



College of
Policing

Brief

Andrew Cooke QPM appointed →

Anti-social behaviour guidance →

Crime and corrosive substances →

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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



Prioritise officers
for vaccination



NPPC face
covering
exemptions



Prisons:
advanced X-ray
scanners



Prisons: tackling
racism 'regressed'



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 March edition of College 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:

- joint letter sent to the National Police Chiefs' Council (NPCC) about face covering exemptions
- motivations for carrying corrosive substances published
- efforts to tackle racism in prisons have 'regressed'

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

College news

Consultation on managing, recording and archiving police information

The College is seeking views in a public consultation on a new Police Information and Records Management Code of Practice and associated Authorised Professional Practice (APP) on archiving. This will replace the current Management of Police Information (MoPI) Code of Practice.

The new Code was developed in partnership with the Home Office and NPCC. It sets national standards for police information management and record keeping, helping to ensure consistency across all forces. It aims to enhance transparency through demonstrating that all processing will follow ethical principles and comply with privacy legislation.

Read more: [**Have your say on how police information is managed, recorded and archived.**](#)

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Frontline policing should be prioritised for COVID-19 vaccination

The College has joined calls for frontline officers and staff to have the COVID-19 vaccination as soon as possible after the rollout is complete. Nick Herbert, chair of the College of Policing board, and Bernie O'Reilly, interim CEO of the College of Policing, have both written to the Home Secretary, Priti Patel, to express the College's support for police staff to be prioritised for the vaccination.

Bernie O'Reilly said: 'The College fully recognises and supports the focus on vaccinating the most vulnerable in society and frontline workers in the health and social sectors'.

Read more: [**Frontline policing should be prioritised for COVID-19 vaccination.**](#)

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Coronavirus updates

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

Exemptions: joint letter sent to Martin Hewitt

A joint letter has been sent to Martin Hewitt, Chair of the NPCC, urging for clearer instructions to be made to police officers on face covering exemptions. The letter – which is signed by members of The Survivors Trust, Mencap, Disability Rights UK, the Royal National Institute for Deaf People (RNID), and Big Brother Watch – outlines several examples of individuals being challenged by the police for not wearing a face covering, despite making clear that they have an exemption. In these situations, the individuals have been incorrectly informed by officers that they must prove they have an exemption through paperwork. As the letter points out, this is not required under the Health Protection Regulations 2020.

The letter also states that certain people may not be able to wear a face covering due to traumatic experiences of abuse and sexual violence. Explaining this to officers or staff could be a 'terrifying and humiliating prospect'. The letter also refers to the Department for Health and Social Care's face covering campaign, which stated: 'Remember, you should never challenge anyone for not wearing a face covering. Not all disabilities are visible.'

Regulation 4 of The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020, provides a full list of reasonable excuses that mean an individual does not have to wear a face covering in a relevant place.

Read more: [Letter from rights groups to Martin Hewitt on face coverings enforcement](#).

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SI 2021/150 – The Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 7) Regulations 2021

This instrument amends the Health Protection (Coronavirus, International Travel) (England) Regulations 2020, to introduce:

- managed quarantine – for travellers who have been in one of the designated countries that pose a high risk to the UK (a ‘red-list country’) in the days prior to arrival in England
- mandatory testing – for all travellers who have been outside the Common Travel Area in the 10 days prior to arrival in England

Read more: **[The Health Protection \(Coronavirus, International Travel\) \(England\) \(Amendment\) \(No. 7\) Regulations 2021.](#)**

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Legal updates

Statutory instruments

SI 2021/126 – The Prosecution of Offences Act 1985 (Specified Proceedings) (Coronavirus) (Amendment) Order 2021

This instrument amends the Prosecution of Offences Act 1985 (Specified Proceedings) Order 1999, providing that offences contrary to the Health Protection Regulations and certain amendments become ‘specified proceedings’ for the purposes of section 3 of the Prosecution of Offences Act 1985.

Specified proceedings do not need to be conducted by the Crown Prosecution Service (CPS) and can be dealt with by the police. This instrument will therefore enable the police to carry out proceedings for offences contrary to the Regulations, by serving a notice and the evidence on an accused person. If, in response, the accused pleads guilty in writing, or does not respond to the notice and evidence served upon them, a court can deal with the case without the CPS taking conduct of the proceedings. The CPS will, as a matter of practice, take conduct of proceedings if the accused pleads not guilty or does not consent to their case being dealt with by a court under this process.

Read more: [**The Prosecution of Offences Act 1985 \(Specified Proceedings\) \(Coronavirus\) \(Amendment\) Order 2021.**](#)

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Bills

Domestic Abuse Bill 2019-21

To make provision in relation to domestic abuse, including:

- the establishment of a Domestic Abuse Commissioner
- prohibiting cross-examination in person in family proceedings in certain circumstances
- 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 final day of committee stage on 10 February. Amendments discussed covered clauses 72 and 73 of the Bill. Report stage – a further chance to closely scrutinise elements of the Bill and make changes – is scheduled to begin on 8 March.

Read more: [Domestic Abuse Bill 2019-21](#).

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Before the court

Dawson & Anor, R. v (Rev 2) [2021] EWCA Crim 40

Carol Dawson, aged 73, and her son Scott Dawson, aged 42, were convicted of the murder of Gary Dean on 9 August 2019 and were sentenced to life imprisonment by unanimous verdicts. The minimum period was 31 years for Scott Dawson and 26 years for Carol Dawson. They each renew their application for leave to appeal their convictions and sentences following refusal by the single judge.

Mr Dean would often use a public footpath to cross a field belonging to Scott Dawson. He frequently displayed anti-social behaviour, which resulted in multiple complaints being made to the police, including the assertion that Mr Dean had damaged the applicant's property over a period of five years and threatened to cause further harm. Mr Dean was prosecuted for harassing Scott Dawson and damaging his property, along with using threatening words and behaviour towards Carol Dawson and assaulting her. He was acquitted on 19 February 2018 following a trial, but a three-year restraining order was imposed, preventing him from contacting the applicants.

The prosecution case was that both applicants acted together to assault and murder Mr Dean in 'revenge' for the damage caused to their property and in response to the insufficient action taken by the police. The alleged attack took place between 6.50am and 7.30am on 6 September 2018.

Neither applicant gave evidence at trial. Their case was that they had not been involved in the killing. It was argued by the defence that the circumstantial evidence failed to prove their guilt and the key assumptions were unsupported by the evidence. However, as stated above, both applicants were convicted by unanimous verdicts.

Scott Dawson's sole ground of appeal against conviction is that the judge should have left the partial defence of loss of control, notwithstanding his case that he had been uninvolved in the killing. The judge found that the defence of loss of control should not be left to the jury. The Court of Appeal also concluded that there was an insufficient evidential basis for leaving loss of control to the jury and the leave to appeal was refused.

A balaclava containing Carol Dawson's DNA was found in the living area of the caravan on which the applicant sometimes stayed. The Crown, in written submissions, contend that this was a relevant piece of evidence. Carol Dawson had worn the balaclava at some stage before it was found on 22 November 2018. It is a garment that, by its design, is meant to conceal the wearer's identity and would be an unusual choice of normal apparel for a 72-year-old woman. The attack took place during daylight and it was logical to assume that those involved would have wished to conceal their identities.

Carol Dawson appeals that there was no evidential foundation for the admission of the balaclava into evidence, with emphasis that there was no reason for those involved in the attack to disguise themselves. The Court of Appeal found that therefore Carol Dawson's conviction was not unsafe as a result of the introduction of this evidence.

However, the Court of Appeal ruled that:

- the vulnerability of the deceased may have been given too much weight
- the judge did not give any weight to the conduct of the deceased, which may have amounted to provocation
- the minimum terms imposed were manifestly excessive

Both applicants were therefore given leave to appeal against sentence.

Read more: [**Dawson & Anor, R. v \(Rev 2\) \[2021\] EWCA Crim 40.**](#)

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Policing

News

Andrew Cooke QPM appointed for police forces

The Home Office has appointed Andrew Cooke as Her Majesty's Inspector of Constabulary and Inspector of Fire and Rescue Authorities in England, overseeing inspections primarily in the North of England.

Mr Cooke, who is due to take up the posts on Monday, 12 April 2021, has worked in UK policing and law enforcement for over 35 years. The majority of his service has been with Merseyside Police, where he was appointed as chief constable in 2016. Mr Cooke has stated that he is 'proud to have been appointed by Her Majesty to the Inspectorate'.

Read more: [**New inspector appointed for police forces and fire services.**](#)

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Reports

Quarterly update: police officer uplift

The Home Office has published a quarterly update report that contains information on progress towards the recruitment of an additional 20,000 police officers by March 2023.

Provisional data shows that, as of 31 December 2020, there were 135,248 officers. This is an increase of 6,814. Of these additional officers, 6,620 had been recruited from funding for the Police Uplift Programme and contribute towards the 20,000 target. A further 194 officers had been recruited through other funding streams.

Read more: [**Police officer uplift, quarterly update to December 2020.**](#)

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Police Foundation: value of digital forensics

The Police Foundation, commissioned by the Transforming Forensics Programme, has produced a report titled 'Unleashing the value of digital forensics'. This report is intended to help inform the development of a new national Digital Forensics Strategy for the police service. The two main aims of the report are:

- to present valuable evidence that could be added to the work of policing and the criminal justice system
- to set out five main challenges that need to be overcome to ensure crime is being investigated to the standard society expects

Read more: [Unleashing the value of digital forensics.](#)

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Consultation response: PACE Codes C and E

The statutory consultation on the Police and Criminal Evidence Act 1984 (PACE) Codes C and E ran from 17 June to 3 July 2020. This consultation was aimed at those working with – and within – the police, as well as any other groups with an interest in supporting the police and criminal justice system in England and Wales. A report detailing the response to the consultation has now been published. It summarises the feedback received and the government's decision not to implement a proposed temporary amendment to Code C, but instead:

- to improve and extend guidance for the existing interim interview protocol to ensure greater consistency of application
- to commence an exit plan back to normality

Read more: [Revising PACE Codes C and E.](#)

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Criminal justice news

Anti-social behaviour guidance strengthened

The government has published strengthened guidance for local agencies to ensure that victims have their voices heard. The guidance relates to the Anti-social Behaviour, Crime and Policing Act 2014, and provides police and local authorities with a range of powers to respond to anti-social behaviour, while ensuring that victims are able to comment on the way that complaints are dealt with.

An anti-social behaviour case review will be introduced, allowing victims of persistent anti-social behaviour to demand a formal case review where the local threshold is met.

The updated guidance also highlights existing requirements on local agencies, including that they must:

- carry out a review of the response to anti-social behaviour complaints if an application is made and the locally defined threshold for a review is met
- respond to the victim at particular milestones in the process, including with the outcome of the review
- publish specified information at least every 12 months about the Community Trigger, including the number of reviews that have been carried out
- publish details of the Community Trigger procedure in their area, to ensure that victims are aware that they can apply in appropriate circumstances

Read more: **[Government strengthens anti-social behaviour guidance to ensure protection for victims.](#)**

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Motivations for carrying corrosive substances researched

The government has published research, which was commissioned in 2017 and carried out by the University of Leicester, into the motivations for carrying and using acid and other corrosives as a weapon.

The study, which was based on police data on corrosive-based crimes, interviews with convicted offenders and expert practitioners, found that:

- offenders carried corrosive substances for different reasons, including to commit criminal acts and as a result of peer pressure
- some were regular carriers of corrosives, while others used corrosives in the heat of the moment, such as during confrontations between gangs

The report made several proposals around prevention and enforcement of corrosive-based crimes.

Read more: [**Government publishes research into corrosive substances.**](#)

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Extra funding to help victims

A £40m funding boost for sexual assault and domestic abuse support services has been announced. The funding comes as charities have announced a 200% increase in calls and web chat services since the government ordered the first lockdown.

The new investment will help to support organisations to recruit more staff, keep helplines open for longer and adapt to remote counselling, if required. In addition, more independent sexual violence and domestic abuse advisers will be recruited across the country, providing emotional and practical support, while guiding victims through the criminal justice process.

Click here for [**a list of government sexual assault and domestic abuse support services.**](#)

Read more: [**Extra £40m to help victims during pandemic and beyond.**](#)

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Extra funding to steer women away from crime

38 organisations will receive extra government funding to continue their work of steering women away from crime. This funding will be used to help cover running costs, such as wages, rent and bills, during the lockdown restrictions.

The funding will support organisations such as Willowdene, which uses a mixture of therapy, addressing traumatic life experiences, and work placements to rehabilitate women dealing with issues such as substance misuse and exploitation. Cheshire Without Abuse will also receive funding, allowing it to continue its vital work helping victims of domestic abuse. These services play a crucial role in helping women to avoid being drawn into crime and reducing rates of reoffending.

Furthermore, the Ministry of Justice has pledged to collaborate with other government departments and public health services, to effectively support vulnerable women to address the reasons behind them turning to crime.

Read more: [Extra funding for organisations that steer women away from crime.](#)

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Advanced X-ray body scanners to make prisons safer

Advanced X-ray technology has found over 1,000 illegal items within months of being installed. The innovative equipment is being rolled out across England and Wales to boost security in prisons and prevent crime.

The 28 scanners allow staff to immediately see whether prisoners are internally smuggling in illegal contraband items. By March 2021, a further 24 scanners are due to be installed in prisons that pose the greatest risk of smuggling.

Read more: [X-ray scanners stop over 1,000 illegal items entering prisons.](#)

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Reports

Prison Reform Trust: efforts to tackle racism in prisons have 'regressed'

According to Beverley Thompson OBE, a leading expert on equality and diversity in the criminal justice system, the prison service has 'regressed' in its efforts to tackle racial inequality. Over one quarter (27%) of people in prison are from an ethnic minority group, despite only making up 14% of the total population of England and Wales.

Ethnic minority groups are much more likely to be sent to prison for an indictable offence at the crown court than White defendants, with Black defendants being 53% more likely and Asian defendants being 55% more likely. In addition, people in prison from ethnic minority groups often report more negatively about their experience in prison and relationships with staff.

In September 2017, David Lammy published an assessment of institutional racism within the criminal justice system, which uncovered disproportionality at every stage of the process. The Ministry of Justice accepted all 35 of Lammy's recommendations, including that government and criminal justice agencies must explain the reasons for racial disparity in a particular situation and, if they cannot do so, reform the system to eradicate racism.

In February 2020, the Ministry of Justice published an update on progress in implementing the Lammy recommendations. Although the update provides comprehensive details on what the government is doing on each of Lammy's 35 recommendations, it does not include an assessment of the impact of this work. The proportion of the youth custody population who come from ethnic minority backgrounds has increased since the Lammy report was published.

Read more: [**Efforts to tackle racism in prisons have 'regressed'**](#).

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Helping young people to avoid serious and organised crime

A toolkit has been developed that provides guidance to ensure that partners in the local government, youth offending teams, law enforcement and education are providing the most effective interventions to help young people avoid serious and organised crime (SOC). The toolkit, which has been designed in consultation with law enforcement and partners who work with young people, includes guidance on understanding:

- the SOC threat in an area
- how to identify people at risk of involvement in SOC
- how to engage effectively
- effective activities in diverting people from involvement in SOC
- exit strategies and support

Read more: [Help young people avoid involvement in serious and organised crime.](#)

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Joint action plan to improve response to RASSO cases

A joint action plan between the CPS and the NPCC has been published, setting out a wide-ranging plan for greater collaboration to improve the responses to rape and serious sexual offence (RASSO) cases. It is designed to ensure that victims have confidence in the criminal justice system and receive the best possible support and care while investigations and prosecutions take place. The plan complements work already underway as part of the Joint Operational Improvement Board (JOIB), and sets out how the police and the CPS will work together to improve their joint response to RASSO over the next three years.

The actions in the plan fall under the following five themes.

- **Supporting victims:** through an improved understanding of the impact of trauma, as well as better communication with victims, so they understand the process and what to expect in a way that enables them to give their best evidence.

- **Casework quality:** addressing any issues relating to casework quality and progression, to ensure that the relationship between police and prosecutors is timely, effective and geared towards building the strongest case from the outset.
- **Right to privacy:** balancing the needs of an investigation and a fair trial with the right to victims' and witnesses' right to privacy through work on digital capability and disclosure.
- **Training:** providing our people with training, development and structure, and supporting their wellbeing, to ensure that they have the expertise and capacity to deliver justice.
- **Collaboration:** working openly, collaborating and being accountable through stakeholder engagement, to ensure that the action plan and its delivery is fit for purpose.

The action plan will be reviewed and updated as necessary to reflect any appropriate findings from cross-government review, as well as the forthcoming joint and independent inspection of the police and CPS responses to RASSO cases. Local joint action plans are also being developed to mirror the work of the national plan while responding to local issues.

Read more: [Police-CPS Joint National RASSO Action Plan 2021](#).

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Criminal Procedure Rules and Practice Directions 2020

The latest versions of the Criminal Procedure Rules and Practice Directions made by the Lord Chief Justice have been published. These outline the criminal court procedure in magistrates' courts, the crown court, the Court of Appeal and, in certain cases, the High Court.

Read more: [Criminal Procedure Rules and Practice Directions 2020](#).

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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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