



College of  
Policing

# Brief

Learning from past mistakes →

Barrister strikes →

999 BSL launched →

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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



**Three-step test**  
to open prison  
transfer →

**Police powers**  
Terrorism Act  
2000 →

**'Dangerous'**  
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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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# College news

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## **Chief Constable Olivia Pinkney leads strategic command course**

Hampshire Constabulary Chief Constable Olivia Pinkney QPM is joining the College of Policing on secondment as strategic command course (SCC) director.

She will oversee the leadership development programme, preparing police officers and staff for the most senior ranks. CC Pinkney is also chair of the National Police Coordination Committee for Local Policing, the Police Steering Committee, Cumberland Lodge's expert Police Conference Steering Committee and the national chaplaincy lead for the police service.

The SCC is open to police officers at superintendent and chief superintendent ranks and staff at equivalent grades who have shown the potential to progress further in their careers. It is a statutory requirement for officers seeking promotion to the post of assistant chief constable and above

Read more: [Chief constable to lead strategic command course](#)

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## **Recognising and supporting those who respond with a week of action**

The response policing week of action took place from 13 to 17 June 2022. The week involved sharing resources and case studies, and a number of events were held. The aim of the week was to recognise and support officers and staff who respond to calls for help.

Some of the events held included National Police Wellbeing Service (NPWS) peer support with Nigel Pugh from the NPWS, vulnerability and public protection with Sharon Stratton and mental health with Tony Jarred, both from the College.

In anticipation of the week, Chief Constable Andy Marsh, College of Policing CEO said:

‘Response is at the core of policing’s crime-fighting mission and we must look after the officers and staff who

are responding to calls from the public and confronting criminals day and night.

‘This week of action is an opportunity to celebrate response teams and highlight the wellbeing support and practical guidance the College of Policing offers.

‘We have created a range of resources specifically with response officers in mind so those in policing’s most demanding roles get the learning and leadership they deserve.’

Read more: [\*\*Response policing week of action\*\*](#)

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## **Forensic marking to protect victims of domestic abuse**

Detective Superintendent Lee Barry of West Yorkshire Police has outlined how he piloted a new approach to using forensic marking to protect victims of domestic abuse (DA).

He explained how the principles used for forensic marking should be the same as those used to prevent crime and increase confidence in the communities protected for all offences, including domestic abuse. Using these principles he tested whether focused forensic marking, for example on door handles or car doors, could help protect victims of DA by deterring perpetrators.

He sought advice from local authority DA leads and from a survivor of DA, then shaped the approach based on their views and experiences. He created a pilot that allowed an incremental approach to protecting victims, through creating a ‘safe space’ by deterring perpetrators of DA.

Read more: [\*\*Forensic marking to protect domestic abuse victims\*\*](#)

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# Legal updates

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## Bills

### **Offenders (Day of Release from Detention) Bill**

A Bill to make provision about the days on which offenders are released from detention. This Private Members' Bill was presented to Parliament on 15 June and its next stage, the second reading, is scheduled to take place on 16 September.

Read more: [\*\*Offenders \(Day of Release from Detention\) Bill\*\*](#)

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### **Public Order Bill**

A Bill to make provision for new offences relating to public order; to make provision about stop and search powers; to make provision about the delegation of police functions relating to public order; and to make provision about serious disruption prevention orders.

The Bill has been considered by MPs in committee and further stages will be on dates to be announced.

Read more: [\*\*Public Order Bill\*\*](#) and see [\*\*Explanatory notes for MPs\*\*](#)

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## Statutory Instruments

### **The Football (Offences) (Designation of Football Matches) (Amendment) Order 2022**

This instrument amends the definition of a designated association football match for the purposes of the Football (Offences) Act 1991 to expand coverage of the Act to elite domestic women's football as set out in section 7.1.

The Football (Offences) Act 1991 makes it an offence to: throw any object at, or towards, the pitch or spectator areas; take part in indecent or racist chanting; or go onto the pitch without lawful authority or lawful excuse.

The extant designation order, the Football (Offences) (Designation of Football Matches) Order 2004, covers all women's international football matches and women's club matches against European opposition. Designation is being extended to all matches involving teams in the top two divisions of women's domestic football in recognition of the substantial increase in attendances and the attendant risk that entails.

Read more: [\*\*The Football \(Offences\) \(Designation of Football Matches\) \(Amendment\) Order 2022\*\*](#)

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## Acts

### **Police, Crime, Sentencing and Courts Act 2022 commencement schedule**

The Home Office have published a policy paper setting out the commencement dates of the provisions of the Act. Provisions include: public order, unauthorised encampments, sentencing and release, assaults on those providing a public service and management of offenders.

Read more: [\*\*Police, Crime, Sentencing and Courts Act 2022 commencement schedule\*\*](#)

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# Policing

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## News

### **New performance tables show how quickly forces answer 999 calls**

Across the UK, police forces receive a 999 call every three seconds on average. Performance data indicates 71% answered within 10 seconds, with an overall average of 16.1 seconds answer time. This information is publicly available and allows forces to compare their answering times.

The data is accessible via a website, where the public can access local police force data under the 999 performance data tab.

Read more: [How quickly 999 calls are answered by forces](#)

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### **999 BSL launched**

A new app and web platform was launched on 17 June, which will allow users to request help via a British Sign Language (BSL) interpreter.

The user will be connected with a BSL interpreter who can communicate with them, and relay the information to emergency services.

Read more: [999 BSL: the new life-saving emergency app for BSL users](#)

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### **Further support to help investigation into alleged war crimes in Ukraine**

Lord Chancellor Dominic Raab announced on 6 June that further support measures would be put in place to aid the International Criminal Court's (ICC) war crimes investigations in Ukraine.

Raab said: 'The UK has responded swiftly to a request from the International Criminal Court for more police and lawyers to aid their investigation into Russian war crimes in Ukraine.'



‘Russian forces should know that they will be held to account for their actions and the global community will work together to ensure justice is served.’

The package of support now includes a Metropolitan Police Officer at The Hague to enable expedited access to British police and military expertise. Further support includes seven legal experts with expertise in international criminal law, defence analysis and monitoring of events in Ukraine along with evidence preservation, and bespoke war crimes investigation training for Ukrainian police.

The Metropolitan Police Counter Terrorism Unit will also provide its specialist skills as evidence is gathered from potential witnesses in the UK.

Read more: [\*\*Police to support ICC war crimes investigation\*\*](#)

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## Reports

### **HMICFRS – Revised Expectations for police custody and responses published**

In June, Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) published Revised Expectations, which set out the inspection criteria for assessing the treatment of and conditions for detainees in police custody. These are regularly refreshed to reflect changes in legislation, policies and practices about how police custody is provided, and to improve the standards we expect to achieve better outcomes for detainees.

HMICFRS ran a consultation on its refreshed Expectations for Police Custody. It published its proposed Expectations for Police Custody on 23 December 2021. The consultation ran for six weeks. HMICFRS then asked for views on the revised Expectations to draw from wider expertise in the sector and make sure the criteria are as clear and comprehensive as possible.

Read More: [\*\*Revised Expectations for police custody and responses published\*\*](#)

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## **Stop and search section 60 relaxation: equality impact assessment**

The government has published an equality impact assessment (EIA) that was completed for the Home Secretary to make a decision on relaxing conditions needed for a section 60 order to be enacted. The EIA demonstrates the government's compliance with the public sector equality duty and has been published for transparency.

Read more: [\*\*Stop and search section 60 relaxation EIA\*\*](#)

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## **British Transport Police recording 98% of all crimes**

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), with assistance from Her Majesty's Inspectorate of Constabulary Scotland (HMICS), examined the performance of the British Transport Police (BTP) in a recent report. BTP is recording an outstanding 97.9% of crimes committed across the network, according to police inspectors.

The joint inspection also found the BTP's investigations to be effective and that they generally progressed in a timely manner. Furthermore, a high proportion of the crimes recorded are pursued for further investigation and allocated to appropriately trained officers.

The inspectorates found several opportunities to improve the service the BTP provides to victims of crime, including:

- addressing the backlog in online crime reports
- better informing victims when a decision is made to stop investigating a crime further

Read more: [\*\*BTP recording almost 98% of all crimes\*\*](#)

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## **‘Condemned to repeat it? How policing can learn from the mistakes of the past’**

Ruth Halkon, Research Officer at the Police Foundation, and Constable Robert Mackay of the Metropolitan Police have written an article titled ‘Condemned to repeat it? How policing can learn from the mistakes of the past’.

In May, the Police Foundation brought together historians, academics and former and current police leaders to discuss how learning about the past would help the police and those who hold them to account. The article outlines the discussions held at the meeting.

The discussion revolved around three themes. Firstly, it was argued that ignorance of the past can sometimes lead to the perpetuation of unhelpful myths about the origins and development of the police service. Secondly, it was argued that because the police pay insufficient attention to the past, they cannot learn from it. Thirdly, the discussion moved on to how police history might be incorporated into police education.

Read the article in full, including the counterpoints raised: [\*\*Condemned to repeat it?\*\*](#)

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## **Police misconduct, England and Wales, year ending 31 March 2021**

This release, published on 1 June by the Home Office, contains information on the number of police complaints, conduct matters and recordable conduct matters received by the 43 territorial police forces in England and Wales in the year ending 31 March 2021. Data in this release covers only those complaints and conduct matters that were deemed serious enough to require investigation and is provided for both police officers, including special constables, and staff.

Of the cases recorded involving police officers, there were:

- 14,393 public complaints
- 1,675 conduct matters
- 940 recordable conduct matters

Of the allegations involved in public complaints against police officers, no action was taken in 92% of cases and only 1% were referred to

proceedings, the formal process to hear cases, initiated when it is determined that an officer has a case to answer for misconduct or gross misconduct.

Of the allegations involved in conduct matters against police officers, 28% were referred to proceedings and, of the allegations involved in recordable conduct matters, 33% were referred to proceedings.

Of the allegations involved in public complaints against police officers that were referred to misconduct proceedings:

- 48% went to a misconduct meeting
- 48% went to a misconduct hearing
- 4% went to an accelerated misconduct hearing

The most common outcome from a misconduct meeting was a written warning, with 37% of meetings resulting in this outcome. For misconduct hearings or accelerated hearings, the most common outcome was dismissal, with 35% and 62% respectively resulting in this outcome.

Of the allegations involved in conduct matters against police officers that were referred to misconduct proceedings:

- 45% went to a misconduct meeting
- 44% went to a misconduct hearing
- 11% went to an accelerated misconduct hearing

The most common outcome of conduct matter allegations that went to a misconduct meeting was a written warning (67%). For misconduct hearings and accelerated hearings, the most common outcome was dismissal, with 36% and 49% respectively resulting in this outcome.

Of the allegations involved in recordable conduct matters against police officers that were referred to misconduct proceedings:

- 32% went to a misconduct meeting
- 53% went to a misconduct hearing
- 15% went to an accelerated misconduct hearing

The most common outcome of recordable conduct matter allegations that went to a misconduct meeting was a written warning (55%). For misconduct hearings and accelerated hearings, the most common

outcome was dismissal, with 30% and 47% respectively resulting in this outcome.

Read more: [\*\*Police misconduct statistics for the year ending 31 March 2021\*\*](#)

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# Criminal justice news

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## **Views sought on the Serious Violence Duty guidance**

A consultation period is underway in respect of the guidance relating to the Serious Violence Duty under the Police, Crime, Sentencing and Courts Act 2022 (the PCSC Act). The duty is covered in chapter one of part two of the PCSC Act 2022 and will commence in early 2023.

The duty requires specified authorities, including the police, local authorities, fire and rescue authorities and youth offending teams, among others, to collaborate to respond to issues of serious violence in their local area.

Views are being sought on the draft statutory guidance, especially from those with expertise and experience in working with young people at risk of criminal involvement and/or reoffending or victimisation, those involved in law enforcement and the communities affected by serious violence. Views are encouraged from relevant professionals, for example those working in social care, education, law enforcement, local government, community safety, youth services, offender management, victims' services, public health and healthcare.

Once the consultation period has taken place, the guidance will be published in early 2023. Draft statutory guidance was first published in May 2021, and amendments have since been made.

Read more: [\*\*Serious Violence Duty consultation\*\*](#)

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## **CPS publishes new guidance on non-fatal strangulation and non-fatal suffocation laws**

As key measures of the Domestic Abuse Act 2021 come into force, the Crown Prosecution Service (CPS) released [\*\*new legal guidance\*\*](#) to aid lawyers considering criminal charges for non-fatal strangulation and non-fatal suffocation.

Under the Domestic Abuse Act 2021, a person commits an offence of non-fatal strangulation if they intentionally strangle another person and

non-fatal suffocation where a person does any other activity that affects someone's ability to breathe and constitutes battery.

The CPS guidance includes a non-exhaustive list of how these offences can manifest. Prosecutors are encouraged to consider when it would be appropriate to use them rather than alternative charges such as actual bodily harm, grievous bodily harm and battery.

The new offences have the sentencing power of a maximum of five years' imprisonment.

Read more: [\*\*New strangulation and suffocation laws will help protect victims | The Crown Prosecution Service\*\*](#)

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## **Home Secretary proposes to outlaw 'dangerous' tunnelling protests**

On 7 June the Home Secretary announced the government's intention to ban, 'dangerous' tunnelling by protesters. An amendment to the Public Order Bill will make it a criminal offence to cause serious disruption by creating and occupying tunnels, along with going equipped to create these tunnels. The offences carry a new maximum sentence of three years' imprisonment and an unlimited fine.

Furthermore, another amendment to the Bill will extend the powers to manage public assemblies to the British Transport Police and Ministry of Defence Police. The Public Order Bill complements the Police, Crime, Sentencing and Courts Act, recently passed into law, which has increased the penalty for wilfully obstructing a highway and will make public nuisance a statutory offence.

Read more: [\*\*Tunnelling protests outlawed\*\*](#)

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## **Prisoners to pass a new three-step test before they can be transferred to an open prison**

All indeterminate sentence offenders (those who have committed the most serious crimes, including murder and rape) will face more stringent tests before they are allowed to move to open prisons.

The Lord Chancellor can block any such prisoner from moving to an open prison unless they can demonstrably pass a three-step test. From 6 June, prisoners will need to prove the following.

1. They are unlikely to abscond.
2. The move is essential for them to work towards future release.
3. The move would not undermine public confidence in the criminal justice system.

Read more: [\*\*Offenders to face tougher tests for open prison moves\*\*](#)

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## **More kitchens to open in prisons to train offenders**

Since the launch of The Clink Charity at HMP Brixton in 2014 over 2,500 prisoners have found jobs, with ex-offenders working at various eateries. Furthermore, the number of Clink Kitchens has quadrupled since September 2021. In May 2022, the Deputy Prime Minister announced the government's plans to double the number of kitchens to 50 by the end of 2023. The existing commitment last September of increasing the number of kitchens to 25 was exceeded, with a further 20 bringing the total to 26.

The aim of Clink Kitchens is to train offenders in catering, to enable them to find work when they are released and hopefully prevent reoffending.

The proportion of prisoners finding work within six months of release increased by 9% to 23% between April 2021 and March 2022. The Clink Charity participants are 32% less likely to go on to commit further crimes compared to those who did not receive training.

The Clink Charity's Chief Executive, Yvonne Thomas, said:

'The Clink Charity, with the support of our charitable funders and HM Prison and Probation Service, is now providing over 400 training places in prisons, a number that is rising each

month as we open in more prison kitchens.

‘We will continue to help people in prison through training qualified hospitality staff, and through intensive support after their release. We are grateful to our donors, the employers we work with and to the Ministry of Justice for their continued support.’

Read more: [Thousands of prisoners trained to become cooks](#)

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## Barrister strikes

On 14 March 2022, the Criminal Bar Association of England and Wales (CBA) voted to undertake industrial action. From 11 April, barristers refused to accept returns in Advocates Graduated Fee Scheme (AGFS) (legal aid)-funded cases in crown courts. A refusal to accept returns refers to the substitution of a barrister, often at the last minute, when another is unavailable to make a trial date. Almost 2,500 people participated in the action.

More recently, on Friday 17 June, CBA members voted in favour of escalating actions. The escalations include the refusal to accept returns, court walkouts and refusal to accept new instructions.

The first walk out on 27 June attracted over 200 barristers and dozens of solicitors outside the Old Bailey. There were also protests outside Bristol, Cardiff, Manchester and Leeds courts. The days of action will escalate each week, culminating in a five-day walkout from **Monday 18 July to Friday 22 July**. The resume on 1st August with a five-day walk-out. Barristers intend to walk out every other week, subject to negotiations with the government.

According to the CBA, there has been a 28% decline in barristers’ real incomes over the past 20 years at fee rates that have failed to keep up with inflation. For example, Junior barristers’ in their first three years of practice earn a median income of only £12,200, which is below minimum wage. These conditions have been exacerbated by the pandemic and subsequent pressure on the cost of living.

The COVID-19 pandemic has also exacerbated a growing backlog of cases waiting to be tried in the criminal court system. At the end of

April, there were 58,271 backlogged cases, according to HM Courts and Tribunal Service data. The Justice Secretary has said that the strikes will delay justice for victims.

The Law Society published guidance for solicitors here: [Guidance during Criminal Bar Association action | The Law Society](#)

Read more: [CBA Days of Action - Criminal Bar Association](#) and [CBA Ballot: June 2022 - Criminal Bar Association](#)

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## Reports

### **Operation of police powers under the Terrorism Act 2000, quarterly update to March 2022**

There were 196 arrests for terrorism-related activity in the year ending 31 March 2022, 27 more than in the previous 12-month period (an increase of 16%).

At the time of data collection, of the 196 arrests:

- 59 (30%) resulted in a charge, of which 55 were for terrorism-related offences
- 83 (42%) people were released under investigation
- 44 (22%) people were released without charge
- 10 (5%) faced alternative action, for example receiving a caution or recall to prison

The vast majority of those arrested were male (94%), with 12 of the 196 arrests, where sex was known, being female (6%). As in previous years, the '30 and over' age group accounted for the most arrests (46%). There was an increase in the number of arrests across all age groups, with the largest increase in the under 18 age group, which increased from 21 to 29, while arrests in the 18-to-20 and 30 and over age groups both increased by seven.

Read more: [Police powers under the Terrorism Act 2000](#)

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## **Responses published to the Centre for Women’s Justice super-complaint report**

The National Police Chiefs’ Council (NPCC), Home Office and Ministry of Justice, have published responses in relation to the recommendations made following the publication of a report in August 2021.

The report was produced by HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), the College of Policing and the Independent Office for Police Conduct (IOPC) in response to the super-complaint submitted by the Centre for Women’s Justice on the police use of protective measures in cases involving violence against women and girls.

The report made recommendations to chief constables, the NPCC, Home Office and Ministry of Justice, as well as actions for HMICFRS and the College.

The [\*\*report\*\*](#) and responses can be read in full on the Government’s website.

Read more: [\*\*Responses to super-complaint report: A duty to protect\*\*](#)

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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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