



College of
Policing

Brief

Action against drink spiking →

First public parole hearing →

AI and the justice system →

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Issue 1 | December/January 2023

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



Online
Safety Bill



Gangs
Violence Matrix



Police
service strength



Serious
violence duty



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 December and January 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:

- taking action against drink spiking
- first public parole hearing following government reforms
- AI technology and the justice system: Lords committee report
- Online Safety Bill
- Gangs Violence Matrix
- police service strength
- serious violence duty

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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College news

The new executive leadership programme

The strategic command course (SCC) and senior police national assessment centre (SPNAC) in the UK are being replaced by an executive leadership programme in 2023. The new programme will be a 12-month, blended learning course for executive leaders from policing and partner agencies, taught by world-class leadership experts. It will include short residentials, day events, remote learning and experiential learning in role, and will be assessed throughout the programme. The course content will focus on professional development, in line with national chief officer leadership standards and role profiles. Entry to the programme will be based on a portfolio of evidence, which will be assessed by the candidate's chief constable and the College of Policing. The first cohort of the programme is expected to start in June 2023, and candidates must submit their portfolio by the end of March 2023. The changes are being made to improve diversity and volume among chief officers, and to address concerns about accessibility and support in the progression pathway.

Read more: [**New executive leadership programme to replace strategic command course**](#)

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Taking action against drink spiking

An article by Sergeant David Moore of Devon and Cornwall Police discusses the benefits of a scheme implemented in Plymouth in 2019, where bars and venues were supplied with drink testing kits to detect spiked drinks. The scheme, which has now been rolled out across the entire force area, has successfully promoted immediate police interaction and more effective investigations. Over the first 12 months of the trial, several investigations have been initiated with the prospect of prosecution. More than 300 venues, including all late-night venues,

have been equipped with the drink testing kits. The article highlights the simplicity of the working practice and the positive impact it has had on ensuring the safety of patrons.

Read more: [Tackling drink spiking](#)

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Spotting controlling behaviour

The College of Policing has launched a new risk assessment tool to help police officers identify and address the signs of coercive control, and to better protect victims of domestic abuse. The Domestic Abuse Risk Assessment (DARA) replaces the Domestic Abuse, Stalking and Honour-Based Violence Questionnaire (DASH), which most officers use when responding to domestic abuse calls. DARA has a greater focus on coercive and controlling behaviour. During a pilot phase, it led to a 38% increase in the proportion of officers coming to the same risk assessment decision as an expert in domestic abuse. This enabled officers to take steps to reduce or remove the risk to the victim and protect them from further harm. Coercive control was made a criminal offence in the UK in 2015 and can take many forms, including emotional abuse, limiting a partner's freedom, monitoring their movements, controlling their finances, and isolating them from friends and family. The College of Policing already provides training on spotting the signs of coercive control through its Domestic Abuse Matters programme, and the new DARA will complement this. The DARA was developed using international research, interviews with survivors of abuse and the insights of frontline officers.

Read more: [Police better equipped to spot controlling behaviour](#)

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New recruits survey published

The 2022 New Recruits Survey was carried out by the Home Office in order to evaluate and improve the Policing Education Qualifications Framework (PEQF) entry routes for policing. It was sent to all new recruits who joined the police force between February 2020 and November 2021. A total of 5,580 officers participated, representing a response rate of 26%. In addition to the survey, 22 interviews were conducted with police constable degree apprenticeship (PCDA) student officers from six early-adopter forces.

The survey found that those on the new PEQF routes were consistently and significantly more satisfied with their training than those on the traditional Initial Police Learning and Development Programme (IPLDP) route. They reported feeling better prepared for the job, having relevant training, being confident in their knowledge and skills, and having higher wellbeing scores.

In response to the survey results, efforts are being made to improve the training programme. This includes working with universities to minimise the time that officers spend away from frontline duties, ensuring that course content is practical and applicable to the realities of the role, and providing direct support to forces. Further to the Home Secretary's request in November, work is also ongoing to consider a fourth entry route that maintains the high standards of training necessary to cut today's crime types, without resulting in a degree for the student.

Read more: [**New recruits survey published**](#)

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Bills

Online Safety Bill

The Online Safety Bill 2022-23 in the UK is set to be amended to increase protections for children and free speech online, as well as to increase the accountability of tech firms. The changes will require social media platforms to remove illegal content and material that is in breach of their own terms of service, and will give adults more control over the content they see and engage with. Tech firms will also be required to publish more information about the risks that their platforms pose to children and to enforce age limits to prevent children from circumventing authentication methods. The bill will also make it a criminal offence to encourage self-harm or to share intimate images without consent, and will give Ofcom the power to require platforms to publish details of enforcement action taken against them. This bill has now completed all its stages in the House of Commons. The bill will now go to the House of Lords for consideration.

Read more: [Online Safety Bill](#) and [New protections for children and free speech added to internet laws](#)

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Protection from Sex-based Harassment in Public Bill

Public sexual harassment will be made a specific offence in the UK through government-backed legislation. A consultation with a range of experts was conducted over the summer to introduce a specific offence, as it was found that public sexual harassment is a widespread problem. The introduction of a specific offence will encourage victims to report the crime to the police and highlight the severity of the crime. The government is supporting legislation that will introduce harsher sentences for those who intentionally harass, alarm or distress someone in a public place because of the victim's sex, with the maximum sentence increasing from six months to two years. The legislation aims to tackle

violence against women and girls, and follows earlier action to help tackle these crimes in public spaces, including public sexual harassment.

Read more: [Protection from Sex-based Harassment in Public Bill](#)

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Draft Victims Bill: Research briefing

In December, the House of Commons Library published a research briefing that provides background to the Draft Victims Bill. The UK government published the Draft Victims Bill on 25 May 2022 in an effort to improve support for victims of crime. The legislation has undergone review by the Justice Committee, which published its final report on the draft bill on 30 September 2022. The bill aims to:

- enshrine in law the Victims' Code, a code of practice outlining the minimum level of service that victims can expect from criminal justice agencies
- increase the responsibilities of police and crime commissioners and justice inspectorates in assessing how criminal justice agencies support victims
- strengthen the role of the Victims' Commissioner by requiring departments and agencies to respond to the Commissioner's recommendations and by enabling the Commissioner's annual report to be presented to Parliament
- place a duty on relevant local bodies to coordinate victim support services
- place independent sexual violence advisors and independent domestic violence advisors on statutory footing to improve the support provided to victims by agencies

Read more: [Draft Victims Bill](#)

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Public Order Bill 2022-23

A bill that aims to regulate stop and search powers, delegate police functions and create new offences related to public order, among other provisions, underwent line-by-line examination during the final day of the committee stage on 13 December 2022. Amendments were discussed that covered clauses 18, 19, 20, 34 and 35 of the bill. The report stage is scheduled to take place on 30 January.

Read more: [Public Order Bill](#)

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National Security Bill 2022-23

A new bill aims to address threats to national security from espionage, sabotage and persons acting on behalf of foreign powers. The bill also proposes measures related to the extra-territorial application of Part 2 of the Serious Crime Act 2007 and the award of damages in proceedings related to national security. It includes provisions regarding the payment of damages that may be used for the purposes of terrorism and the availability of legal aid to persons connected with terrorism. Line-by-line examination of the bill took place during the third of committee stage on 16 January and continued on 18 January, when further amendments were discussed.

Read more: [National Security Bill 2022-23](#)

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Before the courts

Commissioner of the Police of the Metropolis v A Police Conduct Panel

In this case, the Commissioner of the Police of the Metropolis challenged a decision made by a police conduct panel to dismiss a police officer for gross misconduct. The panel had acted unlawfully by considering testimonials when assessing the seriousness of the misconduct, contrary to statutory guidance in the Outcomes in Police Misconduct Proceedings 2017, issued pursuant to the Police Act 1996 Pt IV, section 87(1B).

The police officer in question had been accused of gross misconduct for using excessive force during an arrest and for making false statements about the arrest in official documents. The police conduct panel found the officer guilty of gross misconduct and decided to dismiss him from the police force.

The Commissioner of the Police of the Metropolis brought a judicial review challenge against the decision, arguing that the Police Conduct Panel had made errors in its decision-making process and had not adequately considered all the relevant evidence.

The court ruled in favour of the Commissioner, finding that the police conduct panel's decision was flawed and must be set aside. The court ordered that the matter must be referred back to the police conduct panel for reconsideration.

This case highlights the importance of following proper procedures and considering all relevant evidence in decision-making processes, particularly when it comes to matters of discipline and misconduct in the police force. It also underscores the right to fair and transparent decision-making processes in such cases.

Read more: [**Commissioner of the Police of the Metropolis v A Police Conduct Panel \[2022\] EWHC 2857 \(Admin\) \(11 November 2022\)**](#)

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S v A

The court dealt with an application for the summary return of a child to Pakistan, following her removal to the UK by her mother. The court applied the principles set out in the Hague Convention to determine the child's habitual residence and ultimately ruled on the child's return to Pakistan.

The court noted that in cases involving a return application to a non-Hague Convention country, such as Pakistan, the principles set out in the Convention still apply, but the court has additional discretion to consider the best interests of the child. The court also emphasised the importance of considering the child's circumstances – including their age, maturity and any views they may hold – in determining their habitual residence and, ultimately, their return to the country of origin.

Overall, the case highlights the complexities involved in international child abduction cases and the importance of following the legal processes set out in the Hague Convention to protect the best interests of the child.

Read more: [S v A](#)

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R. (on the application of Newson) v Secretary of State for Justice

This case dealt with the issue of parole and the rights of prisoners serving indeterminate sentences.

In this case, the claimant was serving an indeterminate sentence for public protection (IPP) and had been detained in prison for over the minimum term set by the sentencing judge. He applied for parole, but his application was denied by the parole board on the grounds that he posed a risk to the public.

The claimant brought a judicial review challenge against the Secretary of State for Justice, arguing that the parole board's decision to deny him parole was unlawful because it was based on insufficient evidence and did not adequately consider his individual circumstances.

The court ruled in favour of the claimant, finding that the parole board's decision was unlawful because it did not provide sufficient reasons for the decision and did not adequately consider the claimant's individual circumstances. The court ordered that the parole board must reconsider the claimant's application for parole and must provide clear and sufficient reasons for its decision.

This case highlights the importance of providing sufficient evidence and considering the individual circumstances of prisoners when making decisions related to parole. It also underscores the right of prisoners to have their applications for parole fairly considered, as well as the need for transparent and accountable decision-making processes in the parole system.

Read more: **[Newson, R \(On the Application Of\) v Secretary of State for Justice \(Re Application for Judicial Review\) \[2022\] EWHC 2836 \(Admin\) \(09 November 2022\)](#)**

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Legislation

Police, Crime, Sentencing and Courts Act 2022 (Offensive Weapons Homicide Reviews) Regulations 2022 (SI 2022/1261)

The Offensive Weapons Homicide Review Regulations 2022 set out the conditions for conducting an offensive weapons homicide review, which is an additional requirement under the Police, Crime, Sentencing and Courts Act 2022. These regulations came into force on 21 December 2022.

These regulations provide guidance on how the relevant review partners, who are responsible for conducting the review, are to be determined. They also outline the powers of the review partners to delegate some of their functions as necessary.

These regulations provide important guidance on how offensive weapons homicide reviews are to be conducted and how to ensure that these reviews are carried out in a thorough and transparent manner. They also help to ensure that the review process is fair and that the rights of all parties involved are protected.

Read more: [**The Police, Crime, Sentencing and Courts Act 2022 \(Offensive Weapons Homicide Reviews\) Regulations 2022**](#)

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Criminal Legal Aid (Remuneration) (Amendment) (No.2) Regulations 2022 (SI 2022/1267)

The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 apply a 15% uplift to certain fees payable under the Advocates' Graduated Fee Scheme and the Litigators' Graduated Fee Scheme through the Criminal Legal Aid (Remuneration) Regulations 2013. These regulations came into force on 23 December 2022.

The uplift will apply to those crown court cases where a representation order was granted for advocates on or after 31 December 2018 but before 17 September 2020, and to litigators for representation orders dated on or after 1 April 2016 but before 17 September 2020, and where the main hearing takes place after the coming into force of these regulations.

The Advocates' Graduated Fee Scheme and the Litigators' Graduated Fee Scheme are government-funded schemes that provide financial assistance to individuals who need legal representation in criminal cases but cannot afford to pay for it themselves. The 15% uplift will apply to the fees payable under these schemes for the cases described above.

These regulations aim to ensure that individuals who require legal representation in criminal cases are able to access it, regardless of their financial circumstances. The uplift in fees will help to ensure that legal professionals who provide representation in these cases are fairly compensated for their work.

Read more: [**The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022**](#)

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Investigatory Powers Commissioner (Oversight Functions) Regulations 2022 (SI 2022/1299)

These regulations will amend the functions of the Investigatory Powers Commissioner (IPC), as set out under section 229 of the Investigatory Powers Act 2016, to place on a statutory footing two areas where the IPC currently exercises oversight on a non-statutory basis. This will ensure that the IPC's activities are properly underpinned by statute. Formalising these areas of oversight will ensure that the remit of the IPC is clearly established, as well as increasing public accountability. These regulations came into force on 8 December 2022.

Read More: [**The Investigatory Powers Commissioner \(Oversight Functions\) Regulations 2022**](#)

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Money Laundering and Terrorist Financing (High-Risk Countries) (Amendment) (No.3) Regulations 2022 (SI 2022/1183)

The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) (Amendment) Regulations 2022 amend the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 by replacing the list of high-risk third countries in Schedule 3ZA with a new list. The amended regulations came into force on 15 November 2022.

Under the amended regulations, Nicaragua and Pakistan are no longer classified as high-risk third countries for the purposes of enhanced customer due diligence requirements in Regulation 33(3). Meanwhile, the Democratic Republic of the Congo, Mozambique and Tanzania are now classified as high-risk third countries for the purposes of these enhanced customer due diligence requirements.

The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 set out rules and requirements for financial institutions and other entities in the United Kingdom to prevent money laundering and terrorist financing. These requirements include the need for enhanced customer due diligence for certain transactions with high-risk third countries. The updated list of high-risk third countries provided in the amended regulations helps to ensure that financial institutions and other entities are able to identify and manage the risks associated with transactions with these countries.

Read more: [**The Money Laundering and Terrorist Financing \(High-Risk Countries\) \(Amendment\) \(No. 3\) Regulations 2022**](#)

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Guidance on Part 2 of the Sexual Offences Act 2003

The Home Office has published updated guidance for police and practitioners on the notification requirements under the Sexual Offences Act 2003, Part 2. This guidance reflects changes made by the Police, Crime, Sentencing and Courts Act 2022 and provides answers to frequently asked questions on the changes to the notification requirements for registered sex offenders. The guidance is intended to help police and practitioners understand and comply with the revised notification requirements.

Read more: [**Guidance on Part 2 of the Sexual Offences Act 2003**](#)

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Prevention and Reduction of Serious Violence (Strategies etc.) Regulations 2022 (SI 2022/1304)

These regulations outline requirements for the publication of serious violence strategies under the Police, Crime, Sentencing and Courts Act 2022. The regulations confer functions on local policing bodies to assist specified authorities in their efforts to prevent and reduce serious violence. The regulations also amend relevant secondary legislation to prescribe requirements for the formulation and implementation of strategies to prevent and reduce serious violence under the Crime and Disorder Act 1998. These regulations will come into effect on 31 January 2023.

Read more: [**Prevention and Reduction of Serious Violence \(Strategies etc.\) Regulations 2022 \(SI 2022/1304\)**](#)

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Police and Criminal Evidence Act 1984 (PACE): Code H

The Home Office has issued revised guidance in the form of a code of practice (Code H) regarding the detention, treatment and questioning of persons in police custody under sections 41 and 43B of the Terrorism Act 2000 and Schedule 8, as well as the treatment and questioning of detained persons in respect of whom an authorisation to question after the charge has been given under section 22 of the Counter-Terrorism Act 2008. The specific provisions and details of the revised code are not specified in the information provided.

Read more: [**Police and Criminal Evidence Act \(1984\) PACE: Code H**](#)

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Road Traffic Act 1988 (Police Driving: Prescribed Training) Regulations 2022 (SI 2022/1112)

The Police, Crime, Sentencing and Courts Act 2022 removed the requirement for individuals to surrender their driving licence for fixed penalties, conditional offers and court processes related to road traffic offences. Individuals who were being prosecuted for a road traffic offence and appeared in court were previously required to bring their licences with them to court. These regulations prescribed the minimum standards for police driver training in order to ensure that the Police Driving Standards Measures in the Police, Crime, Sentencing and Courts Act 2022, which amended the Road Traffic Act 1988, would apply. The regulations assisted in enabling those involved in post-incident investigations and court cases to objectively assess whether the officer (or other designated person) had undergone the appropriate enhanced driver training or had otherwise acquired the necessary specialist driver skills. The regulations also made the responsibilities of chief officers clear in relation to training provisions for police drivers. These regulations came into force on 30 November 2022.

Read more: [**Road Traffic Act 1988 \(Police Driving: Prescribed Training\) Regulations 2022 \(SI 2022/1112\)**](#)

Consultations

Public order and public safety guidance

The College of Policing seeks feedback on updated guidance for policing events and protests. The changes affect the authorised professional practice (APP) on public order and public safety (POPS). This APP provides guidance for all within policing who are involved in the planning and policing of events like festivals, sporting events and protests. The consultation is open and closes on Thursday, 16 February 2023.

Read more: [**Public order and public safety guidance - have your say**](#)

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In focus

DPP v Ziegler

In a recent case, a group of Extinction Rebellion protestors were convicted of wilfully obstructing the highway, contrary to the Highways Act 1980, during a demonstration at the Newsprinters UK premises. The defendants argued that the prosecution should be stayed as an abuse of process, alleging that political interference from the Home Office and the Home Secretary had compromised the operational independence of the police.

The court considered the defendants' submission in light of the case of DPP v Ziegler, which concerned the question of whether demonstrators have a lawful excuse to obstruct the highway based on their rights to freedom of expression and to freedom of assembly and association under the European Convention on Human Rights.

The court ultimately ruled against the defendants, finding that their actions did not have a lawful excuse and that the prosecution was not an abuse of process.

This case highlights the balancing act between the right to freedom of expression and assembly, and the need to maintain public order during protests. It also highlights the importance of ensuring that law enforcement actions are not influenced by political interference.

Read more: [**Director of Public Prosecutions \(Respondent\) v Ziegler and others \(Appellants\)**](#)

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Circular 009/2022: Police, Crime, Sentencing and Courts Act 2022

The Home Office has issued a circular outlining the pre-charge bail provisions and police driver standards that came into effect in England, Wales and Scotland in October and November 2022. These provisions are outlined in the Police, Crime, Sentencing and Courts Act 2022 and the Road Traffic Act 1988 (Police Driving: Prescribed Training) Regulations 2022. The pre-charge bail provisions apply only to England and Wales, while the police driver standards apply to all three countries. The circular provides information on these provisions but is not intended

to provide legal advice or a comprehensive interpretation of them. It is important to read the circular alongside the relevant legislation and explanatory notes.

Read more: [**Circular 009/2022: Police, Crime, Sentencing and Courts Act 2022**](#)

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Policing news

Police driver training regulations take effect

The government has introduced new regulations governing the training of police drivers that came into effect on 30 November 2022. The regulations, which are being enshrined in law through The Road Traffic Act 1988 (Police Driving: Prescribed Training) Regulations 2022, set out the required training that will afford trained police drivers the same legal protection as their colleagues who have completed the same level of prescribed training. The regulations will be applied to police officers driving for police purposes who have completed the prescribed training as outlined in the regulations. Training must be delivered by an accredited and licensed police driving instructor in line with nationally set learning standards. The regulations have been welcomed by the National Police Chiefs' Council (NPCC), which has urged officers to ensure they are familiar with the new legislation and the importance of compliance with driving refresher requirements.

Read more: [**Police drivers will be impacted by new legislation**](#)

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The head of UK football policing praises British fans

The NPCC reported that there were 'zero police incidents and zero arrests of British nationals' throughout England and Wales' participation in the World Cup. The NPCC's lead for football policing praised the 'exemplary' behaviour of England and Wales fans in Qatar and credited the good nature of their fans for the absence of arrests or incidents. In comparison, there were three arrests at the Russia 2018 tournament (in which Wales did not compete). As both teams were involved in the 2022 tournament, including a home nations derby, the behaviour of the British fans was particularly noteworthy.

Read more: [**England and Wales fans praised for exemplary behaviour at Qatar World Cup**](#)

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24-hour support service for victims of rape

The government has established a 24/7 support service for victims of sexual abuse and rape in England and Wales. The service, which is being run by Rape Crisis England and Wales, is open to anyone aged 16 and over who has experienced any form of sexual violence, regardless of when it occurred. The service aims to provide both emotional support and important information to victims.

Read more: [New 24/7 support service for victims of rape launched](#)

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Digital forensics: A necessary but challenge-ridden tool in modern policing

Digital forensics is a crucial aspect of modern policing and the investigation of crimes. It involves the capture and analysis of evidence from digital devices, such as computers, phones and tablets, in order to assist in the investigation and prosecution of crimes. However, a recent report from His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has found that some police forces are struggling to use digital forensics effectively in their investigations.

According to the report, some forces are overwhelmed and do not have a clear understanding of what digital forensics entails. This has led to delays in the examination of digital devices, which can have a negative impact on the wellbeing of victims and the chances of successful prosecution. The report identifies a lack of a coherent national plan for improvement in this area.

To address these issues, the report makes nine recommendations for improving the efficiency and effectiveness of digital forensic services. These include:

- the creation of an alternative operating model to provide sustainable digital forensic services to support police investigations
- the appointment of a national digital forensics policing lead to oversee a programme of improvement

- a review by the Home Office into the budget and future funding of digital forensic.

Overall, it is clear that there is a need for improvement in the use of digital forensics by police and other agencies in their investigations. By implementing the recommendations outlined in the report, it is hoped that these issues can be addressed and that digital forensics can be used more effectively to aid the investigation and prosecution of crimes.

Read more: [Inspection police other agencies digital forensics investigations](#)

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NCA releases guidelines for handling personal data

The National Crime Agency (NCA) has released an appropriate policy document outlining its requirements for complying with the Data Protection Act 2018. The document outlines how the NCA will legally process special category and sensitive personal data, and explains how this data should be managed by NCA officers. It also explains the reasons behind the NCA's collection, processing, protection and sharing of personal data, special category personal data, and data relating to criminal convictions and offences. Additionally, the document describes the statutory rights of data subjects under the 2018 Act.

In summary, the NCA's appropriate policy document sets out the agency's guidelines for handling personal and sensitive data in accordance with the Data Protection Act 2018. It outlines the agency's responsibilities for managing this data, and explains how and why the NCA collects, processes, protects and shares this information. It also details the rights of data subjects under the Act.

Read more: [Appropriate policy document](#)

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Up to £287m funding boost

The Home Secretary has announced that the police sector in England and Wales will receive a funding boost of up to £287m next year. This increase, which brings total funding for policing to £17.2bn, will allow police and crime commissioners across the 43 police forces in the two countries to focus on issues such as reducing anti-social behaviour and neighbourhood crime. The government will also give police and crime commissioners in England the ability to raise an additional £349m through a council tax precept limit of £15. This funding will be used to support national policing priorities, including tackling serious violence, exploitation, abuse, fraud and cybercrime, as well as maintaining the 20,000 additional police officers being recruited to increase police presence on the streets. Funding for counter-terrorism policing will also continue at over £1bn, including funding for armed policing and the Counter Terrorism Operations Centre.

Read more: [**Policing to receive up to £287 million funding boost next year**](#)

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Revised guidance: Council guide to tackling modern slavery

The Local Government Association (LGA) has released revised guidance on modern slavery to help council officers understand their responsibilities in addressing and preventing this issue. The guidance provides an overview of modern slavery in the UK and the framework for tackling it, as well as specific sections for officers working in different council services. This updated guidance is designed to help council officers understand the role they play in preventing modern slavery and protecting victims, and to ensure that they are aware of the resources and support available to them in this effort. By providing clear and targeted guidance, the LGA aims to help council officers effectively address modern slavery in their communities and contribute to a wider effort to eliminate this form of exploitation and abuse.

Read more: [**Council guide tackling modern slavery**](#)

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UK-USA cooperation: Prevention, investigation, detection and prosecution of criminal offences

The Foreign, Commonwealth and Development Office has published a command paper outlining a treaty on the exchange of notes between the UK and USA concerning the protection of personal information in relation to the prevention, investigation, detection and prosecution of criminal offences. This treaty establishes a framework for cooperation between the two countries in order to ensure that personal information is protected when it is shared for the purposes of criminal investigations and prosecutions. The command paper was presented to Parliament in November 2022. It is intended to help ensure that the exchange of personal information between the UK and USA is conducted in a way that respects the privacy and rights of individuals.

Read more: [**UK/USA: Exchange of Notes on the Protection of Personal Information Relating to Prevention, Investigation, Detection, and Prosecution of Criminal Offenses**](#)

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Gangs Violence Matrix

The Metropolitan Police Service (MPS) has agreed to revamp its Gangs Violence Matrix (GVM) following legal proceedings brought by Liberty on behalf of Awate Suleiman and UNJUST UK. The GVM is a database used by the MPS to track and monitor individuals believed to be involved in gang activity. The legal challenge to the GVM argued that it disproportionately targeted black individuals. As a result of the proceedings, the MPS has agreed to remove over 1,000 names from the database and to completely redesign the GVM. The MPS has stated that it is committed to working with academic researchers and engaging with partners and communities in order to inform the redesign of the GVM in the coming months. The MPS has also acknowledged the importance of earning and maintaining the trust of the communities it serves.

Read more: [**Gangs Violence Matrix to be redesigned as focus on tackling violence continues**](#)

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Serious violence duty

The government has introduced a serious violence duty that will come into effect in January 2023. The duty will require a range of public sector organisations – including police, health services, fire and rescue services, local government and criminal justice partners – to share information locally in order to reduce incidents of serious violence, including knife and gun crime, and to prevent loss of life. The Home Secretary will have the power to intervene if public bodies are not fulfilling their obligations under the duty and, if necessary, can issue directions requiring them to take further action. The duty will focus on public space youth violence, including knife and gun crime, and activities where threats of violence are common, such as county lines. It also includes provisions for addressing domestic abuse and sexual offences. Each area will define serious violence based on the specific needs of its community and will develop strategies to address these issues through collaboration between law enforcement, local authorities, education, health services and the voluntary sector.

Read more: [Efforts to tackle serious violence and homicide stepped up](#)

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Declaration on Government Access to Personal Data held by Private Sector Entities

The Organisation for Economic Co-operation and Development (OECD) Declaration on Government Access to Personal Data Held by Private Sector Entities was signed by 38 countries and by the European Union at the OECD's 2022 Digital Economy Ministerial Meeting on 14-15 December 2022.

The declaration aims to improve trust in cross-border data flows by clarifying how national security and law enforcement agencies can access personal data under existing legal frameworks. The declaration is open for adherence by other countries. It complements the OECD Privacy Guidelines, which provide a common reference point for the protection of personal data and aim to facilitate cross-border data flows while upholding democratic values, the rule of law, and the protection of privacy and other rights and freedoms.

Read more: [**Declaration on Government Access to Personal Data held by Private Sector Entities**](#)

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Martyn's Law

The Home Office has unveiled details for the Protect Duty, which has been renamed Martyn's Law in honour of Martyn Hett, who was killed along with 21 others in the Manchester Arena terrorist attack in 2017. Martyn's Law aims to increase preparedness and protection against terrorist attacks and to keep people safe. It will follow a tiered model that is linked to the activity taking place at a location and its capacity. The government will establish an inspection and enforcement regime to promote compliance and positive cultural change, and will issue credible and fair sanctions for serious breaches. The government will also provide dedicated statutory guidance and support to ensure that those covered by the law can effectively discharge their responsibilities. Martyn's Law will apply across the entire UK, and the government will publish draft legislation in the early spring of 2023.

Read more: [**Martyn's Law to ensure stronger protections against terrorism in public places**](#)

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Illegal tree felling

The Department for Environment, Food and Rural Affairs and the Forestry Commission have announced a package of new powers to combat illegal tree felling in England. The powers, which will be introduced as part of the Environment Act 2021, will include unlimited fines and prison sentences as part of changes to the Forestry Act 1967. The changes are intended to provide more proportionate, impactful and enduring enforcement options. Fundamental changes include the following.

Individuals who fell trees without a required felling license will face an unlimited fine or a fine equal to twice the value of the felled trees.

Those who fail to comply with a Forestry Commission enforcement notice and a subsequent court-ordered restocking order will be at risk of imprisonment, in addition to an unlimited fine.

Restocking and enforcement notices will be listed on the Local Land Charges Register.

Read more: [**New powers to crack down on illegal tree felling**](#)

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Policing reports

UK police forces: Strength and diversity examined in new briefing

The House of Commons Library recently released a briefing that examines the size and diversity of police forces in the UK. The report includes data from the Home Office, Scottish Government and Police Service of Northern Ireland (PSNI). It provides breakdowns by sex, ethnicity and police force area, as well as international comparisons where available. The findings show that while the total number of full-time equivalent police officers in the UK decreased from 2010 to 2018, it has been increasing since then. As of 31 March 2022, there were 164,017 full-time equivalent police officers in the UK, representing a 6% increase from 2003, when these figures were first recorded by the Home Office, but a 4.5% decrease from the peak number of officers in 2010.

Read more: [**Police service strength**](#)

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Evaluating the effectiveness of drug dealing telecommunications restriction orders

A review has been conducted to assess the implementation of the Drug Dealing Telecommunications Restriction Orders Regulations 2017 since they took effect. These regulations were introduced to aid the disruption of county lines drug dealing. The review evaluates whether the objectives of the legislation have been met, the costs and benefits of drug dealing telecommunications restriction orders, the appropriateness of the legislation and whether it should be retained. The review was informed by court data and evidence from consultations with police forces, mobile network operators, courts and other stakeholders. The review ultimately concluded that the regulations should be retained.

Read more: [**The Drug Dealing Telecommunications Restriction Orders Regulations 2017: Post implementation review**](#)

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Preventing deaths in custody

A new report from the Independent Advisory Panel on Deaths in Custody aims to prevent deaths at the point of arrest, during and after custody by bringing together a wide range of policing practices in England and Wales for the first time. The report includes 25 recommendations addressed to various agencies, including police forces, police and crime commissioners, healthcare trusts, ambulance associations, local authorities and others. These recommendations include:

- increased collaboration between agencies, particularly in healthcare, to support individuals experiencing mental health crises
- improved support for vulnerable individuals upon release, particularly those at risk of suicide
- more effective sharing and incorporation of learning, particularly from bereaved families, the Home Office, coroners and investigatory bodies

Read more: [Preventing deaths at point of arrest, during and after police custody](#)

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Report of the Independent Reviewer of Terrorism Legislation on the operation of the Counter Terrorism (Sanctions) (EU Exit) Regulations 2019

The Independent Reviewer of Terrorism Legislation has released a report on the operation of the Counter Terrorism (Sanctions) (EU Exit) Regulations 2019, which aims to provide a basis for financial sanctions with a connection to the UK relating to national security. The review found that the regulations have so far only been used to designate one individual. It remains to be seen whether the regime will be used more frequently in the future. The report also recommended the Treasury to consider the impact of designations on persons outside of the UK, the effectiveness of licensing as a means of mitigating unnecessary impact, and the extent to which designations are kept under review. The government has accepted the recommendations in the report.

Read more: [Review of the operation of Counter Terrorism \(Sanctions\) \(EU Exit\) Regulations 2019](#)

Criminal justice news

Magistrates Association warns of overuse of out-of-court disposals for low-level offences

The Magistrates Association has warned that the use of out-of-court disposals by police for dealing with low-level or first-time offences where guilt has been admitted is in danger of getting out of control. The association has called on the government to draft a list of offences for which this criminal justice measure can be used. According to anecdotal evidence from magistrates who sit on scrutiny panels, out-of-court disposals are often used for individuals who repeatedly commit knife crime offences, even though the Sentencing Act 2020 imposes a six-month custodial sentence for second-strike offences. The Police, Crime, Sentencing and Courts Act 2022 will introduce a statutory requirement to standardise a two-tier system in which police can only administer either a community resolution for first-time offenders or a conditional caution for more serious or persistent offenders. However, the report argues that the Act does not include any scrutiny requirements.

Read more: [**Out-of-court disposals need reform says Magistrates Association report**](#)

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UK makes history with first public parole hearing

In an effort to increase transparency and improve victims' experiences of the parole system, the first public parole hearing in UK history took place on 12 December 2022. These reforms also include allowing victims, journalists and the public to witness parole hearings. Additionally, further reforms are being introduced, including a tougher release test for parole prisoners, new powers for the Justice Secretary to block the release of dangerous offenders, and measures to increase the number of parole board members with law enforcement backgrounds.

Read more: [**First public parole hearing following government reforms**](#)

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Law Commission recommendation included in the Online Safety Bill

The Law Commission has welcomed the government's decision to include its recommendation to criminalise the encouragement or assistance of serious self-harm in the Online Safety Bill. The recommendation was made in July 2021 as part of the Commission's 'Modernising communications offences' report, which was funded by the Department for Digital, Culture, Media, and Sport under the government's Online Harms Strategy. The report also included recommendations for a new harm-based communications offence, a cyber flashing offence and new offences for sending knowingly false communications, sending threatening communications and making hoax calls to emergency services. The government has already announced that, as part of the Online Safety Bill, it will implement the recommendations for the harm-based communications offence, the knowingly false communications offence and the threatening communications offence. It has also tabled an amendment to include the recommended offence of sending flashing images with the intent to cause harm and will now also include the recommendation for the encouragement or assistance of serious self-harm.

Read more: [**Law Commission recommendation targeting the encouragement of serious self-harm to be included in Online Safety Bill**](#)

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Financial penalties for Law Society in economic crime matters

The government has announced that it will remove the statutory cap on financial penalties for the Law Society, as delegated to the Solicitors Regulation Authority (SRA), in relation to economic crime matters. Currently, the financial penalty limit for the SRA is £25,000, as set out in primary legislation. However, other frontline regulators do not have this same statutory limit and can amend the level of financial penalties without secondary legislation. The government aims to align the SRA more closely with other regulators and to ensure that it has the necessary enforcement powers to levy financial penalties that act as a credible deterrent in relation to economic crime matters. This change will not affect the SRA's current powers to impose non-monetary

penalties, such as issuing rebukes. The change will apply to traditional law firms, sole solicitor practices and regulated individuals, but will not affect the limits on financial penalties for alternative business structures. Implementation of the change will proceed following the Royal Assent of the relevant bill.

Read more: [**The removal of the statutory cap on financial penalties for the Law Society as delegated to the Solicitors Regulation Authority**](#)

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Court of Appeal clarifies legal considerations for criminal damage during protests in the UK

The Court of Appeal has ruled on the extent to which the European Convention on Human Rights (ECHR) applies to cases of criminal damage during protests. In its decision, the Court determined that such cases do not automatically fall within the category of offences that require a fact-specific proportionality assessment. However, the Court stated that there are very limited circumstances in which such an assessment would be necessary. The Court also outlined the considerations that should be taken into account when determining the rights engaged by defendants involved in acts of protest. The decision was in response to questions raised by the Attorney General in the case of the Attorney General's Reference No. 1 of 2022.

Read more: [**Attorney General's Reference No. 1 of 2022**](#)

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Banking industry adopts new victim checklist for fraud cases

At the first meeting of the Joint Fraud Taskforce on 21 November 2022, the Security Minister welcomed a new victim checklist developed by the banking industry. The checklist aims to provide consistent support to victims of fraud, regardless of which bank they use, when they report fraud. The initiative builds on previous work in the industry and sets a benchmark for other industries to follow in providing consistent guidance and support to victims of fraud.

Read more: [**Security Minister welcomes new support for fraud victims**](#)

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Publishing all sentencing remarks in crown court cases not practical, says Chair of Sentencing Council

Lord Justice William Davis, Chair of the Sentencing Council, has told the Justice Committee that publishing the sentencing remarks of all crown court cases would be ‘hugely problematic’ and ‘impossible’ due to logistical issues. Davis acknowledged that publishing all sentencing remarks, as recommended in the Lammy Review, would improve trust and transparency, make the Council’s job easier and be ‘enormously beneficial’. However, Davis emphasised that it is not a practical solution.

Read more: [**Publishing sentencing remarks for all cases logistically impossible | Law Gazette and Lammy review final report**](#)

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Lords approve amendment banning universities and colleges from using gagging orders on student complaints of sexual abuse, bullying, harassment and misconduct

An amendment to the Higher Education (Freedom of Speech) Bill 2022-23, proposed by Lord Collins of Highbury, has been approved by the House of Lords. The amendment prohibits universities and colleges from using gagging orders to silence students who complain about sexual abuse, bullying, harassment and misconduct on campus. The amendment was approved by 213 votes to 172.

Read more: [**Higher Education \(Freedom of Speech\) Bill**](#)

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New scheme in Kent and Thames Valley protects domestic abuse victims from threatening letters and calls from prisoners

A new initiative, trialled in Kent and Thames Valley earlier in 2022, aims to better protect victims of domestic abuse from threatening letters and unwanted calls from prisoners. The Unwanted Prisoner Contact Service will act on any intelligence to block offenders from sending further communications to victims. Requests to block contact can be made by the victim, by someone on behalf of the victim with their consent, or by police, probation, victim services, friends or family members of the victim without their consent. The service aims to offer a quick and effective response to protect victims from further harm or distress.

Read more: [**Thousands of survivors to be protected from prison abusers**](#)

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Internet and radicalisation pathways: Technological advances, the relevance of mental health and the role of attackers

A report by the Ministry of Justice presents findings from a study on the role of the internet in the radicalisation and offending of 437 convicted extremists in England and Wales. The report highlights the increasing prominence of the internet in radicalisation pathways for women and the older generation, and notes that the types of websites and platforms used by convicted extremists have changed over time. The report recommends a multi-platform approach to counter-terrorism, with tech companies being transparent in their efforts, and emphasises the importance of online responses in addressing the diverse audience affected by radicalisation. The report also highlights the relevance of mental health in radicalisation pathways and the role of attackers in influencing radicalisation.

Read more: [**Internet and radicalisation pathways: Technological advances relevance of mental health and role of attackers**](#)

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Criminal justice reports

Domestic Abuse Commissioner’s report calls for extension of support for migrant victims of domestic abuse

A report by the Domestic Abuse Commissioner has called for improved policy responses to victims and survivors of domestic abuse who have insecure immigration status and no recourse to public funds (NRPF). The report, which is based on research conducted by the London School of Economics and the Oxford Migration Observatory, recommends that the Home Office adopt scenario one, which would extend support to all migrant victims of domestic abuse and allow them to access the destitute domestic violence concession (DDVC) and domestic violence indefinite leave to remain (DVILR). The report highlights the social and financial costs and benefits of different policy scenarios, and argues that scenario one is the most effective in addressing the needs of migrant victims of domestic abuse.

Read more: [**Safety before status: The solutions**](#)

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AI technology and the justice system: Lords committee report

A House of Lords Library In Focus briefing summarises the Justice and Home Affairs Committee’s findings and recommendations on the safe and ethical use of artificial intelligence (AI) technologies in helping to apply the law, as well as how these principles could be put into practice. Overall, the Committee recognised the positive impact that AI could have on efficiency, productivity and problem solving in the justice system. However, it said that a lack of minimum standards, transparency, evaluation and training in AI technologies meant that the public’s human rights and civil liberties could be compromised.

Read more: [**AI technology and the justice system: Lords committee report**](#) and [**1st Report of Session 2021-22: Technology rules? The advent of new technologies in the justice system**](#)

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Revised standards for handling sensitive and complex cases in restorative justice recommended in parliamentary group briefing paper

The All Party Parliamentary Group on Restorative Justice has published a briefing paper summarising the findings of a study on raising standards in the handling of sensitive and complex cases in restorative justice. The paper recommends that the Ministry of Justice consults with the restorative justice sector, including smaller organisations, to develop practice standards for facilitating sensitive and complex cases. The paper also recommends that the definition of a sensitive and complex case should be based on the needs of participants and their relationships, rather than the type of harm involved. The paper highlights the importance of training, qualifications and practitioner experience in handling sensitive and complex cases.

Read more: [**Raising practitioner standards within the criminal justice sector**](#)

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Rape Review progress update

The Ministry of Justice (MoJ) has released a report providing an update on the progress made in implementing the Rape Review Action Plan. The report, which covers the 18 months since the publication of the action plan, highlights significant progress in several areas. According to the most recent data, the number of cases referred by the police to the Crown Prosecution Service (CPS) has increased by 95% compared to 2019 averages. The volume of cases charged has increased by two-thirds, while the number of cases reaching the Crown Court has increased by 91%.

In addition to these improvements, the MoJ has emphasised its commitment to focusing on its eight key levers in order to make a lasting impact and to improve the experience of victims of rape. The MoJ states its determination to drive system change and create lasting improvements for victims of rape. Overall, the update suggests

that progress has been made in implementing the Rape Review Action Plan, but there is still more work to be done to ensure that victims of rape receive the support and justice they deserve.

Read more: [**Rape Review progress update December 2022**](#)

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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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