



College of  
Policing

# Brief

[Online officer exams](#)



[NBPA – George Floyd](#)



[Hidden Harms Summit](#)



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ISSUE 5 | MAY/JUNE 2020

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



[Health Protection  
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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 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.

Following the devastating and traumatic death of George Floyd in Minneapolis, USA, the National Black Police Association (NBPA) have released a full statement which can be found [here](#), as well as on **page 15** of this edition. A joint statement issued by the College, NPCC, and Superintendents' Association can also be found [here](#). The NBPA have expressed their 'deepest and heartfelt sympathies to the family and loved ones of George Floyd'.

After the removal of Edward Colston's statue by anti-racism protestors in Bristol, action over other controversial statues has started to take place, including: a signature petition for the removal of a caricature in Derbyshire, calls to remove the Cecil Rhodes statue at Oriel College Oxford, and a request for all London statues linked with slavery to be reviewed.

Within this month's edition:

- Leicestershire Police Custody – detainees treated with dignity.
- Combatting loneliness, poor mental health, and loneliness during COVID-19.
- Officer exams move online.

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 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**

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:** New initiatives and projects, what worked and what didn't, and how you learnt from it.

**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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# College news

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## **College of Policing Board welcomes Dr Robina Shah MBE**

Dr Robina Shah, who joined the College Board on 29 April 2020, will take a lead role as an advisor in relation to the College's work on diversity, equality and inclusion.

Dr Shah is a consultant chartered psychologist who specialises in psychosocial medicine. She is a highly respected senior leader with more than 20 years' experience in chair and non-executive director roles. She has previously worked with the Department of Health, the NHS, the Ministry of Justice, the General Medical Council, Health Education England, the Royal College of General Practitioners and the Royal Society of Medicine, among other national and international organisations.

Dr Shah was the UK's youngest chair of, and first Asian chair of, an NHS Foundation Trust. She was also the youngest Deputy Lieutenant for Greater Manchester when appointed in 2006. Last year, she became the first female British Pakistani woman to be personally appointed by the Queen as High Sheriff for Greater Manchester.

Dr Shah has said that she is 'excited and honoured' to join the College Board, and is 'passionate about bringing her experience and perspectives to ensure the importance of inclusion, and a diverse and equal society is recognised'.

Read more about the **College Board welcoming Dr Robina Shah MBE**.

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## **Officer exams move online from September**

Officer exams are moving online, in a first for policing in England and Wales. Police across England and Wales will be able to take exams online from September, removing the need for large gatherings in one room.

Future sergeants and inspectors will be able to use the online platform for exams, in addition to those taking the National Investigators' Exam (NIE). The examination syllabus will remain unchanged, and candidates will be given a minimum of three months' notice before an exam. The dates for all exams will be confirmed by mid-June.

The National Police Promotion Framework (NPPF) Sergeants' and Inspectors' exams are due to take place this autumn. The NIE scheduled for 2020, will be held, as planned, on Tuesday 8 September 2020, and 24 November 2020.

The Direct Entry Superintendents' Examination will be held as planned, on Tuesday 17 November 2020.

Read more about the exams [here](#).

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# Legal updates

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## Statutory Instruments

### **SI 2020/508 – The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020**

The purpose of the instrument is to allow prisons and young offender institutions (YOIs) to manage the effects, or likely effects, of coronavirus, and to facilitate the effective running of prisons or YOIs for this purpose, by continuing to implement a restricted regime.

The Amendment Rules modify the Prison Rules 1999 and YOI Rules 2000, to add a new Prison Rule 53B and YOI Rule 58B. These amendments allow governors to inquire into charges that have been referred to an independent adjudicator where there are practical difficulties arising from coronavirus.

Read more about the **The Prison and Young Offender Institution**.

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### **SI 2020/500 – The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020**

This instrument makes provision clarifying and amending a number of public health measures under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, to ensure a proportionate and appropriate response to the public health risks posed by the spread of the virus.

Regulation 6(2) is amended to clarify that the following are reasonable excuses to leave, or be outside of, the house.

- Collecting goods that have been purchased from any business in advance by phone, online or by post, providing that customers do not enter the premises, as described in Regulation 5(1).
- Visiting public open space for the purposes of open-air recreation alone, with members of the same household, or with one member of another household, to promote physical, mental or emotional wellbeing. Public open space includes public gardens, land that is ‘open country’, and land that is ‘access land’.



- Taking part in activities associated with moving house, including visiting estate or letting agents, viewing properties to buy or rent, visiting a show home, or undertaking any activities required for the sale or rental of a property.
- Using a waste and recycling centre.

Schedule 2 is amended to allow garden centres and outdoor sports courts to reopen.

Read more [here](#).

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### **SI 2020/558 - The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020**

This instrument implements further changes to the Health Protection (Coronavirus, Restrictions) (England) Regulations. Key changes include:

- Regulation 4(5) is amended to allow indoor fitness studios, gyms, sports courts, indoor or outdoor swimming pools, and other indoor leisure centres or facilities to remain open for training, for elite athletes only
- Regulation 6 is amended to allow anyone in England to leave their homes **without a reasonable excuse** as long as they return home the same day (unless they have a reasonable excuse for not returning)
- Regulation 7 is amended to state that there can be no indoor public gatherings of 2 people or more from different households, subject to specific exemptions
- Schedule 2 is amended to allow all: outdoor markets, vehicle showrooms, and amenities for water sports, stables, shooting and archery venues, golf courses, and driving ranges to open.

Read more about the [Health Protection Regulations](#).

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## Bills

### Domestic Abuse Bill 2019-21

To make provisions in relation to domestic abuse; 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.

Under the Bill, behaviour consisting of either a single incident or a course of conduct is defined as being domestic abuse if it takes place between two ‘personally connected’ individuals over 16 years of age, and if it consists of any of the following types of abuse:

- **physical or sexual abuse**
- **violent or threatening behaviour**
- **controlling or coercive behaviour**
- **economic abuse** – any behaviour that has a substantial adverse effect on someone’s ability to acquire, use or maintain money or other property, or to obtain goods or services
- **psychological, emotional or other abuse**

The Bill states that two people are ‘personally connected’ if any of the following categories apply:

- they are, or have been, married to each other
- they are, or have been, in a civil partnership together
- they have agreed to marry one another
- they are, or have been, in an intimate personal relationship with each other
- they each have, or have had, a parental relationship in relation to the same child
- they are relatives

This Bill was debated at second reading on Tuesday, 28 April 2020. It has now been sent to a Public Bill Committee, where it will be scrutinised line by line. The committee is scheduled to report on their findings by 25 June 2020.

Read more [here](#).

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## **Prisoners (Disclosure of Information About Victims) Bill 2019-21**

To require 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.

The Bill was examined line by line during the committee stage on 20 May 2020. Amendments discussed covered clauses 1 and 2 of the Bill. A date for the report stage has not been announced.

Read more [here](#).

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# Before the court

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## **Park (Deceased) v R [2020] EWCA Crim 589**

The appellant was unanimously convicted of the murder of his then-wife Carol Park (CP) on 28 January 2005 at Manchester Crown Court. He was sentenced to life imprisonment with a minimum term of 15 years. The appellant renewed his application for permission to appeal against conviction in 2008, but it was refused. The appellant committed suicide in HMP Garth on 25 January 2010 and the case has since been examined following an application made by the appellant's widow. The appeal was dismissed.

A family trip to Blackpool was planned for mid-July 1976. However, the appellant told the children that their mother was unwell and therefore was not joining. On their return, CP was found missing and did not make contact with anyone. The appellant called the police after six weeks.

On Saturday, 10 August 1997 (21 years after CP's disappearance), amateur scuba divers found a bag in Coniston Water in the Lake District. They brought the bag to shore and after opening it and realising it contained human remains, called the police. The remains were that of CP, identified by her dental records. She was bound by 20 feet of rope and string, and there was a flattened piece of lead pipe also inside the bag. Two post mortem examinations revealed that there had been multiple impacts to CP's face, either kicks or blows from a heavy blunt object such as an axe or chopper. The appellant was arrested and charged with murder. He was ultimately convicted and sentenced to life imprisonment.

The grounds of appeal in this case are as follows:

1. The prosecution failed to disclose evidence of the use and supply of drugs, capable of undermining the credibility of the prosecution witness Michael Wainwright, who gave evidence that the appellant confessed details of the murder in the prison yard.
2. The prosecution failed to disclose evidence of Dr Tapp's expert opinion that undermined the consistent implication that the appellant's ice axe could be the murder weapon.
3. New expert evidence that the appellant's ice axe was not used to cause facial injuries to the deceased.
4. The expert evidence of geologist Dr Moncrieff presented to the Court of Appeal that the rock found near the body did not match rocks found at the lake, but did match rocks from the matrimonial home, was unfounded.

**Ground 1:**

The court found that in relation to the first ground, the evidence should have been disclosed. However, there is no evidence that this information was deliberately withheld, so there was therefore no breach of the prosecution's duty of disclosure. The court concluded that the consistency, credibility and reliability of the witness were all destroyed at trial, and that it is highly unlikely that the jury relied on this evidence at all. If the jury did rely to some extent on this evidence, the circumstantial case against the appellant was very strong, such that the non-disclosure of this evidence does not cause the court to doubt the safety of the conviction.

**Ground 2:**

The court agreed with the respondent that there is nothing to suggest that the content of the notes was deliberately withheld in bad faith. The court viewed the ground as misconceived, as the suggestion claimed by the appellant was never given by the prosecution, and nor was it likely to have been inferred by the jury. The failure to take a witness statement from Dr Tapp, stating the opinion that he had expressed about the wooden ice axe not being the murder weapon, did not affect the safety of the conviction.

**Ground 3:**

This ground is interlinked with Ground 2 – that the prosecution case included the persistent suggestion that the appellant's wooden ice axe may have been the murder weapon. As with Ground 2, the court viewed this ground as misconceived. Dr Tapp had only mentioned the damage to the teeth as being an indication that the weapon had a sharp edge in a handwritten addition. This evidence was not given at trial and did not feature in the summing up. The court therefore found that this ground does not affect the safety of the conviction.

**Ground 4:**

The court found that it was clear at trial that there were problems in relation to the evidence about the rock. Dr Pirrie's evidence at trial in relation to his conclusion was wrong, and there was no merit in this aspect of the prosecution's circumstantial case. If the evidence had been satisfactory, this aspect had the potential to implicate the appellant and it had transpired that the expert's conclusion was wrong.

The court discussed the cumulative effect of these findings and ultimately found that Ground 2 and 3 have no merit. Ground 1 alone did not cause the court to doubt the safety of the conviction. The circumstantial evidence

remains very strong, so the combination of Ground 1 and Ground 4 did not cause the court to doubt the safety of the conviction. Consequently, the appeal was dismissed.

Read more about the judgment [here](#).

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### **Rachael Marland – sentence increased**

In April 2018, Rachael Marland, aged 34 at the time, was in Manchester at a bar on a Sunday evening. At roughly 17:30, the 35-year-old victim arrived at the same bar with a friend. The victim's friend was known to the offender. Following a hurtful exchange of words between the offender and the two friends, the victim put her hand on the offender's shoulder and asked her to walk away. Consequently, the offender pushed the victim away and picked up a glass from a nearby table. She struck two blows to the victim's face, causing her two wounds to her face.

Marland was originally sentenced at Manchester Crown Court in February, where she was sentenced to 2 years and 6 months' imprisonment. Following the Solicitor General's referral, the Court of Appeal have increased her sentence to 4 years' imprisonment.

The Solicitor General described the incident as a 'callous attack' that resulted in 'permanent scarring and long-lasting psychological pain'.

Read more about the sentence increase [here](#).

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# Policing

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## News

### **National Black Police Association press release – death of George Floyd**

On 31 May 2020, the National Black Police Association (NBPA) UK released a statement on the devastating death of George Floyd in Minneapolis, USA, titled ‘a crisis shared’.

The full statement, which can be found [here](#) describes the death as ‘another sickening example of the disproportionate and deadly use of force’. The Association states that the treatment of George Floyd was ‘barbaric and undermined the rule of law’, whilst breaking ‘trust and confidence in policing for all communities, not just in the USA, but also across the world’.

The statement urges policing and political leaders ‘to have an appreciation of the strength of feeling and the impact that incidents of this nature have on all communities’. There is a clear message of coming together to ‘scourge decades of structural and institutional racism’ both in the USA and the UK.

The Police Foundation have also released a news article titled ‘**Out of the darkness: policing and the death of George Floyd**’. The article highlights that twenty years on from the MacPherson Report, there remains ‘persistent and stark disproportionality in the use of police power and in wider criminal justice outcomes’. In London in April 2020, 9.3 black people were stopped and searched per 1,000 in the population, compared to just 2.3 white people per 1,000 in the population. Furthermore, despite making up 14% of the population, BAME men and women make up 25% of those in prison.

The article states that good policing comes in the form of accountability and transparency, as well as including community groups in scrutinising data, particularly in areas such as stop and search and the use of force.

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### **100 years – Chair of the Superintendents’ Central Committee**

27 May 2020 marked 100 years since the creation of the role of Chair of the Superintendents’ Central Committee, an organisation that would form the basis of today’s Police Superintendents’ Association (PSA).

In 1919, the Police Act created a Police Federation to cover England and Wales, but there was no specific representation for the rank of a superintendent. On 27 May 1920, the first central conference of superintendents took place, to decide how the rank should be represented on the Police Council. Chief Superintendent Charles Dawson of Liverpool City Police was elected into the chair role, becoming the first leader of a formative body to represent the rights and best interests of police officers in the superintending ranks.

Today, 100 years after Charles Dawson took on the initial role, Chief Superintendent Paul Griffiths of Gwent Police leads the PSA, after being elected in March 2019.

Read more about the PSA [here](#).

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## Our workforce

### Leicestershire Police Custody – detainees treated with empathy

Inspectors from HM Inspectorate of Prisons and HM Inspectorate of Constabulary and Fire & Rescue Services, who assessed Leicestershire Police in February 2020, have identified a caring culture among custody staff. Staff were found to treat detainees with empathy, and to have worked to improve rapport and positive interactions. The inspectors found that the force treated individuals in custody with respect, showing a good understanding of the wide range of diverse needs of those held in suites.

Leicestershire delivers its custodial services as part of a collaboration between four forces in the East Midlands. Inspectors assessed the conditions and cleanliness in the custody suites as being good overall.

Other positive findings from the inspectors included the following.

- The force had a clear priority to divert children and vulnerable people with complex needs, such as those with mental illnesses, away from custody.
- Officers and staff engaged patiently with detainees to avoid the need to use force on them.
- Custody officers had a good understanding of how to meet the broad range of detainees' diverse needs, with some good individualised care provided. A wide range of religious observance materials were also provided, as well as some good help for those who did not speak English.

There were, however, two causes for concern.

- The force did not consistently meet the requirements of PACE code C and G for the detention, treatment and questioning of persons.
- Though some evidence viewed by inspectors showed proportionate use of force, the overall governance and oversight of the use of force were limited. Not all incidents involving the use of force in custody had been recorded, making the data unreliable and preventing effective scrutiny.

Read more about the report [here](#).

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# Criminal justice news

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## **313 prosecutions for assaults on emergency workers**

Crown Prosecution Service (CPS) data has revealed that more than 300 prosecutions for assaults on emergency workers were completed in the first month of lockdown. The 313 assaults followed a typical pattern of police officers and other emergency workers being coughed and spat on by members of the public claiming to have the virus. Shop workers were among the victims of 62 separate common assault prosecutions completed over the same period.

The CPS has introduced a specific 'COVID-19 monitoring flag' on its internal database, so it can capture crimes with a coronavirus element of the offending, which are not necessarily covered by the Coronavirus Act and Regulations.

The 'coronavirus element', which will be flagged as an aggravating feature of the case, may include:

- coughing or spitting on an emergency worker to 'infect' them
- an assault in a supermarket over perceived stockpiling
- scams selling non-existent hand sanitiser or masks, or falsely informing individuals that they have been fined for leaving their home
- abuse directed at an individual or group based on the presumption that their country of origin is responsible for the virus

Read more about the prosecutions [here](#).

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## **Practical advice for combatting loneliness, social isolation and mental health during COVID-19**

The Local Government Association (LGA) and Association of Directors of Public Health (ADPH) have jointly produced practical advice aimed at those, including directors of public health, who are leading the response to the loneliness and social isolation issues arising from the coronavirus. Intervening early to tackle loneliness and social isolation will help to prevent more costly health and care needs from developing, as well as aiding community resilience and recovery.

There is an extensive evidence base about the impact of loneliness and social isolation on people's lives, their relationships and their wellbeing. It is also a serious public health concern. It leads to higher rates of premature mortality, comparable to those associated with smoking and alcohol consumption, and is a risk factor in developing depression.

The loneliness and social isolation impacts from COVID-19 will be experienced by people across the life course. However, some will be more at risk than others and will consequently need targeted approaches. Drawing upon work by the Campaign to End Loneliness and Age UK, core responses to prevent loneliness and social isolation have been specifically adapted to reflect the COVID-19 situation, such as:

- making links to the Local Support System and arrangements to support people who are shielding or have other vulnerabilities
- using digital and non-digital means to promote support to residents and frontline staff
- providing clear information to people about how to use the internet and encouraging younger people to help older relatives
- encouraging people's awareness about the impact of behaviours such as sleep and exercise on mental wellbeing
- sharing messages to help people overcome anxieties about re-engaging in community activities when it is safe to do so

Read more [here](#).

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### **Hidden Harms Summit – new measures announced**

The government will lead a new codeword scheme for domestic abuse victims. This will allow people in urgent or immediate danger to get help from shop workers, by using a specific phrase that staff will be trained to identify.

The scheme, which has been supported by the Victims' Commissioner, Domestic Abuse Commissioner and crisis support charities, was discussed at the virtual Hidden Harms Summit on Thursday, 21 May 2020. Attendees included representatives from the National Crime Agency and the National Police Chiefs' Council, leaders from domestic abuse and children's charities, and the children's, domestic abuse, anti-slavery and victims' commissioners.

Ahead of the summit, the government and business groups, such as the National Pharmacy Association and British Retail Consortium, have been working together on the implementation of a codeword scheme to support domestic abuse victims.

Read more [here](#).

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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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