



College of  
Policing

# Brief

Police uplift update →

Prison apprenticeships →

Pre-trial therapy →

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ISSUE 3 | MARCH 2022

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



**Online safety bill**  
new priority  
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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 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.

In this month's edition:

- Inside policing podcast
- 4,000 new prison places to rehabilitate offenders and cut crime
- Crown Prosecution Service (CPS) to transform the way rape cases are handled

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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## **Fundamental review into the College of Policing**

Following a fundamental review, the College of Policing have set a new vision to help policing and to improve the service to the public. The fundamental review work was launched by the Chair of the College Board, Nick Herbert, in March 2021.

The aim of the review was to assess the effectiveness of the College's role, to consider its place in the policing landscape and how it operates alongside other organisations in the policing, and to ensure that it is highly valued by everyone working in policing.

The review has set out three key priorities.

- Boosting professionalism – equipping officers and staff with the best possible professional skills needed to do their job, by ensuring that they have access to the best in continuing professional development (CPD) and that this is properly prioritised.
- Improving leadership – developing the leadership skills of police officers and staff at all levels.
- Driving consistency – overcoming the weaknesses of the 43-force model to bring consistency where it matters most for the public and those working in policing.

Read more [\*\*Fundamental review into the College of Policing\*\*](#)

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## Inside policing podcast

The College is launching a new monthly podcast on Sunday, 27 February called 'Inside policing'. This podcast is for everyone with an interest in policing, crime reduction and criminal justice.

Each episode brings together voices from across the service, sharing knowledge and insight on critical issues in policing. Over the coming months, we will be discussing policing the pandemic and insights into digital policing.

You can subscribe and listen to the podcast on:

- Google podcasts (opens an external website in the same tab)
- [\*\*Apple podcasts \(opens an external website in the same tab\)\*\*](#)
- [\*\*Spotify \(opens an external website in the same tab\)\*\*](#)

Read more: [\*\*Inside policing podcast\*\*](#)

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# Legal updates

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## Bills

### **Judicial Review and Courts Bill**

A Bill to make the following provisions:

- about the effects of quashing orders
- restricting judicial review of certain decisions of the Upper Tribunal
- about the use of written and electronic procedures in courts and tribunals
- about procedure in, and the organisation of, courts and tribunals
- for connected purposes

The Bill is currently in committee stage at the House of Lords. During committee stage, every clause of the Bill must be agreed to, and votes on any amendments can take place.

Read more: [\*\*Judicial Review and Courts Bill\*\*](#)

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### **Government to add three new priority offences to the Online Safety Bill**

Offences including revenge porn, hate crime, fraud, the sale of illegal drugs or weapons, the promotion or facilitation of suicide, people smuggling and sexual exploitation are to be written on the face of the Online Safety Bill. Terrorism and child sexual abuse are already included.

By naming these offences on the face of the bill, the government removes the need for them to be set out in secondary legislation later, allowing Ofcom to take faster enforcement action against tech firms that fail to remove the named illegal content. Furthermore, Ofcom will be able to issue fines of up to 10% of annual worldwide turnover to non-compliant sites or block them from being accessible in the UK.

The three new criminal offences, recommended by the Law Commission, are as follows.

- A ‘genuinely threatening’ communications offence, where communications are sent or posted to convey a threat of serious harm. This offence is designed to better capture online rape threats, as well as threats to kill, inflict physical violence or cause people serious financial harm. It will protect public figures (for example, MPs, celebrities and footballers) and will address online coercive behaviour and stalking (including in the context of domestic abuse).
- A harm-based communications offence, to capture communications sent to cause harm without a reasonable excuse. The intention is to make it easier to prosecute online abusers by removing categories such as ‘grossly offensive’, ‘obscene’ or ‘indecent’, and focusing on the intended psychological harm (amounting to at least serious distress) to the person who receives the communication. Communications that are offensive but not harmful and communications sent with no intention to cause harm, such as consensual communication between adults, will not be captured. For example, it might have to be proven in court that a defendant sent a communication without any reasonable excuse and did so intending to cause serious distress or worse, with exemptions for communication that contributes to a matter of public interest.
- An offence for when a person sends a communication they know to be false, with the intention to cause non-trivial emotional, psychological or physical harm. Although an existing offence in the Communications Act captures knowingly false communications, this new offence raises the current threshold of criminality. It covers false communications deliberately sent to inflict harm, such as hoax bomb threats, rather than misinformation where people are unaware what they are sending is false or genuinely believe it to be true. For example, if an individual posted dangerous, hoax COVID-19 treatments on social media, a court would have to prove that the individual knew this was not true before posting it.



The maximum sentences for each offence will differ. If someone is found guilty, they could go to prison for up to:

- five years for the threatening communications offence
- two years for the harm-based offence
- 51 weeks for the false communication offence

The maximum sentence was six months under the Communications Act 2003 and two years under the Malicious Communications Act 1988.

Read more: [\*\*Online safety law to be strengthened to stamp out illegal content\*\*](#)

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## Before the court

### **Met officer sentenced for causing death by careless driving**

PC Daniel Francis, a Met officer who pleaded guilty to causing death by careless driving, has been sentenced to 12 months in prison, suspended for two years. The sentence hearing took place at The Old Bailey on 4 February 2022. He was also ordered to complete 240 hours of unpaid work and 20 days of rehabilitation activity, and was given a four-month electronic curfew. He was further suspended from driving for 18 months, with a requirement to take an extended test.

The Old Bailey heard PC Daniel Francis was going at three times the speed limit when he collided with Andrew Brown and had not activated his lights and sirens, which meant that he was held liable for Mr Brown's death.

The incident happened around midnight on 1 November 2019 in Whitton Road, Hounslow as PC Francis, who was driving a marked police vehicle, accelerated after a car from which a firework had been thrown.

Read more: [\*\*Officer sentenced for causing death by careless driving\*\*](#)

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# Policing

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## News

### **UK/Switzerland: Agreement on Police Cooperation [TS No.2/2022]**

The UK and Switzerland have signed a bilateral treaty to enhance cooperation and coordination between the law enforcement authorities of the UK and Switzerland. The treaty's scope covers all forms of serious and organised crime and terrorism, focusing on economic crime, corruption and fraud. The key function is to facilitate the exchange of information and intelligence to assist investigations and tackle crime.

The agreement also commits both parties to share best practices, undertake joint training exercises and measures, and other forms of practical cooperation. This includes innovative methods to tackle crime, such as the development of technology to enable fast and efficient data-sharing, and the use of public-private partnerships to facilitate intelligence flows between public and private sector actors (for example, financial institutions). The agreement also contains additional provisions on important areas of cooperation, such as the protection and treatment of witnesses and victims, and mutual assistance in serious disasters and crises.

In 2019, the UK and Switzerland signed a Memorandum of Understanding (MoU) on Strengthening Police and Other Law Enforcement Cooperation, Combating and Preventing Crime and Terrorism. That MoU, between the Home Office and the Swiss Federal Department for Justice and Police, signalled the joint intention to explore more formal arrangements to further enhance police cooperation between law enforcement partners in the future, to combat shared threats from crime and terrorism.

This treaty builds on that MoU by formalising and further strengthening UK-Swiss arrangements for law enforcement cooperation. This treaty stands separate from UK-EU law enforcement arrangements and will strengthen the ability to cooperate effectively with a key international partner outside of EU structures.

Read more: **[UK/Switzerland: Agreement on Police Cooperation \[TS No.2/2022\]](#)**

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## Updated police officer uplift figure

The government have passed the halfway point in delivering its pledge to put 20,000 additional officers on the streets by March 2023.

In total, 11,048 police officers have been recruited so far, across all 43 police forces in England and Wales. The recruitment is helping to increase diversity, to better reflect the communities that the officers serve. Since April 2020, more than 4 in 10 new recruits were female (42.4%), while more than 1 in 10 of the new recruits are from ethnic minority backgrounds (11.3%).

Anyone interested in applying can find out more information on the [Joining the Police](#) website.

Read more: [Police officer uplift, England and Wales, quarterly update to 31 December 2021](#)

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## Dame Cressida Dick's resignation

Dame Cressida Dick, the first woman to hold the post of Commissioner of the Metropolitan Police, has resigned after five years in the role. Home Secretary Priti Patel has expressed thanks to Dame Cressida Dick for her service.

The Home Secretary has also indicated her intention to prepare the process of choosing her successor, reassuring Londoners and people across the country of her commitment to choosing the right leader for the largest police force in the country.

Read more: [Home Secretary Priti Patel on Dame Cressida Dick resignation](#)

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## **CPS to transform the way rape cases are handled**

The CPS have published a progress update on its five-year blueprint to reverse falling rape prosecutions.

The report highlights three main areas of activity:

- improving the support given to victims and recognising the trauma they experience
- supporting prosecutors and expanding the size of specialist units, so that they are properly resourced to respond to these challenging and complex cases
- better collaboration with the police from the very start of an investigation, taking an offender-centric approach to case-building

In July 2020, the CPS strategy on Rape and Serious Sexual Offences (RASSO 2025) was published. A major focus of this work has been on improving collaboration and transforming how the CPS and police handle rape investigations and prosecutions. New pilots are being trialled in five CPS areas and their corresponding police forces, including the following.

- Closer partnership on investigations – testing several methods of providing early advice to the police, to improve the number, timeliness and quality of police referrals so that more rape cases go before the courts.
- Action plan monitoring – making sure that all action plans set by the CPS are reasonable, are proportionate and help build strong cases.
- No further action (NFA) scrutiny – increasing scrutiny of decisions not to charge, with police, local stakeholders and CPS jointly looking at cases.
- Supporting victims – enhancing communication with victims and increasing engagement with independent sexual violence advisers.
- Supporting our people – joint learning with police and prosecutors.

These pilots will shortly be expanded to other parts of the country.

Read more: [\*\*No stone left unturned to transform rape case handling says Director of Public Prosecutions\*\*](#)

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## **4,000 new prison places to rehabilitate offenders and cut crime**

The government have announced 4,000 new prison places as part of their £4 billion investment to create 20,000 modern and innovative prison places, ensuring that the right conditions are in place to truly rehabilitate prisoners.

New workshops and classrooms will also see prisoners getting work and training, so they are able to find employment on release. This will give prisoners the education, skills and support they need to live crime-free lives on release, helping to cut crime and protect the public.

The 4,000 places will be created in 16 prisons across the country, to be expanded through the building of new wings and refurbishing jails. They will create thousands of jobs for local communities, boosting economies.

Deputy Prime Minister and Justice Secretary Dominic Raab, said:

‘Our unprecedented prison-building programme is the largest in more than a century and will deliver an additional 20,000 prison places by the mid-2020s. We are improving our existing prison estate, putting more offenders behind bars, training them for release and protecting the public.’

Read more [\*\*Thousands of new prison places to rehabilitate offenders and cut crime\*\*](#)

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## **IOPC recommendations to tackle Met culture**

The Independent Office for Police Conduct (IOPC) published 15 recommendations to tackle underlying cultural issues in the Metropolitan Police Service. The recommendations aim to prevent unprofessional environments and inappropriate behaviour from going unchallenged.

Included are recommendations for the Met to publicly commit to being an anti-racist organisation with a zero-tolerance policy towards sexism, misogyny, bullying and harassment.

During investigations, the IOPC reviewed messages exchanged by officers. Many of the inappropriate messages were exchanged on social media platforms.

Read more: [\*\*IOPC recommendations to tackle Met culture after investigation uncovers bullying and harassment in the ranks\*\*](#)

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## **HMICFRS April 2022 consultation**

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has launched a consultation, welcoming views on their proposed policing inspection programme for the next three years.

The consultation closes on Thursday, 10 March 2022.

HMICFRS are seeking responses to the following consultation questions.

- Do the proposed thematic inspections cover the areas that are of most concern to you at the moment? Which do you believe are of greatest importance or urgency?
- Are there any significant new or emerging problems in policing that HMICFRS should consider when it inspects individual police forces?
- How else could HMICFRS adapt the way in which it acquires information to take account of current circumstances and risks to public safety?

Read more: [\*\*HMICFRS's proposed policing inspection programme and framework commencing April 2022\*\*](#)

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## Reports

### **Modernising Communications Offences report**

The Law Commission published recommendations to address the harms arising from online abuse. It found that criminal law has struggled to keep pace with technological advances. The recommendations aim to update existing communications offences, ensuring effectiveness and clarity.

Furthermore, the Law Commission recommended four offences to replace section 1 of the Malicious Communications Act 1988 and section 127 of the Communications Act 2003:

- a harm-based offence
- an offence addressing knowingly false communications
- an offence targeting genuinely threatening communications
- an offence that targets hoax-calling the emergency services

The government accepted some recommendations to reform the communications offences, intending to include these offences in the Online Safety Bill.

Read more: [\*\*Government interim response to the Law Commission's 'Modernising Communications Offences' report\*\*](#)

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# Criminal justice news

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## **Prison apprenticeships**

The government intends to introduce regulations that will change the law to allow prisoners to access apprenticeship opportunities during their sentence.

This opportunity will only be available to prisoners on day release or nearing the end of their sentence.

First, the scheme will be offered to a hundred prisoners across England.

This opportunity will give prisoners the experience to fill local skills shortages and contribute positively to the community, potentially benefitting vital industries, including hospitality and construction.

The government aims for this scheme to see hundreds of prisoners start an apprenticeship by 2025, with pre-apprenticeship training offered to thousands more, preparing them for an apprenticeship scheme or a higher-skilled job on release.

Read more: [Apprenticeships for prisoners to cut crime](#)

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## **Progress on courts backlog**

Despite heavy criticism from opposition MPs over delays in the justice system, Ministers insist that they are making good progress in tackling the courts backlog.

Justice minister James Cartlidge told the House of Commons that cases in the magistrates' court were close to reaching pre-pandemic levels, with the crown court backlog falling from 61,000 cases in June 2021 to 58,700 cases in November 2021. The 23 Crown Nightingale courts, which have provided 50 additional court rooms to address the backlog, have been extended until the end of March. Individual Nightingale courtrooms are being extended on a case-by-case basis. In the next financial year, they expect to get through 20% more crown court cases than they did in the year previous to the pandemic.

Read more: [\*\*'We did not panic': minister hails progress on courts backlog\*\*](#)

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## **Pre-trial therapy**

Ahead of the entire guidance published later this year, the CPS has released the fundamental principles of pre-trial therapy.

The principles outline the steps that prosecutors, investigators and therapists should take when balancing the need to support victims, protect their right to privacy and uphold the right to a fair trial.

They hope to dispel common misconceptions about pre-trial therapy and encourage victims to prioritise their wellbeing.

Read more: [\*\*Pre-trial therapy: Fundamental principles\*\*](#)

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## **CPS 2025 Vision**

The CPS has set out its strategic aims, vision and mission for the next three years, seeking to put independence and fairness at the heart of how it delivers justice.

Its priority, which underpins the entire strategy, is building strong partnerships at local, national and international levels. The CPS relies on the police, the external bar, the courts and others, and also need strong partnerships across government and private sectors.

CPS states that: 'It is only together that we can build a criminal justice system fit for the future. We want these relationships to be defined by transparency as we each share our expertise and help to shape the legal and policy framework together.'

Their five strategic aims are:

1. Our people – Support for the success and wellbeing of our people enables everyone to thrive.

2. Digital capability – Our investment in digital capability helps us adapt to the rapidly changing nature of crime and improve the way justice is done.
3. Strategic partnerships – The CPS is a leading voice in cross-government strategies and international cooperation to transform the criminal justice system.
4. Casework quality – CPS legal expertise casework quality and collaboration across the criminal justice system keep the public safer.
5. Public confidence – We work with partners to serve victims and witnesses and uphold the rights of defendants in a way that is fair and understood by all communities. A

Read more: [CPS 2025](#)

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## **Investment is needed to ensure timely justice for victims, witnesses and defendants**

The Justice Committee questioned the chair of the Independent Review on Criminal Legal Aid, Sir Christopher Bellamy QC. The review concluded that a £135 million increase in legal aid funding would help meet likely increased demand from the government's drive to recruit more police officers and tackle the backlog in the courts. The committee examined Sir Bellamy's analysis of the challenges facing criminal legal aid providers, the sustainability of the market and the current state of the criminal justice system.

The Law Society has echoed calls to increase criminal legal aid rates by 15%. The President of the Law Society, I. Stephanie Boyce, cited the growing number of professionals leaving criminal law, which could undermine the system's ability to tackle the backlog in the criminal courts.

Last July, the Justice Committee warned that large numbers of criminal defence lawyers leaving their jobs put the justice system's fairness at risk, as it would leave many people who can't afford a lawyer without defence.

Read more: [\*\*No more delay: investment needed now to halt the decline of the criminal justice system\*\*](#) and [\*\*Justice Committee examines calls to increase criminal legal aid funding\*\*](#) and [\*\*Statistical data sets HMCTS management\*\*](#)

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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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