



College of
Policing

Brief

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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



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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

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 April 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:

- Crypto-currency enabled future crime
- New Victim's Code in force
- Sign language interpreters permitted to assist with jury service for the first time.

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

Police hate crime guidance – Court of Appeal

The College of Policing has recently attended the Court of Appeal in a case involving its national hate crime guidance for police. The case, which took place on 9 and 10 March, involved a challenge to the guidance, which states that non-crime hate incidents should be recorded by the police.

The result of the case is expected later in the year.

Read more: [**Police hate crime guidance – Court of Appeal**](#).

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National Case Progression Commitment to reduce delays

The Crown Prosecution Service (CPS), National Police Chiefs' Council (NPCC) and College of Policing have published the national case progression commitment, outlining ongoing work addressing the barriers to effective case progression. The three bodies will sit on a newly focused board to ensure continuing improvements. These include file quality, timely provision of charging advice, holding fewer hearings per case, and increasing the number of trials that go ahead the first time they are listed.

The commitment supports the five priority criminal justice themes: capacity, capability, leadership, partnership and governance.

Read more: [**National case progression commitment promises to reduce delays**](#).

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Alexis Poole joins College Board

Alexis Poole, Assistant Chief Officer with Devon and Cornwall Police, has joined the College Board as a non-executive director. Alexis, who is also the NPCC lead on neurodiversity, became a Board member at the beginning of March 2021.

After completing a law degree, Alexis joined the Metropolitan Police Service as an intelligence analyst in 1999. She then joined the Home Office in 2003 as a senior research officer, working on numerous projects, such as the evaluation of the National Reassurance Policing Project. In 2005, she joined Devon and Cornwall Police as a principal intelligence analyst, and in 2019 took up her current post in the chief officer team.

Read more: [Police staff chief officer joins College Board.](#)

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Legal updates

Acts

Covert Human Intelligence Sources (Criminal Conduct) Act

The Covert Human Intelligence Sources (Criminal Conduct) Act aims to provide a clear and consistent statutory basis for public bodies and intelligence and enforcement agencies to have the right tools to ensure that the public is kept safe.

The Act supports the work of undercover agents in preventing and safeguarding victims from serious crimes, by ensuring that they can gain the trust of those under investigation.

Read more: [**Vital national security legislation becomes law.**](#)

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Bills

Domestic Abuse Bill

To make provision 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.

The Bill is due to go through the consideration of amendments stage on 15 April 2021.

Read more: [**Domestic Abuse Bill.**](#)

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Police, Crime, Sentencing and Courts Bill 2021

The government have produced a number of [factsheets](#) that contain key information on the Police, Crime, Sentencing and Courts Bill 2021.

The Bill, which proposes major changes to how crime and the criminal justice system is conducted, has received large amounts of criticism for its conditions, particularly those on protests, for example, allowing police chiefs to be able to set noise limits and impose a start and finish time on protests.

The Bill also proposes:

- sentence rules to be changed, allowing serious criminals to spend more time in prison before they can be conditionally released
- judges being provided with the option to sentence child murderers to life imprisonment
- changes to sexual offences laws to tackle abuse from an adult in a position of trust

The Bill is due to go to committee stage next, although a date has not been set.

Read more: [Police, Crime, Sentencing and Courts Bill](#).

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Circulars

Circular 001/2021: Antique firearms

From 22 March 2021, some firearms previously regarded as antique, which were therefore exempt from control, no longer qualify as such and now must be licensed. Owners of these firearms must license them or lawfully dispose of them by 21 September 2021.

Read more: [Circular 001/2021: Antique firearms](#).

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Statutory instruments

SI 2021/364 - The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

The Health Protection (Steps) Regulations 2021 came into force on the 29 March 2021 and apply to England, English airspace, and English territorial sea. The country has been divided into three 'step areas', with restrictions varying, depending on which 'step area' you are placed in.

Read more: [The Health Protection \(Steps\) Regulations 2021](#).

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Before the court

Rebello v R. [2021] EWCA Crim 306

The appellant was sentenced to seven years' imprisonment for gross negligence manslaughter and to 18 months' imprisonment (concurrent) for the offence of breaching food safety regulations. No separate penalty was imposed for the offence of unlawful act manslaughter. His appeal against his conviction for the manslaughter offence was allowed and a re-trial was ordered. The appellant was convicted after a re-trial. He now appeals against that conviction with limited leave of the single judge.

The single ground upon which leave was granted concerns the direction given by the judge on causation. It is said that this discretion did not accord with the guidance given by the Court of Appeal in the first appeal and was a misdirection. The appellant also renews his application for leave to appeal on two grounds for which leave was refused by the single judge. It is said that towards the close of the prosecution case, the judge should have granted a longer adjournment to the defence than she did, in particular for the defence to call a newly instructed expert. The appellant seeks leave to adduce fresh evidence.

The appellant ran a business that sold a chemical, dinitrophenol (DNP), as a food supplement that was claimed to promote weight loss. On 4 April 2015, a 21-year-old student, Eloise Aimee Parry, purchased a quantity of DNP capsules from the appellant's business via the internet. On 12 April 2015, after taking eight of the capsules, she tragically died.

DNP had not undergone pharmaceutical development and had not been licensed as a medicinal drug. Ingestion by a human is to be regarded as hazardous and there have been reported deaths in the UK resulting from the ingestion of DNP. The appellant was fully aware of the dangers associated with DNP and was aware that the sale of DNP was of interest to the authorities, who were trying to prevent the sale. The defence contended that Ms Parry was an autonomous woman who decided to make a foolish decision in the exercise of her freewill and killed herself.

In regards to the renewed applications for leave to appeal, the Court of Appeal refused these because they were not arguable and they would decline to admit the fresh evidence. The appeal against conviction was also dismissed due to the jury being accurately directed on the issue of causation and their approach to the core issue of 'free, voluntary and informed consent'.

Read more: [**Rebello v R. \[2021\] EWCA Crim 306.**](#)

Policing

News

PSA shared LGBT+ history as part of awareness month

The Police Superintendents' Association (PSA) has provided forces with a copy of a seminal book published on the history of the LGBT+ movement. It's hoped that the book will be used as a key learning and reference point to support work to build on inclusive cultures in policing.

Read more: [**Police Superintendents' Association shares LGBT history as part of awareness month.**](#)

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NPCC's update on crime trends

Crime figures provided to the NPCC from forces in England and Wales have shown an overall decrease of 20% in the four weeks up to 17 January 2021, when compared to the same period in the previous year.

Throughout the pandemic, sustained falls in crime have been recorded throughout periods of national lockdown. For the four weeks up to 17 January 2021, serious violent crimes – including GBH, ABH and personal robbery – were reduced by 31%. Shoplifting, vehicle crime and residential burglary were reduced by 41%, 36% and 33%, respectively, when compared to the same period in 2020.

Read more: [**Update on crime trends – January 2021.**](#)

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PSA: 2020 Pay Survey reveals impact of pensions crisis

The 2020 PSA Pay Survey, carried out in November and December 2020, has revealed that members are the most dissatisfied with their pension since the survey began in 2015.

The survey, which asked members for their opinion on a wide range of areas, such as pay, pensions, morale and motivation, showed that 49% are dissatisfied with their pension. While 39% of respondents acknowledged that their pension increased their intention to stay in the police service, the same percentage said it increased their intention to leave.

The survey also revealed that less than half of respondents were satisfied with their overall remuneration package, and that 71% did not feel their pay was fair when compared to employees doing similar work in other organisations. However, despite this, an overwhelming 92% of respondents stated that they remained proud to be in the police.

Other survey findings included the following.

Pay

- 44% satisfied with overall remuneration
- 56% satisfied with basic pay
- 71% felt that pay was unfair compared to similar roles
- 74% disagreed that they were paid fairly considering stresses and strains of the job

Morale

- 62% reported work-life balance having a negative impact on morale
- 47% reported high morale

Motivation

- 92% are proud to be in the police service
- 64% reported high personal motivation
- 54% felt valued
- 39% felt that police were respected by society

Roles and responsibilities

- 92% perform an on-call function outside normal hours of duty
- 68% perform on call on rest days

Read more: [2020 Pay Survey reveals continued impact of pensions crisis.](#)

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Reports

Police Foundation: Cryptocurrency-enabled future crime

Cryptocurrency crimes have asserted their ability to cause large-scale disruption through exploiting an otherwise highly beneficial technology. As COVID-19 and lockdowns have forced many criminals to continue their offences in the digital space, it is likely that cryptocurrency-related crimes will be on the rise.

A policy brief summarising the results of a systematic scoping review was released in February 2021, which identified seven cryptocurrency crime risks of concern. Ransomware attacks ranked 'high' in all four indicators (harm, criminal profit, feasibility and difficulty of defeat). Pump-and-dump schemes ranked high in all indicators except harm. Bitcoin ATMs were identified as a high risk in all indicators except difficulty of defeat. Cryptojacking and investment scams, such as the OneCoin scheme and fake wallet providers designed to steal the cryptocurrencies of users who set up accounts, were also identified as being worthy of concern. However, experts ranked these risks 'low' for feasibility.

The Dawes Centre for Future Crime has funded PhD projects looking further into the crime implications of cryptocurrencies. Another project looks into computational approaches to understanding cryptocurrency fraud on a large scale, with the aim to devise prevention measures.

Read more: [Cryptocurrency-enabled future crime.](#)

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Police must ‘strike a better balance’ between rights of protesters and others

An inspection by Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) on how effectively the police deal with protests has shown that police forces are usually good at planning for protests, working effectively with other organisations, and making good use of equipment and technology. However, the report has found that when forces are unable to accurately assess the level of disruption caused by a protest, or the level likely to be caused, the balance may ‘tip too readily in favour of protestors’.

HMICFRS have concluded that changes to the law would improve the effectiveness of protest policing, as long as the laws are applied proportionately and in line with human rights legislation.

As part of the inspection, HMICFRS found that more than two thirds of people considered it to be unacceptable for protests to involve violence or serious disruption to residents and businesses. However, in regard to protests that only cause minor inconvenience to local residents, people generally did not support police use of force.

HMICFRS made numerous recommendations for the police service, including:

- improving the way that police assess the impact of protests
- improving the quality of police intelligence on protests
- equipping police commanders with up-to-date, accessible guidance and a greater understanding of human rights legislation
- supporting forces to use live facial recognition technology

Read more: [**Police need to find the correct balance between the rights of protesters and the rights of others.**](#)

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HMICFRS: Police forces must explain their disproportionate use of stop and search

HMICFRS have produced a report, titled 'Disproportionate use of police powers – A spotlight on stop and search and the use of force', which concludes that despite having more data on the use of stop and search, forces are still unable to explain why these powers are used disproportionately based on ethnicity.

As a result, the inspectorate is calling on policing leaders to consider whether focusing on stop and search to tackle certain crimes, such as drug possession, is an effective use of these powers. HMICFRS have also encouraged police forces to analyse their data, and then either explain the reasons for disproportionality or take clear steps to address the issue.

Read more: [**Police must show stop & search and use of force is fair or risk losing public trust.**](#)

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Criminal justice news

Judicial review of the prosecution of rape and serious sexual offences

The Court of Appeal has delivered its judgment on the judicial review brought against the CPS by the End Violence Against Women (EVAW) coalition, which was heard earlier this year. EVAW claimed that the change to the CPS policy in relation to the prosecution of rape and other sexual offences from a merits-based approach to the bookmaker's approach was unlawful. The CPS case was that there has been no change in how rape is prosecuted – while revisions were made to the guidance, including the removal of the term merits-based approach, this was not a change in policy. The Court dismissed all claims that the CPS acted unlawfully or irrationally, and confirmed that the changes in language for prosecutors in 2016 did not change its effect.

Read more: [**End Violence Against Women Coalition, R \(On the Application Of\) v Director of Public Prosecutions \[2021\] EWCA Civ 350.**](#)

Read more: [**CPS statement on the judgment in the judicial review of the prosecution of rape and serious sexual offences.**](#)

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New Victim's Code in force

The updated Code of Practice for Victims of Crime in England and Wales came into force on 1 April 2021 and replaced the earlier Code published in 2015. The Code sets out the services and a minimum standard for these services that must be provided to victims by organisations (service providers), such as the police. This is done through the provision of 12 rights, which include the right to be able to understand and to be understood (Right 1) and the right to be provided with information when reporting a crime (Right 3). The Code makes clear that victims have the right to:

- be treated with respect, dignity, sensitivity, compassion and courtesy
- make informed choices that are fully respected
- have their privacy respected by service providers, in accordance with their obligations under the relevant privacy and data protection laws
- have services provided to assist them and their family to understand and engage with the criminal justice process, and that are offered in a professional manner, without discrimination of any kind

The Code also provides enhanced rights for victims who are considered vulnerable or intimidated, are victims of the most serious crime or have been persistently targeted.

Read more: [Code of Practice for Victims of Crime in England and Wales](#).

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Measures announced to better protect women and girls

This includes doubling the Safer Streets fund, which will lead to better lighting and CCTV. The government have also committed to working with police forces and with police and crime commissioners to ensure that areas of concern are targeted, for example, preventing sexual violence. Pilots of 'Project Vigilant' will be rolled out across the country, whereby uniformed and plainclothes officers identify predatory and suspicious offenders in the night-time economy.

However, these reactive measures have been criticised for not properly addressing the issue of, or reasons for, misogyny in society. Some critics have called for more education, which will address how systematic sexism exists in society, rather than funding alone.

Read more: [**Government moves to provide reassurance to women and girls: 15 March 2021.**](#)

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Media Advisory Notice – Sarah Everard

The Attorney General has confirmed the requirement not to publish material that could jeopardise a fair trial. Following the disappearance of Sarah Everard on the evening of 3 March 2021, a police officer has been arrested on suspicion of murder.

The Attorney General Rt. Hon Michael Ellis QC MP has amplified the importance of the requirement not to publish any material that could create a substantial risk to the course of justice in these proceedings. This includes publishing information online. It has been recommended that editors, publishers and social media users should take legal advice to ensure that they are in a position to fully comply with the obligations to which they are subject under the Contempt of Court Act 1981.

Read more: [**Media Advisory Notice – Disappearance of Sarah Everard.**](#)

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Law change permits sign language interpreters to assist with jury service

Current laws prohibit an interpreter from entering jury deliberation rooms as an unlawful 13th person, preventing those who require assistance from participating in this duty. Ministers will legislate to remove this barrier and allow British Sign Language interpreters inside jury rooms. This will mean over 80,000 deaf people can now participate in jury service, forming part of wider reforms to build a fairer justice system.

Interpreters will be contractually bound to a confidentiality agreement, stipulating their obligation to impartiality. This builds on a range of provisions in place to ensure accessibility for jurors with disabilities.

Read more: [Law change opens door to deaf jurors.](#)

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Investments to tackle serious violence, murder and knife crime

Funding will be provided to enable a programme of work to take place to prevent serious crime, the government have announced. The funding will include:

- £30 million to support the police in taking targeted action in parts of England and Wales most affected by serious violence
- up to £23 million for new early intervention programmes that aim to stop young people from being drawn into violence
- £10 million to expand domestic abuse perpetrator programmes
- £35.5 million towards violence reductions units

Read more: [£130.5 million to tackle serious violence, murder and knife crime.](#)

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NSPCC: widescale support for stronger laws to protect children from online abuse

A survey carried out by the National Society for the Prevention of Cruelty to Children (NSPCC) and YouGov has shown that 9 out of 10 respondents want social media networks and messaging services to take steps to make their platforms safer for children, and for technology bosses to be held responsible for safety.

The poll, which received over 2,000 responses, found that new laws to keep children safe on social media were overwhelmingly in demand. The survey found that:

- 90% of respondents wanted firms to have a legal responsibility to detect child abuse, such as grooming, that takes place on their sites
- 80% believed that technology bosses should be fined for a failure to make sure their sites are safe
- 70% supported making it a legal requirement for platforms to assess the risks of child abuse on their services and take steps to address them
- only 8% of adults thought that sites were regularly designed safely for children

NSPCC Chief Executive, Sir Peter Wanless, said: 'Today's polling shows the clear public consensus for stronger legislation that hardwires child protection into how tech firms design their platforms.'

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Home Office review of the controlling or coercive behaviour offence

The Home Office have reviewed the available criminal justice system data and academic literature, and have engaged with stakeholders, to understand exactly how the controlling and coercive behaviour (CCB) offence has been used since it was introduced in 2015.

The review found that prosecutions have increased year on year since 2015, but concluded that there was room for improvement in regard to understanding, identifying and evidencing CBB. It is likely that only a small proportion of CCB incidents come to the attention of the police or are recorded as CBB. Charge rates remain low.

Read more: [**Review of the controlling or coercive behaviour offence.**](#)

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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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