks](#)

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### **COVID-19: an appraisal of the police response**

A crisis in policing is usually localised and limited in duration to a few days or, at most, a few months. However, policing in England and Wales has been responding to the COVID-19 pandemic for 10 months, and will potentially still be enforcing coronavirus legislation beyond the one-year anniversary of lockdown.

The pandemic has challenged the way that policing views its role. Dealing with a virus is very different to handling crime, and at the start of the pandemic there was almost no time to prepare for the new laws that police were expected to enforce.

A project carried out by the Police Foundation and Crest Advisory researched the policing of the pandemic, including:

- findings on the effectiveness of police response
- challenges the police have faced

- how successfully the service has responded
- policing in 2021
- lessons learned for the future

The research was based on interviews and survey responses from all levels within policing, with additional interviews with senior figures in central and local government, and in partner agencies.

There are five key findings.

- At the start of the crisis, the police service successfully galvanised itself to deliver what was required of it during a pandemic.
- The use of a national coordination centre through Operation Talla provided police forces with critical tools and information.
- Policing has been forced to use its discretion on a strategic scale, while walking a fine line with the public and the government.
- As the service delivers business as usual alongside work related to COVID-19, there are growing concerns about workforce wellbeing and fatigue.
- There is a general frustration at the poor performance of the criminal justice system during the pandemic and a concern that this could affect public confidence in the police, as well as the courts and the Crown Prosecution Service (CPS).

In conclusion, policing is good in a crisis. Many shared that policing was not prepared for the pandemic but that the service responded rapidly. Forces have enabled home working, a change that is arguably long overdue and may bring benefits in the future. Fears that the police's relationship with the public would come under strain are yet to be realised. It may be policing's relationship with parts of the government that has been more challenging.

Policing has risen tactically to the challenge but the major question is how long policing can remain good in a crisis. Many officers query the long-term impacts of home working or staff fatigue. The effects of the restrictions implemented by the government on policing's operating environment, the justice system and, in particular, other public services may prove impossible to mitigate indefinitely.

Read more about the [\*\*appraisal of the police response\*\*](#)

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## Reports

### **Statistics: Police powers under the Terrorism Act 2000**

This release covers the use of police powers under terrorism and subsequent legislation in Great Britain on a quarterly basis, up to the year ending 30 September 2020. It also covers arrests for terrorist-related activity under other legislation, such as the Police and Criminal Evidence Act 1984 (PACE).

There were 215 arrests for terrorism-related activity in the year ending 30 September 2020, a decrease of 18% when compared to the previous 12-month period. This was primarily due to a reduction in arrests under non-terrorism legislation for the last six months of the 2020 period.

Of those 215 arrests:

- 62 (29%) resulted in a charge, of which 55 were for terrorism-related offences
- 84 (39%) people were either released under bail, pending further investigation, or released under investigation without bail conditions
- 41 people (19%) were released without charge
- 20 (9%) faced alternative action, such as receiving a caution, being recalled to prison, or being transferred to immigration authorities
- 8 (4%) cases were awaiting an outcome to be assigned at the time of data collection

### **Demographics of people who were arrested**

The overwhelming majority of those arrested were male (91%). However, 19 people were female (9%), a decrease of nine arrests when compared to the previous 12-month period. The '30 and over' age group accounted for the most arrests (53%).

There were decreases in the number of arrests across all ethnic groups when compared to the previous year. In terms of percentages, arrests of people of White ethnic appearance accounted for 44% of arrests, a 2% increase from the previous year. Those of Asian ethnic appearance accounted for 38% of arrests, and those of Black ethnic appearance accounted for 9% of arrests.

Read more about [the statistics](#)

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## Guidance

### **Statutory guidance for the police: Stalking Protection Orders**

The Home Office have published guidance under section 12 of the Stalking Protection Act 2019, aimed at the police in the exercise of their functions in relation to Stalking Protection Orders. It is designed to assist officers to make appropriate and proportionate assessment when considering whether or not to apply for, or to seek to vary, an order.

The guidance has three key functions:

- to provide strategic guidance to the police on the effective use of, and application process for, Stalking Protection Orders, including when to consider applying for an order and how to manage the subject of an order effectively
- to provide high-level information on what stalking is and how to identify it, including the motivations behind stalking behaviour and links to other forms of abuse
- to signpost police to other sources of guidance on stalking, such as:
  - investigating cases of stalking
  - assessing and managing the risk posed by perpetrators
  - safeguarding and supporting victims

Read the [\*\*full guidance\*\*](#)

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# Criminal justice news

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## **Call for evidence - violence against women and girls**

This call for evidence is seeking to collect views from those with lived experience of, or views on, crimes considered as violence against women and girls. These views will help to inform the development of the government's next Tackling Violence Against Women and Girls Strategy. Everyone over the age of 16 is welcome to contribute to the call for evidence. It will run for a period of 10 weeks and is open to all genders. The consultation closes on 19 February 2021.

Read more about the [call for evidence](#)

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## **Immediate action required to ensure migrants can confidently report crime**

A joint investigation by HMICFRS, the College and the Independent Office for Police Conduct (IOPC) has found that victims of crime with insecure or uncertain immigration status are fearful of reporting crimes to the police, because they believe their information will be shared with the Home Office.

The report published following the investigation has recommended that police forces should restrict sharing information about vulnerable victims of crime, such as those who have suffered domestic abuse, with Immigration Enforcement. The investigation and report took place after a super-complaint was made by Liberty and Southall Black Sisters on the sharing of victims' immigration information.

Recommendations arising from the investigation, which looked at migrant victims in highly vulnerable circumstances, included the following.

- Where officers only have concerns or doubts about a domestic abuse victim's immigration status, they should immediately stop sharing information on those victims with Immigration Enforcement.

- The Home Office should carry out a review of the relevant legal framework and policy to establish fair priorities regarding migrant victims and witnesses of crime, who have an insecure or uncertain immigration status.
- The Home Office and National Police Chiefs' Council (NPCC) should develop a safeguarding protocol about the police approach to migrant victims and witnesses of crime.
- The police should establish safe reporting pathways for all migrant victims and witnesses to crime.

Following on from this investigation, recommendations have been made for the police, NPCC, Association of Police and Crime Commissioners, and the Home Office to ensure that regardless of immigration status, victims of crime are always treated as victims.

Read the [report in full](#)

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## **Ask for 'ANI' codeword scheme launched**

From 14 January 2021, thousands of pharmacies across the UK will take part in the Ask for ANI scheme, which will allow victims of domestic abuse to secretly signal that they need help. By asking for 'ANI', which phonetically sounds like the name Annie, a trained pharmacy worker will offer a private space, offer a phone, and ask if the individual would like help accessing support services, such as national or local domestic abuse helplines.

The codeword scheme will be promoted via discreet social media adverts and paid search. Pharmacies will be given promotional materials to display in stores, to signal that they are participating in the scheme. As well as pharmacies, health professionals, social workers, and Job Centres will be asked to promote the scheme. Initially, the scheme will be available through 2,300 Boots stores across the UK, as well as 255 independent pharmacies.

Find out more information about the [ask for 'ANI' codeword scheme](#)

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## Home Secretary – security agreement with EU

Priti Patel has hailed the UK’s new security agreement with the EU, which included the following capabilities:

- streamlined extradition arrangements
- an arrangement enabling the fast and effective exchange of national DNA, fingerprint and vehicle registration data via the Prüm system, to aid law enforcement agencies in investigating crime and terrorism
- continued operational cooperation with Europol and Eurojust that reflects the scale of our contribution to these agencies
- arrangements enabling the fast and effective exchange of criminal records data via shared technical infrastructure
- arrangements providing for continued transfers of passenger name record data, to protect the public from serious crime and terrorism

This is the first time that the EU has agreed such a comprehensive agreement with a third country in this area, ensuring that the UK can continue to tackle serious crime and terrorism.

In addition to the deal, the 2025 UK Border Strategy will also address the threats of terrorism, organised crime and illegal migration. There will also be tougher border rules for EU criminals. From July 2021, the UK will start receiving advance data on all goods coming from the EU into Great Britain. From 1 October 2021, the UK will refuse to recognise European Economic Area (EEA) and Swiss national identity cards. Furthermore, police will have the power to detain fugitives wanted by close partner countries immediately, without having to apply for a UK arrest warrant first.

Read more about the [security agreement with the EU](#)

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## Antonia Romeo appointed as new Permanent Secretary to the Ministry of Justice

The Cabinet Secretary, with the approval of the Prime Minister, has appointed Antonia Romeo as the new Permanent Secretary to the Ministry of Justice (MoJ). Antonia, who had previously held the role of Permanent Secretary of the Department for International Trade since 2017, began her new role at the MoJ on 18 January 2021.

She has stated that she is ‘thrilled’ to be appointed and is ‘looking forward to working with the Lord Chancellor, Ministers and the team on this important work’.

Read more about [Antonia’s appointment](#)

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## Reports

### Seizure of drugs statistics, year ending 2020

The data relates to all drugs controlled under the Misuse of Drugs Act 1971 and Psychoactive Substances Act 2016. The key results include the following:

- Police forces and Border Force made a total of 183,068 drug seizures in England and Wales in the year ending March 2020, a 20% increase compared with the previous year (153,136). This is the second consecutive annual increase in seizures.
- Seizures of Class A drugs increased by 13% between the years ending March 2019 and March 2020.
- Seizures of cocaine by police forces and Border Force increased by 10% from year ending March 2019, but the quantity of cocaine seized decreased by 5371kg, from 9645kg to 4274kg.
- Seizures of crack cocaine by police forces and Border Force increased by 7% since the year ending March 2019, the highest number of seizures since the year ending March 2008. The quantity seized increased by 35% and is the highest amount seized since the year ending March 2005.

- Seizures of Class B drugs increased by 11% between the years ending March 2019 and March 2020, with 94% of all Class B seizures involving at least one form of cannabis.

Read more about the [seizure of drugs statistics](#)

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## Guidelines

### **CPS: new guidance on charging**

New legal guidance, which will bring updated guidance on charging criminal cases into force, has been published by the Director of Public Prosecutions. The sixth edition of the Director's Guidance on Charging (DG6), which was last updated in 2013, provides a clear set of guidelines for prosecutors and police. The guidance will help to ensure that cases are referred to the CPS at the right time and with the right information, so prosecutors can make an immediate charging decision.

Consultation on DG6 began at the end of 2019, through a joint CPS and police working group, which was set up to identify areas of discussion and agree amendments. DG6 is a step-by-step guide for officers and prosecutors, which provides logical guidance to assist in manoeuvring through the charging process. It also provides detailed information on specific responsibilities, in addition to material and information required for a charging decision.

Progress in implementing this updated guidance will be monitored by the Joint Operational Improvement Board, which replaces the National Disclosure Improvement Board, and is led by members of the CPS, NPCC and the College.

Read more about [DG6](#)

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## **Attorney General's Guidelines on Disclosure published**

As of 31 December 2020, the Attorney General's revised Guidelines on Disclosure have come into force. These guidelines replace the existing Guidelines on Disclosed and the Supplementary Guidelines on Digital Material, both of which were issued in 2013.

These revised Guidelines are intended to be used alongside the Judicial Protocol on the Disclosure of Unused Material in Criminal Cases, but they should not be used as a substitute for a thorough understanding of the relevant legislation, codes of practice, case law and procedure.

Read the [\*\*Guidelines on Disclosure in full\*\*](#)

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## About the College

We're the professional body for the police service in England and Wales.

Working together with everyone in policing, we share the skills and knowledge officers and staff need to prevent crime and keep people safe.

We set the standards in policing to build and preserve public trust and we help those in policing develop the expertise needed to meet the demands of today and prepare for the challenges of the future.

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